



# **EAST VILLAGE HOMES CORPORATION**

## **HOMEOWNER GUIDE**



## ● **Welcome to East Village**

By purchasing a home here you have automatically become a member of both the Montgomery Village Foundation and the East Village Homes Corporation. The East Village Homes Corporation is a non-profit organization comprised of you and your neighbors in the East Village portion of the Village. Together, you own the streets, the storm drains, the street lights, and the trees around your property.

East Village consists of 1,389 homes in 12 subdivisions:

- Ashford
- Candle Ridge
- The Downs I
- The Downs II
- Essex Place
- The Estates
- Gable Field
- Glenbrooke
- Holly Pointe
- Meadowgate
- The Reach
- Wethersfield

The primary purpose of the East Village Homes Corporation is the management and maintenance of commonly-owned properties in our community. The streets, sidewalks, paths, greenspace and plantings, the lights, and the storm drainage system are owned and maintained by the East Village Homes Corporation. These properties belong to all of us. Their care is the concern of all who live here, and it is our assessment dollars that pay for their upkeep.



The homes corporation's affairs are managed by a Board of Directors consisting of nine members who are elected by the community (one vote per dwelling unit). These directors volunteer their time to serve the community. The Board meets on the third Tuesday of January, March, April, May, July, September, and November at 7:30 p.m. at the Lake Marion Community Center (located on East Village Avenue next to the Lake Marion Pool). Every resident is invited to the meetings, and encouraged to bring ideas and concerns to the attention of the Board. Attending a meeting or two serves as a quick introduction to the major aspects of the community.

Aside from maintenance, the Board is also concerned with reviewing, formulating, and enforcing rules aimed at helping the community live more harmoniously together. Rules related to such activities as parking, greenspace use, snow removal and other issues have been developed. In this booklet you will find information to acquaint you with these rules.

## **Covenants**

Along with this booklet you should receive a copy of the original covenants filed by the developer at the time East Village was built. These documents were intended to protect the quality of the environment we share. The covenants exist for the protection of property values for all of us. When you purchase your home, you agree to comply with these covenants.

## **Changes to your property**

You may want to add to or change some part of the exterior of your home or garden. The quality of our neighborhoods is maintained by compliance with strict design criteria. You should refer to the criteria when you are contemplating a project. ***Any change affecting the external appearance of individual properties in any way must be approved by the Architectural Review Board of the Montgomery Village Foundation.*** Both the Architectural Review Board (ARB) and the Montgomery Village Foundation (MVF) operate as separate entities from the East Village Homes Corporation.

The ARB meets on the first and third Wednesday of each month to evaluate any request submitted to it in the proper format. Please consult the architectural criteria section in this booklet—or inquire at the MVF office—to obtain a copy of the proper form.

## **Changes to East Village property**

This booklet also includes a copy of a form entitled “Community Property Improvement Request Form”. This form is intended for your use, should you wish to do any landscaping on greenspace owned by East Village Homes Corporation. The Board encourages such enhancement within certain guidelines, but ***permission must be obtained before any work is begun.*** Additional forms may be obtained at the MVF office, by email, or through the East Village web site.



## **East Village and the Montgomery Village Foundation**

The East Village Homes Corporation and the Montgomery Village Foundation (MVF) work together to make life here more rewarding. For example, the pools, tennis courts, community centers, parks and lakes are owned, maintained and operated by the MVF. In addition, the East Village Homes Corporation has contracted with the MVF to manage East Village's community property. The MVF maintains a full-time manager and additional staff to help the East Village Board of Directors conduct day-to-day business. The manager can be reached at 301-948-0110, or by email ([stedwickhc@mvf.org](mailto:stedwickhc@mvf.org)). The community manager can answer questions or refer problems concerning East Village affairs to the Board of Directors. The manager's office is located in the MVF administration building on Apple Ridge Road.

The MVF also collects assessments, provides bookkeeping and secretarial services for the homes corporations in the Village, and publishes the *Village News*. The MVF Maintenance Department provides maintenance for MVF properties and some homes corporations.

## **East Village and You**

East Village is the largest community in Montgomery Villaget. We have a proud tradition of consideration and cooperation in our neighborhoods. We hope that you will be happy here, and that you will take full advantage of all of the wonderful resources, activities and natural beauties that are available to your family here.

