

**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>
15	Rule Enforcement and Dispute Resolution	08/11/2022	1	2
<i>Bylaw Reference(s)</i>		<i>Maryland Condominium Act Reference(s)</i>	<i>Montgomery County Code Ref:</i>	
Art. VI Sec. 3(d); Art. VIII Sec. 5; Art. XI Sec. 3(b)		Sec 11-109(d)(16)(20)(21), 11-111(d), 11-113	Chap 10B Art 2	

15-1. PURPOSE

This rule provides for enforcement of the [governing documents](#) and establishes a process for resolving disputes arising from enforcement actions. It does not address the enforcement and collection of assessments for common expenses, which are addressed in [Rule 2](#).

15-2. POLICY

- a. Any community resident, regardless of whether the resident is a unit owner or tenant, may file a complaint with the [Board of Directors](#) in situations where the resident has reason to believe that a violation of the [Declaration, Bylaws, or rules and regulations](#) has taken place. Complaints must be delivered in writing to the [on-site office](#) personally, by U.S. mail, or electronic mail (office@regardens.com) and include sufficient information regarding the time, date, and nature of any alleged violation to enable the Board of Directors to evaluate the information and take appropriate action.
- b. The Board of Directors shall promptly initiate enforcement action whenever it becomes aware of any apparent or alleged violation of any of the governing documents, whether through complaint or by any other means. Any individual member of the Board of Directors who becomes aware of any alleged or apparent violation shall make that matter known to all other members by the most expeditious means as soon as is practical.
- c. If a complaint by a resident is directed against another resident but does not involve any apparent violation of the governing documents, and if all parties to the dispute agree in advance, the Board of Directors may use its good offices to—
 - (1) Mediate the dispute to the best of its ability.
 - (2) Arbitrate the dispute based on the facts, circumstances, and evidence available, including testimony from parties to the dispute, at a hearing conducted for that purpose. The decision(s) reached by the Board of Directors shall be binding on all parties.
- d. If a complaint or other circumstance involves a violation of any of the governing documents, the Board of Directors will investigate the facts and circumstances and, if a violation of the governing documents is sustained, impose the fine provided for in the accompanying [table](#) or take other appropriate enforcement action, subject to the due process provisions of this rule.
- e. Unit owners are responsible for payment of any and all monetary fines that are imposed under this rule, even if the actions or violations that caused the fine were committed by tenants. Unit owners who incur fines caused by tenants are entitled to pursue collection, recovery, and other actions against offending tenants as allowed by state law.
- f. Nothing in this rule prevents a resident from filing civil or criminal complaints, or pursuing legal remedies provided for by applicable state laws or county code.

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15-3. PROCESS

The following process shall be carried out when a majority of the members of the Board of Directors believes or has reason to believe that a violation of the governing documents has taken place:

- a. Issue a written Cease and Desist notice by registered mail to the alleged violator that—
 - (1) Describes the alleged violation.
 - (2) Specifies the specific provisions(s) of the specific governing document(s) that relate to the alleged violation.
 - (3) Specifies actions required on the part of the alleged violator to abate or otherwise resolve the violation.
 - (4) Provides for a grace period of at least 10 days to comply with provisions of the Cease and Desist notice without incurring fines or other sanctions.
- b. Within 12 months of the end of the grace period, if the same rule is again violated by the same person, or if a continuing violation has not been abated or resolved, the Board of Directors shall issue a Notice of Hearing by registered mail to the alleged violator that—
 - (1) Describes the alleged repeat or continuing violation.
 - (2) Specifies the specific provisions(s) of the specific governing document(s) that relate to the repeat or continuing violation.
 - (3) Specifies the time and place of the hearing.
 - (4) Invites the alleged violator to attend the hearing and produce personal testimony, witness testimony, written statements, or other supporting evidence.
 - (5) Describes the fine or other sanction(s) to be imposed.
- c. The hearing may not be conducted within 10 days of the date the Notice of Hearing was issued.
- d. All hearings alleging violations of the governing documents will be held in closed session and the alleged violator shall be given reasonable opportunity to present evidence and to present and cross-examine witnesses.
- e. Decisions regarding sanctions shall be determined by majority vote of members of the Board of Directors who were present at the hearing and shall be based on provisions of the governing documents, available documentary evidence, and testimony and other evidence presented at the hearing, whether or not the alleged violator appeared at or participated in the hearing.

