

MONTPELIER COMMUNITY ASSOCIATION  
Architectural Control and Compliance Committee  
(ACCC)  
Guidelines  
4 November 2010

## **1 Introduction**

The MCA Board of Trustees has appointed an Architectural Control and Compliance Committee (often called the ACC Committee or the ACCC) in accordance with Article VIII, Section 1 of the Bylaws. The ACCC consists of not less than three and no more than nine members, all of whom must be MCA members in good standing and a majority of whom shall not be Trustees. The committee members are appointed by the Board and serve at the pleasure of the Board.

The ACCC has prepared the following Guidelines to explain how we plan to “review, investigate, and advise Members with respect to Covenant compliance” as specified by Article VIII, Section 8 of the Bylaws. These Guidelines (adapted from earlier versions dated May 1991, November 1995, August 2002, and June 2005) were approved by the MCA Board of Trustees at its open meeting on such-and-such date.

We seek to enforce the democratically approved covenants and bylaws in a consistent and reasonable manner. We will try to ensure that Montpelier continues to be a visually attractive and desirable neighborhood in which to live. Our goal is to preserve property values, community safety, and the quality of life. We believe if we all work together in a neighborly manner, we can maintain the standards that have served the community well for the over 40 years of its existence, and thereby ensure that Montpelier will continue to be one of the most desirable communities in the Washington area.

## **2 Responsibilities**

A careful reading of the MCA Covenants and Bylaws shows that the ACC Committee has two basic responsibilities —

- To adjudicate all requests from Members for changes or architectural alterations to the external appearance of any structure on any lot.
- To investigate and attempt to resolve all written complaints from Members regarding alleged covenant violations.

## **3 Requests for Change**

In carrying out our first responsibility, we adopt the following guidelines taken from Section III, Article II and III of the Covenants, and Article IX of the Bylaws:

- Prior approval must be obtained from the ACCC to erect any detached structure (including fences).
- Prior approval must be obtained from the ACCC for any new construction, additions to, or alterations of the dwelling.
- Proceeding without prior approval in either case shall constitute a covenant violation subject to the enforcement procedures outlined below.

Any homeowner who wants to make changes involving external building or property modifications must submit a written request to the ACCC. A form published regularly in the Montpelier Today newsletter can be used for this purpose. The request must include comprehensive drawings or sketches of the proposed changes and signed concurrences from all

affected neighbors. The committee will review the proposal and recommend action to be taken, usually at the next monthly ACCC meeting after the request is received. A site inspection may be made, and comments from immediate neighbors may be solicited. In some rare situations, the committee may choose to refer a request to the MCA Board of Trustees for a decision.

## **4 Covenant Violations**

In carrying out our second responsibility, we will concentrate on investigating allegations of covenant violations. We expect that most issues will be corrected voluntarily, as has been the case historically. We seek to apply the same common-sense practical considerations that have been followed by previous Boards and ACC Committees. Of paramount importance to us as we evaluate each situation will be the appearance of the property from the street, the impact on immediate neighbors, and the effect on the overall Montpelier community.

The ACC will give its highest priority to preventing and correcting the following covenant violations, using the criteria as indicated:

### **4.1 Unauthorized use of any house other than as a private dwelling for one family.**

According to Prince George's Count Code, a "family" can consist of "not more than five (5) individuals..., all or part of whom are unrelated to one another by blood, adoption, or marriage, and who maintain a common household in a "Dwelling Unit." By Maryland law, these restrictions do not apply to Group Homes.

### **4.2 Unauthorized business activities in any home.**

Complaints about businesses being conducted in a home will be evaluated by determining if there is regular visible activity that produces unusual or excessively heavy traffic and that does not fit the character of our residential community. All avenues for stopping on-going unauthorized business activity will be used including the Prince George's County Zoning Enforcement Office.

### **4.3 Unauthorized vehicles, boats, trailers, etc. stored on any lot.**

We consider it to be a covenant violation to keep any "vehicle" of any type that is incapable of being self-propelled on any lot except in the garage. In this category, we include such "vehicles" as utility trailers, boat trailers, and all other portable structures, whether wheeled or not. We will continue to allow self-propelled passenger vehicles to be kept in the driveway, as has been the policy for many years. Boats, campers, RVs, and trailers may be temporarily kept in the driveway from May 1 to October 31, but must be removed from November 1 to April 30.

### **4.4 Unauthorized changes to any dwelling.**

No changes will be allowed that significantly alter the architecture and exterior design of the original dwelling. In particular, the exterior materials and color shall blend harmoniously with the neighboring dwellings.

### **4.5 Unauthorized detached sheds on any lot.**

No detached shed shall be erected or permitted to remain on any lot other than one building not more than 120 square feet in area and 10 feet in height in the rear yard only.

#### **4.6 Unauthorized fences.**

Fences may be erected only in the rear yard and shall not be more than 4 feet in height (6 feet if there is a swimming pool or other special situations where safety, security, protection, and privacy are clearly involved).

#### **4.7 The unacceptable appearance of any lot.**

This includes a visible structure (dwelling, shed, fence, etc) or a driveway in disrepair, uncut grass, unpruned or fallen trees or shrubs, garbage or debris, and bare or eroded land.