The East Village Homes Corporation Board of Directors  
May 2009





## ● Contents

### **Community Facilities**

East Village Homes Corporation map ..... 7

Montgomery Village Foundation facilities..... 8

**Where your assessment goes**..... 9

Sample assessment payment coupon ..... 10

MVF and East Village Homes Corporation Collection Policy..... 11

**East Village Homes Corporation policies** ..... 13

Ballot Policy ..... 13

Bid Policy ..... 13

Policy for Cost Recovery ..... 14

Procedures for Dispute Resolution ..... 15

Policy Relating to the Use of Greenspace ..... 16

Investment Policy ..... 17

Limited Property Use Policy..... 17

Parking and General Vehicular Rules and Regulations..... 19

Private Property Maintenance Policy ..... 22

Policy for the Private Use of Community Property..... 26

Policy Governing Storage on Private Property..... 28

Reserved Parking Policy ..... 29

Residents' Time Policy..... 30

Snow Removal Policy..... 31

Towing Policy..... 32

Trash Storage, Deposit, Collection and Disposal Policy..... 33

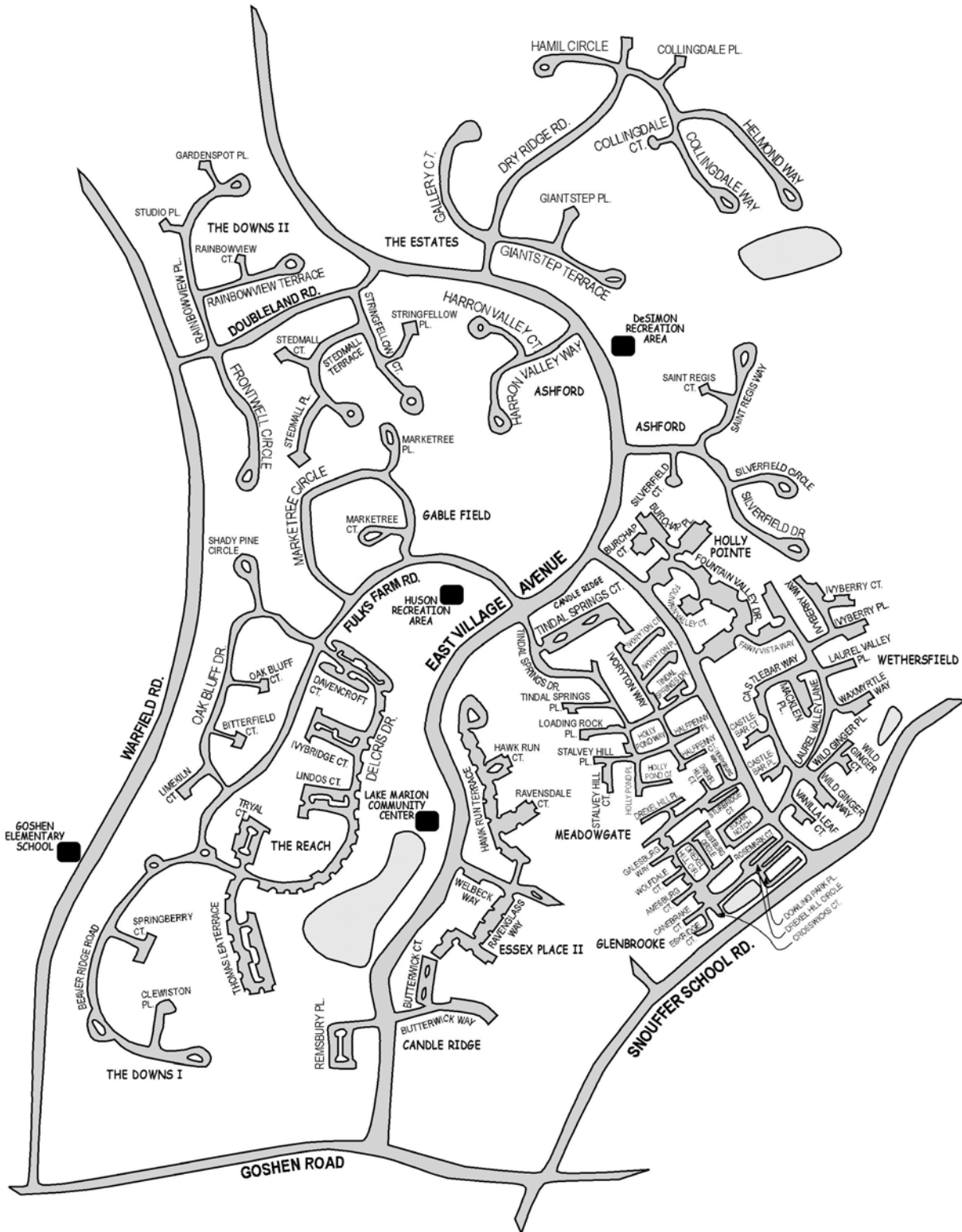
Tree Policy..... 34





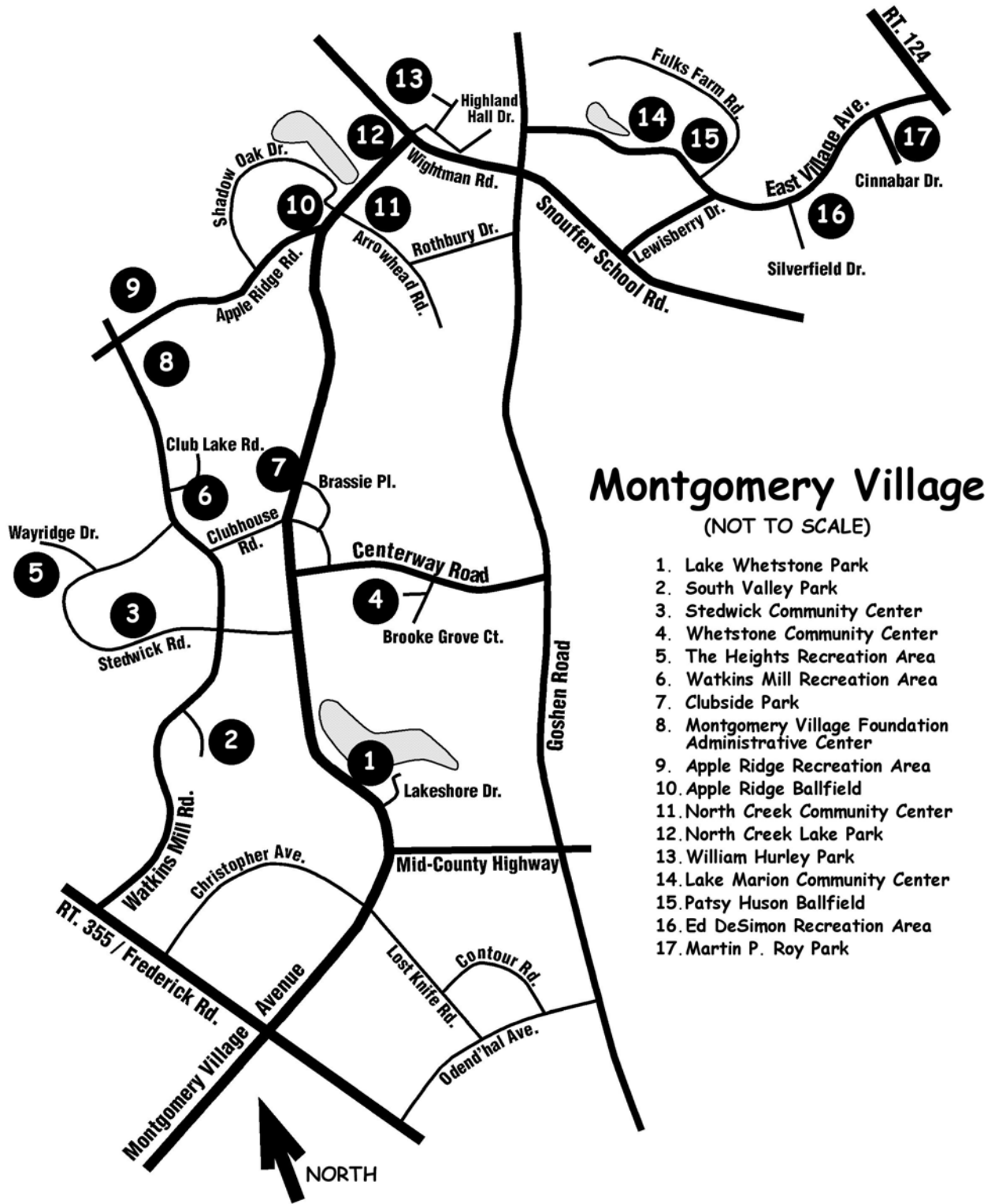
# Community Facilities

## East Village Homes Corporation map



● **Community Facilities**

Montgomery Village Foundation facilities



## ● **Where your assessment goes**

As an owner of a home in East Village, you are a member of the Montgomery Village Foundation and of the East Village Homes Corporation. Your assessments are billed to you with a coupon book. All payments are made to the Montgomery Village Foundation, but are divided into three portions as indicated on the sample payment coupon on the next page.

### **MVF – Montgomery Village Foundation**

The first portion of the assessment goes directly to the Montgomery Village Foundation to pay for administrative services. These include architectural control, publication of the *Village News*, maintenance of Village lakes and ponds, and support for the Village-wide activities of the MVF Recreation Department.

### **DU – Designated Users**

The second portion pays for operating the community centers and pools owned by the Montgomery Village Foundation. Community centers with pools are located at Whetstone, East Village, North Creek, and Lake Marion. Three additional pools are located at Watkins Mill, Apple Ridge, and Hurley Park. All pools are available for your use during the season. Scheduled activities are held at the centers and information regarding them is available through the Montgomery Village Foundation Recreation Department located at the MVF office at 10120 Apple Ridge Road (301-948-0110).

### **East Village HC**

The final portion of the assessment supports the East Village Homes Corporation. The homes corporation is responsible for the repair and maintenance of all community-owned property within East Village, including private streets, sidewalks, postlamps, and common greenspace. Snow removal and grass cutting are two major budget items.



## ● Collection Policy

**Purpose:** This policy will be followed when collecting all debts owed to the Montgomery Village Foundation, including but not limited to assessments, architectural review fees, and returned checks.

**Due Dates:** Homeowners may choose to pay their assessment either annually or quarterly (four times per year).

- An annual assessment payment is due in full on January 1 of each year. If payment in full is not received by the last day of January, the homeowner's account will be established on a quarterly payment plan.
- Installments for quarterly assessment payments are due on the first day of January, April, July, and October.