15-4. APPEALS

Decisions of the Board of Directors may be appealed to the Montgomery County Commission on Common Ownership Communities, as provided for in Chapter 10B Article 2 (Dispute Resolution) of the Montgomery County Code, and as provided for in applicable state law.

COUNCIL OF UNIT OWNERS
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Table of Standard Sanctions for Violations of Governing Documents

Violation	First Offense	Repeat or Continuing Offenses	Authority
Lien(s) placed for delinquent assessment installments		N/A	MD Code Sec 11-110(d) Bylaws Art VIII Sec 8 Rule 2
Implementing specified interior or any exterior architectural changes without prior approval	\$250	\$500/month	MD Code Sec 11-115 Bylaws Art XII Sec 1(d) Rule 3
Failure to comply with window treatment standards	\$25	\$25/month	Bylaws Art XI Sec 4 Rule 3
Installation of window unit air conditioner or fan	\$25	\$25/month	Rule 3
Failure to report owners' names and addresses annually	Ineligible to vote at annual and special meetings	N/A	MD Code Sec 11-109(c)(3) Bylaws Art IV Sec 6 Rule 5
Failure to complete the annual census	Parking permits and pool passes will not be issued	N/A	Rule 5
Parking without a current parking permit	Vehicle(s) subject to towing at owner's risk and expense	N/A	MD Code Sec 21-10A County Code 30C Bylaws Art XI Sec 5 Rule 6
Resident parking in a guest parking space	Vehicle(s) subject to towing at owner's risk and expense	N/A	MD Code Sec 21-10A County Code 30C Bylaws Art XI Sec 5 Rule 6
Guest parking in a visitor space without a visitor permit	Vehicle(s) subject to towing at owner's risk and expense	N/A	MD Code Sec 21-10A County Code 30C Bylaws Art XI Sec 5 Rule 6
Parking in a marked handicapped space reserved for a specific unit	Vehicle(s) subject to towing at owner's risk and expense and/or civil penalties under state law	N/A	MD Code Sec 21-10A County Code 30C Bylaws Art XI Sec 5 Rule 6
Pet not leashed or carried on the general common elements	\$25	\$25	Bylaws Art XI Sec 6(2) Rule 7
Failure to register a pet or keeping pet(s) beyond allowed numbers and types	\$50	\$100/month	Bylaws Art XI Sec 6(4) Rule 7
Dangerous or aggressive pet behavior (attacking/biting/injuring residents or other pets)	\$100	Removal of pet from the property	Bylaws Art XI Sec 6(5) Rule 7
Nuisance pet behavior (excessive barking/whining/scratching, etc.)	\$25	\$50	Bylaws Art XI Sec 6(5) Rule 7
Failure to properly dispose of pet feces	\$50	\$100	Rule 7 , Rule 10
Other pet-related complaints	\$25	\$50	Bylaws Art XI Sec 6 Rule 7
Transferring resident or guest pool passes to unauthorized persons	Suspension or revocation of pool passes	N/A	Rule 8

Violation	First Offense	Repeat or Continuing Offenses	Authority
Placing or storing personal property in hallways or stairwells	\$25	\$50	County Code 22-40(d)&(i) Bylaws Art XI Sec 3(d) Rule 9
Leaving entry doors open and unattended	\$25	\$25	Rule 9
Blocking, tampering with, or disabling outdoor light fixtures	\$50	\$100	Rule 9
Improper disposal of trash or recyclables, except prohibited items (Para 10-4)	\$50	\$50	County Code 48.00.03 Bylaws Art XI Sec 3f Rule 10
Improper disposal of prohibited items (Para 10-4)	\$100	\$200	County Code 48.00.03 Bylaws Art XI Sec 3f Rule 10
Failure to pay moving fees in advance	\$25	N/A	Rule 11
Failure to file leases prior to occupancy date	\$25	\$50/month	Bylaws Art XI Sec 2 Rule 12
More than one lease per unit or leasing other than an entire unit	\$250	\$500/month	Bylaws Art XI Sec 2 Rule 12
Failure to provide required carpeting in units directly above other units	\$25	\$50/month	Bylaws Art XI Sec 3(c) Rule 13
Noise and nuisance violations (including chronic odors or smoke)	\$100	\$100	Bylaws Art XI Sec 3 Rule 13
Failure to provide proof of insurance	Parking permits and pool passes not issued	N/A	Bylaws Art XIII Sec 2 Rule 14