

**COUNCIL OF UNIT OWNERS**  
**Rock Creek Gardens Condominium**  
**Silver Spring, Maryland**  
**COMMUNITY RULES AND REGULATIONS**

<i>Rule No.</i>	<i>Title</i>	<i>Effective Date:</i>	<i>Page</i>	<i>No of pages</i>
13	Noise and Nuisance Abatement	07/13/2023	1	2
<i>Bylaw Reference(s)</i> Article XI Sections 1 and 3(a)&(c)		<i>Maryland Condominium Act Reference(s)</i> Section 11-109(d)(20),11-111(d)	<i>Montgomery County Code Reference:</i> Chap 5 Sec 5-203 Chap 29 Sec 29-36&37; Chap 31B	

13-1. PURPOSE

This rule advances the principle of peaceful enjoyment of residential units by establishing reasonable regulations to minimize noise and nuisance factors, such as the transmission of noise and spread of odors between units.

13-2. POLICY

- a. The [Council of Unit Owners](#) supports the concept that each resident, whether an owner or renter, is entitled to the peaceful enjoyment of their residences at Rock Creek Gardens while respecting the rights of neighbors to the same. To this end, no activity shall take place anywhere on the [general common elements](#) or within any [unit](#) that may be or may become a nuisance to the neighborhood or to residents of adjoining and adjacent units.
- b. Because the design and construction of buildings does not provide significant insulation or noise absorption between units, the following specific noise-dampening measures apply:
  - (1) Each unit owner or tenant is obligated to install padded carpeting on at least 70 percent of floor surfaces that are located directly above another unit, except for kitchens, bathrooms, closets, and loft areas. Violations are subject to an initial fine of \$25 plus \$50 per month for each month the violation continues.
  - (2) Residents are expected to use discretion in operating household appliances, such as vacuum cleaners, garbage disposers, and the like, and to exercise due concern for others in setting sound levels for music systems, radios, television sets, and other audio devices. To this end, household appliances that produce significant noise should be operated only between the hours of 9 a.m. through 10 p.m. while the sound volume of audio devices must be reduced to low but reasonable levels, or played through headsets or ear buds before 9 a.m. and after 10 p.m.
  - (3) Except for minor incidental or bona fide emergency repairs, use of noise-producing equipment or machinery is permitted for purposes of making repairs, renovations, alterations, or improvements to units, subject to the provisions of [Rule 3](#) only between the hours of 8 a.m. and 6 p.m. weekdays.
  - (4) Residents with pets must ensure that their pets are maintained in a manner that does not constitute a nuisance to others, such as chronic barking, scratching, and other noises that are audible in other units. See also [Rule 7](#).
- c. Units may not be used to conduct or maintain any other-than-passive home-based business. The term "other-than-passive" means an activity that produces noise, vibration, glare, fumes, or odors, or that produces any kind of electrical or electronic interference, or that consumes resources paid for from common assessments, such as water, or that require the expenditure of common funds. Violations are subject to an initial fine of \$250 plus \$100 for each month the activity continues, after a notice to cease and desist has been issued by the Board of Directors.

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<p>d. Residents are responsible for keeping pets clean and for properly disposing of litter at reasonable intervals. Pet feces or droppings that occur while a pet is on any part of the general common elements must be promptly bagged and deposited in one of the outdoor receptacles provided for that purpose per <a href="#">Rule 7</a>.</p> <p>e. Residents of units who, after a hearing, are found to be the cause of objectionable odors or smoke, regardless of cause or source, that spread beyond the unit where the odor or smoke originated are subject to a fine of \$100 per occurrence, in accordance with <a href="#">Rule 15</a>. Temporary odors or smoke that result from cooking are not considered a nuisance.</p> <p>13-3. ENFORCEMENT</p> <p>a. Complaints alleging noise or nuisance issues, including persistent odors caused by pets or other sources within a unit, may be filed with the on-site office in writing, personally or by electronic mail (office@rcgardens.com).</p> <p>b. The <a href="#">Board of Directors</a> will follow the dispute resolution procedures described in <a href="#">Rule 15</a> and, if the complaint is sustained, may impose a fine of \$100 per occurrence unless other sanctions are provided for in this or other rules.</p> <p>c. Nothing in this rule shall prevent a resident from filing a complaint with or otherwise seeking assistance from law enforcement, or other state or county agencies, if a resident has reason to believe that the noise or nuisance constitutes a criminal offense or any breach the Montgomery County Noise Ordinance (cited above).</p> <p>d. Notwithstanding any action by any law enforcement agency or by any criminal court, the Board of Directors has the right and obligation to independently pursue remedies provided for under Section 14-120, as amended, of The Annotated Code of Maryland, <i>Abatement of Nuisance Actions where Property used for Controlled Dangerous Substance Offenses</i>, if the Board has reason to believe that a unit is being used for the manufacture, sale, or distribution of any controlled dangerous substance, or for prostitution.</p>			