Assessment rate notices are mailed to property owners in November of each year. Payment coupons are mailed to property owners each December. Property owners who do not receive coupons via regular mail by December 31 should call MVF at 301-948-0110 to request replacement coupons. **Failure to receive a coupon booklet does not relieve a homeowner of the obligation to pay the required assessment when due.**

### Methods of Payment:

- **Cash** payments must be made at the MVF office, 10120 Apple Ridge Road. Office hours are Monday through Friday, 8:30AM -5:00PM.
- **Checks** payable to MVF can be brought to the MVF office during regular business hours, dropped in the drop box located in the parking lot of the MVF office, or mailed to PO Box 822818, Philadelphia, PA 19182-2818. Checks **MUST** be mailed early enough to arrive on or before the due date. Checks returned for any reason are subject to a \$35 returned check fee.
- **VISA or MasterCard** payments may be made at the Apple Ridge Road MVF office or by telephone to the MVF office, 301-948-0110. A credit card processing fee will apply.
- **ACH transfer** will be automatically processed after the authorization is reviewed and accepted by the MVF office.
- **Only** cash, certified check, or money orders will be accepted as payment for a returned check.

Payments that are being made on an account that is in bankruptcy, under judgment, or to stop or satisfy a lawsuit, must be made at the MVF office.

### Delinquent Accounts, Administrative Costs, and Collection Fees:

Any assessment that has not been paid by the last day of the first month of the quarter is considered delinquent. Reminder notices will be sent to property owners during the first week of the second month of the quarter. A \$25.00 administrative fee will be applied to any account that remains unpaid on the last day of the first month of the quarter (Jan. 31, Apr. 30, July. 31 & Oct. 31). This administrative fee is assessed to defray the expenses associated with collection.

**Acceleration:** If the quarterly payment is not received by the last day of the quarter (March, June, September, December); hereinafter called the "acceleration date", the entire balance of the annual assessment becomes due and payable immediately.

**Interest on Delinquent Accounts:** Interest will accrue at a rate of 6% per annum on the delinquent account.

### Additional Notices:

- **Coupons** – mailed each December.
- **Reminder Notices** – Will be sent to homeowners whose quarterly payments are delinquent at the end of the first month of a quarter.
- **Delinquent Letter** – Will be sent to homeowners whose quarterly payments are unpaid at the end of the second month of a quarter. This notice will inform the homeowner that:
  - Interest at 6% per annum is being applied to the delinquent account.



- If the account remains delinquent on the first day of the following quarter, MVF will seek judgment by filing a lawsuit in General District Court.
- If a lawsuit is filed the entire annual assessment becomes due and payable.

Failure to receive any or all of these notices does not relieve a homeowner of the obligation to pay the required assessment.

**Collection Fees:** If a lawsuit or lien is filed, the homeowner will be assessed all of the actual costs of filing and/or recording documents and any other cost or legal fees which may be allowed by law including, but not limited to, the following:

Process Server	Actual cost of service
Preparation of Lawsuit	Actual cost of service
Preparation of Lien	Actual cost of service
Court Costs	Actual cost of service

Costs, interest, and other charges levied by MVF or the Homes Corporations shall be posted to the homeowner’s account and collected in the same manner as assessments and will appear on the delinquent letter that will be mailed to the homeowner.