### **5 Covenant Enforcement Procedures**

The ACCC will follow due process as defined in Article X of the bylaws in enforcing all covenants. The step-by-step process that we use is summarized below but you should read the bylaws themselves for the full details,

#### **5.1 Complaints**

The covenant enforcement procedures begin with written complaints from MCA Members. Such complaints that are received by the association are referred to us for action. In addition, at the request of the MCA Board of Trustees, we conduct monthly surveys of the community to ensure a more uniform enforcement of the covenants. We generate written complaints ourselves for covenant violations identified during the surveys.

##### **Making a complaint**

Any member of the MCA, including ACC committee members, can submit a complaint concerning a possible covenant violation to the ACCC. For the committee to investigate and/or take action, the complaint may be verbal or in writing, via e-mail or documented telephone call, and it must, as a minimum, include the following information:

- The member's name, address, and phone number,
- Address of residence with the alleged violation, and
- Description of alleged violation.

Anonymous complaints will be investigated by the ACCC member assigned to the street in question to decide if there appears to be a covenant violation and if a complaint is warranted.

##### **Monthly Surveys**

Approximately every month, ACCC members will visually survey all lots in their assigned sections of the community and record all apparent covenant violations. The resulting list of violations is considered to be written complaints from an MCA member and handled by the ACCC as such.

The committee will investigate each written complaint to determine if a covenant violation exists. Once the validity of the violation has been established, the homeowner will be contacted either by telephone, letter, or personal visit by one or more members of the ACCC to discuss possible corrective measures. Hopefully, the issue can be resolved

informally in this way. If not, then the following steps will be carried out by the ACCC as necessary in an attempt to resolve the issue.

## **5.2 Determination**

If a resolution is not reached informally with both the complainant and the alleged violator, the ACC Committee shall, based on the information available to it at the time, either -

- dismiss the complaint as being unwarranted; or
- find that a covenant violation has occurred and specify corrective action; and
- notify the complainant and the alleged violator of the determination in writing.

## **5.3 Demand**

If the violator fails to comply with the determination within (30) days, written demand to cease and desist from the violation shall be served upon the violator specifying -

- the nature of the violation;
- the action required to abate the violation; and
- a time period of not less than ten (10) days, nor more than thirty (30) days during which the violation may be abated without further sanction.

## **5.4 Notice**

If the violation continues past the allowed period, or if the same violation is again determined to occur within a twelve month period, the violator shall be served with a written notice of a hearing to be held by the ACC Committee. The notice shall contain -

- the nature of the violation;
- the time and place of the hearing to be held not less than ten (10) days from the giving of notice;
- an invitation to attend the hearing and produce any statement, evidence, and witnesses; and
- the proposed sanction to be imposed.

## **5.5 Hearing**

The hearing shall be held at an ACCC meeting and shall afford the violator a reasonable opportunity to be heard.

## **5.6 Appeals**

Any party may appeal a decision of the ACC Committee to the MCA Board of Trustees. Through a majority vote, the Board may:

- uphold the decision in its entirety;
- amend the decision; or
- overturn the decision.

### **5.7 Sanctions**

Sanctions may be in the form of suspension of all privileges to use the Common Area facilities and/or fines. If the imposed fine remains unpaid, it will accrue and become a continuing lien on the Lot/Owner. The following schedule of fines established by the ACCC will be applied on a case-by-case basis for uncorrected violations.

### **5.8 Limitation**

Within the Association, a decision by the Board is final. If further action is initiated by the Association, the complainant, or the violator, it will be through legal proceedings in a court of law.

### **5.9 Reports**

In all cases, the results of the ACCC's consideration of all requests and complaints, including the rationale and recommendation for any necessary additional action, will be furnished to the Board in writing within a reasonable time, typically 30 days or less.

## **6 Schedule of Fines**

In accordance with the bylaws as revised by majority vote at the MCA annual members meeting in 2003, the ACCC will impose fines for covenant violations that are not rectified in the appropriate time frame outlined in the enforcement procedures described above. All fines will accrue until the violation is corrected. The fines that will be imposed for specific violations are as follows:

### **6.1 Failure to comply with Article II, Section 1 and Article III, Section 1.**

This relates to failure to obtain prior approval for exterior modification or new construction work.

Fine: \$50 to \$1,000 — one time.

### **6.2 Violation of Article II Sections 2 through 8.**

This relates to sheds and fences.

Fine: \$50 to \$500 per month.

### **6.3 Violation of Article III, Sections 2 through 4.**

This relates to exterior alterations and additions.

Fine: \$50 to \$500 per month.

### **6.4 Violation of Article IV, Sections 1 through 8.**

This relates to use of property (no in-home business and storing of boats on property).

Fine: \$50 to \$500 per month.

### **6.5 Violation of Article V, Section 1 through 3.**

This relates to lack of maintenance to property.

Fine: \$50 to \$500 per month.

Egregious violations can result in higher fines and/or legal action at the discretion of the MCA Board of Trustees.

## **7 Closing Statement**

These guidelines are intended to clarify the purpose of the ACCC and show how the Committee expects to carry out its responsibilities. Please contact any committee member or Board member if you have any questions or concerns about this statement or about any other issues relating to architectural control and compliance in the community.

Signed

Michael Boddie, Chairperson

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Brian Dennis,

Thomas Jaehnigen

Jack Keating

Ron Lenart

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