**Waivers:** Requests to waive administrative costs must be made in writing to the Assessments and Collections Administrator and must state specific circumstances as to why a waiver should be considered. Recurrent administrative costs cannot be waived.

**Interest due on Judgments:** From the date MVF receives a judgment against a homeowner for unpaid assessments, the judgment amount shall accrue interest at the rate permitted by statute until the date the judgment is paid in full.

**Other Charges:** If a check, ACH transfer or credit card charge is refused, returned for insufficient funds or payment is stopped, a \$35.00 charge will be assessed to the homeowner’s account. Requests to waive this charge will only be considered upon presentation of a letter on bank stationery acknowledging bank error.

**Communications:** Any communication concerning disputed debts, including checks or money orders tendered, must be sent to MVF, 10120 Apple Ridge Road, Montgomery Village, MD 20886-1000.

Assessments are payments for goods and services provided by the Foundation/Homes Corporation and are not deductible as a charitable contribution. These assessments may be deductible as an ordinary and necessary business expense. Please consult your tax advisor.

Approved by MVF Board of Directors – May 23, 2002.  
 Revised and Approved by MVF Board of Directors – October 23, 2003  
 Revised and Approved by MVF Board of Directors – October 28, 2004  
 Revised and Approved by MVF Board of Directors – March 24, 2005  
 Revised and Approved by MVF Board of Directors – September 27, 2007  
 Revised and Approved by MVF Board of Directors – October 23, 2008

## ● East Village Homes Corporation Policies

The East Village Homes Corporation Board of Directors has adopted a number of policies and rules to assist in the maintenance and management of community property.

### BALLOT POLICY

---

Homes Corporation Management will destroy all ballot/proxies 30 days after all elections.

Presented: 2/21/91

Reaffirmed: 4/23/98, 04/20/00, 7/18/02, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09

Amended: 4/19/01

### BID POLICY

---

1. Subject to **East Village Homes Corporation Bid Procedures**, bids must be obtained for all individual planned expenditures in excess of \$5,000. Bids may be solicited for expenditures under \$5,000 if the East Village Board of Directors deems it appropriate.
2. A minimum of three bids will be solicited. If three qualified bids are not received, additional bids may be solicited or the reasons for presenting less than three bids must be explained.
3. The East Village Board of Directors will select the evaluated bid representing the **best combination of service and value** from the group of qualified bidders. The East Village Board of Directors is under no obligation to select the lowest bid.
4. Bids may be solicited to cover periods not to exceed three years in duration as long as they provide a cancellation clause, with or without cause.
5. All bids over \$50,000 will be sealed and delivered to the Board President or his/her designee.

Adopted 6/21/01

Reaffirmed 5/03, 4/04, 4/06, 4/17/07, 5/19/09

Modified and reaffirmed 5/19/05



## **POLICY FOR COST RECOVERY**

---

### **PURPOSE**

East Village Homes Corporation incurs out-of-pocket costs when it is required to repair, maintain or clean up community property as a result of the actions of its members and their renters and guests. This includes cleaning up trash on community property, repairing damage to community property, repairing vandalism to community property and cleaning up trash from streets of East Village which is not put on in proper containers. This also includes damages to the streets of East Village, which East Village maintains, resulting from the leaking of fluids or other causes.

The purpose of this policy is to recoup from those responsible the costs of such repair, maintenance and clean-up.

### **POLICY**

1. Whenever in the course of its maintenance duties and responsibilities East Village is required to repair, maintain or clean-up damage or vandalism or trash on its community properties due to the actions of its members or their renters and guests, East Village will attempt to identify those responsible for such actions.
2. East Village will send to those responsible an invoice requesting payment of the actual cost of clean-up within 30 days from the date the invoice is sent.
3. If payment is not received within 30 days East Village will then determine whether to forward the invoice for collection by whatever means are available, including, if possible, the filing of liens and legal actions in the courts of Maryland.
4. The East Village Board of Directors may by rule adopt a fining procedure to assess fines against those responsible for damaging or despoiling community properties in addition to the actual costs of repair, maintenance or clean-up. Those fines may be collected by whatever means are available including, if possible, liens and legal actions in the courts of Maryland.
5. Before a fine is assessed, the person(s) charged with the violation will be given notice and an opportunity to be heard pursuant to the East Village Dispute Resolution Procedures.
6. Repeated offenses may result in additional fines and the Board may determine that each day, week or month or other time period that a violation exists is a new offense for which a new fine will be assessed until the violation is corrected.

Adopted 4/18/02

Revised 7/18/02

Reaffirmed 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09



## PROCEDURES FOR DISPUTE RESOLUTION

---

Chapter 10B, Common Ownership Communities, of the Montgomery County Code establishes a process including mediation and binding administrative hearings to resolve certain disputes involving common ownership communities. (See Montgomery County Code, Sections 10B-8 through 10B-15). Section 10B-9(b) of the law provides:

"A party must not file a dispute with the Commission (Commission on Common Ownership Communities) until the party makes a good faith attempt to exhaust all procedures or remedies provided in the association documents."

In accordance with the provision, the procedures and remedies for disputes arising between the East Village Homes Corporation Inc. (EVHC) and other parties are established as follows:

1. Any party who has a dispute with EVHC which is within the jurisdiction of Chapter 10B shall file a written description or notice of the dispute, including the relief requested, with the Office of Managing Agent at 10120 Apple Ridge Road, Montgomery Village, Maryland 20886. If appropriate, EVHC may provide forms for filing notices of disputes.
2. Notice of a dispute should be filed with EVHC within thirty (30) days from the date the dispute arose.
3. The EVHC Board of Directors or a committee appointed by the Board specifically for this purpose, will hear all disputes or appeals. The party filing the dispute or appeal will be given at least ten (10) days written notice of the time, date and place of the hearing. The hearing will be held, if possible, within thirty (30) days of filing of the notice of a dispute, or appeal at a mutually convenient time, date and place.
4. At the hearing, EVHC, and the party filing the dispute or appeal may present evidence and testimony and question opposing witnesses. Reasonable time limits may be imposed by EVHC. The party filing the dispute or appeal may be required to file a pre-hearing statement indicating the number of witnesses and the estimated amount of time he or she will require to present the dispute.
5. The Board of Directors, or committee which hears the dispute or appeal will attempt to issue a written decision or agreement within fifteen (15) days of the hearing granting or denying the relief requested.
6. EVHC and the party filing the notice of a dispute or appeal may agree to a settlement or compromise of the dispute at any time during the process.
7. If a party who has a dispute with EVHC fails to file a written notice of dispute or appeal and to request a hearing, then no hearing need be held before EVHC takes whatever action may be appropriate under the circumstances to enforce its covenants, rules and regulations. The filing or pendency of a dispute or appeal does not automatically stay action by EVHC. Action taken by the Board under this article may be appealed for a period of thirty (30) days from date of action by written notice to the Board.
8. The decision of the Board of Directors, in the case of an appeal is final.
9. The EVHC Board of Directors may develop and adopt additional rules of procedure for the fair conduct of hearings.

Approved: 11/21/91  
Reaffirmed: 4/23/98, 4/20/00, 4/19/01, 7/18/02, 4/15/04, 5/19/05, 4/17/07, 5/19/09



## **POLICY RELATING TO THE USE OF GREENSPACE**

---

1. The East Village greenspaces are the property of all East Village homeowners, and all homeowners have an interest in their preservation. The maintenance and improvement of these greenspaces are matters of primary concern to all homeowners and to the Board of Directors, in order that the basic planned town concept of Montgomery Village may be achieved.
2. Greenspaces are recognized as moderate or limited recreational areas for East Village residents. Greenspaces are not to be used for sports or other activities which are destructive of turf or plantings, or which infringe upon the rightful enjoyment of the homes and yards of homeowners adjacent to the greenspaces.
3. Homeowners' enjoyment of the greenspace, and its availability as a limited play area can be severely limited by the careless use of the greenspace by illegally unleashed pets or by leashed pets that use the greenspace as a convenient repository. It is a documented responsibility of pet owners to prevent their pets from running loose and to avoid having their pets excrete on any greenspace.
4. Since greenspaces are community property, greenspaces may not be used as vegetable gardens or for other private plantings, except as authorized in advance by the East Village Homes Corporation Maintenance Committee. All such requests will be submitted via a Community Property Improvement Request. These requests are available at the MVF office, which, when filled out, will forward them to the East Village Homes Corporation for approval.
5. The East Village Board of Directors requests the cooperation of homeowners to observe the greenspace area adjacent to their homes, and to help reduce the destruction of plantings, turf, lighting fixtures, bicycle paths, and other community property. Dumping or other damage to the greenspace or other community property should be reported to the East Village Homes Corporation via the Montgomery Village Foundation office. Homeowners are also encouraged to inform anyone observed violating this policy, and to report the identity of those responsible for the violation to the Foundation office, if such an identity can be ascertained.
6. Consumption of alcoholic beverages on community property owned by East Village is prohibited.
7. When a homeowner or a group of homeowners desires to make some unusual use of the greenspace which is not covered by this policy, such as usage will be permitted only upon written request to the East Village Board, and upon written permission given in advance by the Board, in order that adequate consideration may be given to the rights of adjacent homeowners and the maintenance of East Village Homes Corporation property.
8. If, in spite of the promulgation of this policy and its extensive publication throughout East Village, residents are identified violating this policy, and damage to greenspace or other community property results, the cost of repairing such damage will be assessed by Board action against the offending resident, after opportunity for hearing.

Adopted: 11/20/86

Approved as Amended: 9/22/94

Reaffirmed: 7/16/87, 7/21/88, 6/18/92, 6/17/93, 6/19/97, 4/23/98, 4/20/00, 4/19/01, 7/18/02, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09



## **INVESTMENT POLICY**

---

The East Village Homes Corporation Board of Directors hereby authorizes funds to be invested which are not required within a reasonable time to pay obligations of the corporation, subject to the following conditions:

1. No investment, including any rollovers, shall be made without consent of the Board of Directors.
2. No investment may be sold, withdrawn, redeemed or otherwise converted to cash prior to maturity without consent of the Board of Directors.
3. No funds shall be invested except in authorized investments as provided herein.
4. Authorized investments include:
  - a. Obligations of, or fully guaranteed as to principal by, the United States of America, or agency thereof or state.
  - b. Certificates of Deposit, Savings Certificates or Interest-bearing accounts of banks, or savings and loan associations within the limits of insurance coverage provided by Federal Deposit Insurance Corporation or FSLIC.
  - c. Obligations of Federal National Mortgage Association, Banks for Cooperatives, Federal Home Loan Banks, Federal Land Banks, and Federal Intermediate Credit Bank.
  - d. Mutual funds that invest exclusively in any of the above.
5. No inurement may accrue to any Board member or family member of a Board from the investment decisions made by the Board.

Approved as Amended: 9/23/93, 5/15/2003

Reaffirmed: 4/23/98, 4/20/00, 4/19/01, 7/18/02, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09

## **LIMITED PROPERTY USE POLICY**

---

1. There are certain community properties in East Village which, due to their size and location abutting private dwelling units, have the appearance of and function of private side and front yards, even though they are owned by East Village Homes Corporation as part of its community properties.
2. Because of the size and location of these properties, in particular the manner in which they are separated from each other by walks, driveways, dwellings and fences, it is not economically practical for East Village to attempt to maintain these areas without substantially raising the assessments. This is particularly true with respect to cutting and trimming grass.



3. Additionally, because these areas in question are located adjacent to private dwelling units, it is also not practical for East Village to prevent the use of these community properties virtually exclusively by the owners of the private dwelling units which abut them. These properties function as privately owned side and front yards, and it seems appropriate to allow them to be used as such, with the permission of East Village Homes Corporation.
4. Consequently, East Village grants to each of the owners of private dwelling units abutting community properties which, due to their location and size, function essentially as private side or front yards, a license to use those properties for planting, recreation, and similar individual activities. This license does not permit the construction of any permanent structures on said community properties, such as sheds or additions.
5. In exchange for the license to use these community properties for private use associated with the adjacent private dwelling units, the owners of the private dwelling units shall maintain these properties in a neat, orderly condition, and not in a manner that is objectionable or detrimental to the aesthetic values of the community.
6. The community properties which are the subject of this regulation shall include properties which have the following characteristics, in the sole discretion of the Board of Directors, and the Board of Directors may determine which properties may or may not be used in the manner described in these regulations:
  - a. The community properties must directly abut a private dwelling unit.
  - b. They must be so located as to functionally be useable only as a side or front yard of said dwelling unit.
  - c. Each area of community property serving a private dwelling unit must be separated in some visual or structural way, as a result of landscaping or topography, from other areas.
7. The Board of Directors of East Village Homes Corporation shall be the final arbiter of what properties may be the subject of this regulation so as to be used exclusively by owners of private dwelling units abutting them.

Adopted: 9/22/94

Reaffirmed: 4/20/95, 4/18/96, 4/17/97, 4/23/98, 4/20/00, 4/19/01, 7/18/02, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 4/15/08, 5/19/09



## PARKING AND GENERAL VEHICULAR RULES AND REGULATIONS

---

### INTRODUCTION

These rules and regulations have been adopted by the Board of Directors of the East Village Homes Corporation to regulate parking and other vehicular matters within the communities which are subject to the Covenants, Rules and Regulations of this corporation. They have been adopted under the authority of the corporation By-Laws (Article III, Section 3). This section permits the Board of Directors "... to adopt and publish rules and regulations governing the use of the common properties and facilities..." These rules and regulations also implement, clarify and define certain portions of the covenants and other restrictions regarding commercial vehicles, private trucks or trailers, boats, etc.

The purpose of these rules is to promote the safety and welfare of East Village residents, while preserving and protecting property values within the communities. Furthermore, these rules and regulations have been adopted with a sensitivity towards maximizing efficient utilization of limited community parking.

The following rules and regulations shall apply to all vehicles meeting the criteria set forth herein without regard to the type or designation of license plates affixed to the vehicle.

1. **PERMITTED PARKING:** Parking of motor vehicles will be permitted within the East Village communities only at the following locations:
  - a. Private dwelling units: Vehicles may be parked only within a garage or carport or on the paved section of a driveway on the property of a private dwelling unit. **RESIDENTS ARE EXPECTED TO USE GARAGES, CARPORTS AND DRIVEWAYS WHEN PROVIDED.** Garages or carports should not be converted to storage spaces or other uses.
  - b. Community-owned property: Vehicles may be parked only on paved sections of East Village community-owned private streets and designated parking areas. All vehicles must be parked within curb markings where markings are provided.
2. **PROHIBITED PARKING:** Parking of motor vehicles is prohibited in all other locations within the East Village communities, including:
  - a. No Parking Areas: Parking is prohibited in all of the locations within the East Village communities which are designated by signs or yellow street markings as "NO PARKING" for various safety reasons such as fire lanes or snow emergency areas. A snow emergency will exist for this purpose when so declared officially by the Montgomery County Government.
  - b. Access areas: Parking is prohibited in front of bike paths, walkways, and private driveways, within 30 feet of a stop sign, within 20 feet of a crosswalk at an intersection, or within 15 feet of fire hydrants. Parked vehicles should not restrict access to garages, driveways, streets or pedestrian traffic.
  - c. Other community properties: No motor vehicles will be permitted to park or operate on greenspace, sidewalks or bike paths within the East Village communities, except for emergency or maintenance vehicles. These restrictions apply to all motor vehicles including "off-the-road" vehicles (as defined in Article 27, Section 578 of the Maryland Code).
3. **RESTRICTED VEHICLES:** The following vehicles are prohibited specifically from parking overnight (any time between 9:00 p.m. and 6:00 a.m.) on the community or private property within in the corporation. The Board permits such items if kept or maintained totally within the garage of a



private dwelling unit, and not creative of a nuisance to other members of the corporation due to unusual hours of activity or generation of noise.

- a. Commercial vehicles: Any vehicle with any type of writing or printing (letters, pictures, insignia) other than that provided by the manufacturer of any kind, type or description. Vehicles which carry ladders, pipes, etc. will be considered commercial vehicles. Police and other governmental vehicles which would otherwise meet the criteria elsewhere herein provided (other than markings) are permitted.
- b. Private trucks: The term "private truck" is meant to apply to a truck owned, used, or maintained within the community, as opposed to a truck used in trade or business on a random basis serving the residents of the community, and includes all vehicles designed and used primarily for the transport of goods or services rather than passengers. The largest group of such vehicles are commonly known as "pickup" trucks having an open back and a separate cab, and are prohibited regardless of whether or not they have a cab or camper installed and regardless of the number of passenger seats in the cab. All other vehicles such as delivery trucks and the like are also prohibited.
- c. Trailers: Any vehicle having wheels but dependent upon another vehicle for its motive power, and designated to be towed behind such other vehicle. NOTE: ANY NON-WHEELED ATTACHMENT TO A MOTOR VEHICLE SUCH AS CAMPER TOPS, CAPS, ETC. MUST NOT BE STORED ON EITHER PRIVATE PROPERTY (UNLESS GARAGED) OR ON COMMUNITY-OWNED PROPERTY. SUCH ATTACHMENTS, WHETHER ON THE VEHICLE OR NOT, ARE PROHIBITED.
- d. Campers and Recreational Vehicles: A vehicular portable unit, mounted on wheels for use on highways and streets, propelled or drawn on its own or other motor power; of such a size and weight as not to require special highway movement permits when drawn by a motorized vehicle (or operated on its own power); primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use; and/or generally identifiable by the number of configuration of vents and utility hookups, types of windows, luggage and storage capabilities and general visual appearance not associated with a passenger vehicle normally found in residential communities.

It is intended hereby to permit only the parking of passenger type motor vehicles within the communities of East Village Homes Corporation, in keeping with the spirit and intent of the Declaration of Covenants to promote and maintain a residential community. Such vehicles are commonly recognized as sedans, coupes, hardtops, convertibles, station wagons (including heavy duty station wagons such as Broncos and Blazers, equipped with manufacturer's installed roof) and vans designed for personal passenger carrying use, which meet the size limitations hereinbefore set forth, and which do not fall within the prohibitions relative to recreational or camper vehicles, or commercial vehicles.

4. **OTHER RESTRICTIONS:** the following restrictions are also established:
  - a. Extensive repairs: No work or dismantling of vehicles, boats or machinery of any type (other than routine maintenance and cleaning) is permitted on East Village community property, or outdoors on the property of a private dwelling unit.
  - b. Unlicensed: No vehicle is allowed without a current, legal registration properly displayed. In addition, no unlicensed driver is permitted to operate a vehicle on the community-owned property.
  - c. Inoperative: no vehicle is allowed which has any defect preventing it from being legally operated under its own power.



- d. **Damage:** No vehicle is allowed which causes damage to community property.
  - e. **Boats:** Any device or structure, of any material, designed primarily for use by one or more persons as a flotation device upon a body of water. No boats will be permitted on the property of a private dwelling unit within East Village communities unless garaged. No boat will be permitted on East Village community property other than to gain access for garaging on the property of a private dwelling unit.
  - f. **Stored vehicles:** Vehicles may not be stored on community or private property, unless garaged. All vehicles must be moved at least every thirty (30) days. Homeowners with special circumstances may contact the community manager to provide a specific date by which the vehicle will be moved.
  - g. **Oversized vehicles** are prohibited from parking in the community at any time unless the vehicle is in use providing direct service to a residence or homeowner at that time. Any vehicle exceeding 240 inches (20') in length, or 80 inches (6'8") in width, or 90 inches (7'6") in height or any vehicle with more than four wheels on the roadway is considered oversized.
5. **VIOLATIONS:** Violators of these parking and general vehicular rules and regulations will be subject to prosecution or such other legal action as may be appropriate. In addition, members will also be subject to the loss of corporate privileges in accordance with the By-Laws and Covenants of the corporation, and the Board may seek suspension of certain Foundation recreational privileges as well, as may be approved by the Board of Directors of the Montgomery Village Foundation, Inc.
6. **ENFORCEMENT:** These rules and regulations shall be enforceable by the Board of Directors of the East Village Homes Corporation, its agents, officers and employees, and by the Montgomery County and State of Maryland Police Departments as applicable.

Adopted: 7/17/86

Approved as Amended: 6/17/93, 9/25/01, 4/15/04

Reaffirmed: 7/16/87, 7/21/88, 4/16/92, 6/19/97, 4/23/98, 4/20/00, 5/15/03, 4/20/06, 4/17/07; 5/20/08, 5/19/09, 4/20/10

Modified and reaffirmed: 7/15/08, 11/16/10



## **PRIVATE PROPERTY MAINTENANCE POLICY RULES, REGULATIONS AND POLICIES FOR EXTERIOR MAINTENANCE OF PRIVATE DWELLING UNITS AND LOTS**

---

Terms used in these rules will have the meanings given in the East Village documents (Articles of Incorporation, By-laws, Declaration of Covenants, Supplementary Declaration of Covenants, Rules, Regulations and Guidelines). If terms are not defined in the East Village documents, terms will be considered to have their ordinary, customary meanings based upon common usage.

### **1. EXTERIOR MAINTENANCE OF PRIVATE DWELLING UNITS**

Owners of private dwelling units are responsible for the appearance and maintenance of their private property, including any garages, patios, decks, walkways, driveways, sheds, fences, play equipment, etc. Owners with any additions and/or improvements to their homes (as approved by the Architectural Review Board of the Montgomery Village Foundation) are also responsible for the appearance and maintenance of said additions/improvements. Owners shall maintain their yards and lots in good order and repair, which shall be free of debris, garbage, pet defecation, and other conditions deemed to be in non-compliance of these community rules, regulations and policies. Failure to correct any of the following issues after written notification is considered to be a violation of these exterior Private Property Maintenance Rules, Regulations and Policies:

- A. Noticeable peeling, bubbling, or missing paint on any house or garage exterior surfaces.
- B. External wood surface or vinyl siding area that is mildewed, cracking, splitting, rotting, or demonstrating extreme warping, including the roof and/or garage.
- C. One or more missing or damaged shutters.
- D. One or more broken exterior doors or windows. One or more damaged or missing window screens.
- E. Split-rail fences with three or more missing parts or that appear to be severely damaged, rotted, or severely leaning.
- F. Damaged or missing downspouts or gutters and/or downspouts that are draining onto community property.
- G. Outside decks or patios in disrepair (this includes broken/rotting wood, severely cracked concrete, etc.) or decks or patios that are overgrown with weeds/grass or other vegetation. This also includes home foundations or retaining walls belonging to the unit that contain severe cracks, missing blocks or mortar that constitute an eyesore.
- H. Other exterior maintenance conditions that are determined to present an unsightly appearance at the determination of the Board of Directors within the East Village community are not allowed.
- I. Outdoor lighting fixtures must have intact protective globes or lenses.

### **2. LANDSCAPING AND YARD MAINTENANCE**

The owner of a private dwelling unit that includes a yard/lot is responsible for the normal upkeep of the yard/lot, such as seeding, fertilizing, watering, and mowing and the routine pruning and cutting of shrubs/trees and other flora to prevent any overgrowth onto pathways and common areas. Failure to



correct the following issues after written notification are considered to be violations of these exterior Private Property Maintenance Rules, Regulations and Policies:

- A. Grass must be mowed at regular intervals so that the height does not exceed eight (8) inches at the maximum.
- B. Gardens and flowerbeds are most welcome to enhance the beauty of the East Village neighborhoods, but at the same time, must be maintained to prevent any severe overgrowth of weeds.
- C. Composting facilities must be maintained and present an orderly appearance.
- D. Pet defecation on an owner's property shall be removed and disposed of in a timely, sanitary and regular manner.
- E. Front yards must be substantially free of stored items, including but not limited to toys, furniture, construction materials, trash and recycling containers, yard implements and tools, etc.
- F. Other landscaping and yard maintenance conditions that are determined to present an unsightly appearance at the determination of the Board of Directors within the East Village community are not allowed.

### 3. NON-OWNER OCCUPIED DWELLINGS AND GROUNDS

Unit owners who rent their properties are obligated to instruct their tenants to adhere to these rules, regulations and policies. **Unit owners are ultimately responsible for complying with these rules, regulations and policies regardless of who resides in his or her unit.** Unit owners who are landlords are to see that their tenants and other residents of their properties are sufficiently apprised and notified of these rules, regulations and policies, and that the tenants must abide by them as part of their living within the East Village community. **In no instance, however, may a unit owner defer any liability under these and other applicable rules, regulations and policies to renters, tenants, or others. It is specifically the unit owner's responsibility to ensure that their tenant and any other renter(s) agrees to, and abides by these rules, regulations and policies.**

### 4. INSPECTIONS

In order to ensure compliance with these Private Property Maintenance Rules, Regulations and Policies, community management staff may perform regular inspections of the exterior lots of all privately owned properties within its defined boundaries on a periodic basis, but no less than once each year. Inspections shall be under the jurisdiction of the East Village Board of Directors, which has established the criteria herein in order to work cooperatively with residents to identify maintenance needs. Reminders of the annual inspections will be published in the *Village News*. This will allow residents to have adequate time and opportunity to be proactive with regard to the maintenance of their private property and exterior lots. Periodic inspections may also be made in response to complaints submitted *in writing* to the Montgomery Village Foundation. Such notices must be signed and include the signer's home address and phone number, but complainants may specifically request that their name(s) and address(s) be withheld from any public disclosure (in other words, the complainant shall remain anonymous). It shall be the policy of the Board to honor any request for anonymity as far as practicable. Additionally, alleged violations reported in writing by employees and duly authorized representatives of the East Village Homes Corporation may be investigated, as warranted, at the discretion of the Board. Inspections based on reports of non-compliance from others will be made on a case-by-case basis, as determined by the Board.



## 5. NON-COMPLIANCES, VIOLATIONS, AND PENALTIES

When there is a failure to meet the above Private Property Maintenance Policy standards, as verified by inspection by community management staff, the East Village Homes Corporation Board of Directors will implement the following procedures:

- A. The East Village Homes Corporation Management Agent will send a letter to the unit owner of the property in question clearly identifying the problem with a reference to the relevant portions of the above listed private property maintenance standards
- B. In most cases, the unit owner will be given thirty (30) days to correct the problem or to contact the East Village Homes Corporation Management Agent to provide a repair plan and deadline, if repairs are not possible within 30 days. In situations involving the storage of debris, trash, or other objects that may create a health or safety problem for the community, the unit owner will be given ten (10) days to correct the problem or to contact the East Village Homes Corporation Management Agent to resolve the problem. **When the property owner contacts the community manager, he/she may request an additional reasonable amount of time, if necessary, to address the problem. A new deadline will be set for the correction of the problem, which may be beyond the original thirty (30) days, as the situation warrants.**
- C. In the first letter, the unit owner will also be notified that he/she may request a hearing in accordance with the Montgomery County Code for Dispute Resolution (Montgomery County Code, Chapter 10B, Article 2, available from Montgomery County), within the original thirty (30) day period or any extension thereto granted. If the property owner requests a hearing, the dispute will be considered to exist and the East Village Homes Corporation Procedures for Dispute Resolution will apply.
- D. If, after receiving the first letter, the unit owner does not correct the problem within the first thirty (30) days, or does not contact East Village Homes Corporation community management staff to request additional time in which to correct the problem, or ask for a hearing invoking the Montgomery County Code for Dispute Resolution, then the matter will be referred to the East Village Homes Corporation Board of Directors for further action. The Board may take any and all appropriate actions to resolve the problem, including one or more of the following steps:
  1. Direct the East Village Homes Corporation community management staff to contact the property owner again if the Board reasonably believes that such effort might resolve the matter in an amicable state.
  2. Determine that a violation exists and proceed to enforcement, including any and all appropriate fines and any and all legal action.
  3. Schedule a hearing, at which the unit owner is requested to attend, if the Board reasonably believes that a hearing might resolve the matter amicably. The hearing will be conducted in accordance with the East Village Homes Corporation Procedures for Dispute Resolution. However, if the property owner fails to attend the scheduled hearing, the Board may proceed directly to enforcement if it determines that a violation exists.
  4. Take such other action as may reasonably be appropriate under the rules, regulations and covenants of the East Village Homes Corporation. E. If the Board determines that a violation exists, with or without a hearing requested, then the East Village Homes Corporation Board of Directors may assess a penalty against the unit owner in the amount of \$100.00 (One Hundred and No/Cents) and the Board shall set a firm date as of which the penalty will be assessed. Thereafter, each seven (7) days that the violation continues will be deemed a separate offence, subject to an additional \$10.00 (Ten Dollar and No/Cents) penalty.



Additional penalties will not be assessed for time periods less than 7 full days. For example, if the \$100.00 penalty is assessed as of May 1, an additional \$10.00 penalty will be assessed as of May 8. If the violation is corrected before May 15, then no additional penalty will be incurred. If the violation is not corrected before May 15, an additional \$10.00 penalty will be assessed as of May 15. This process will continue for each seven (7) days until the violation is corrected.

- F. Compliance is defined as correcting the violation and maintaining the correction for a period of at least one year. If compliance is not maintained for one continuous year, the whole year (including the time of temporary compliance) will be subject to the full calculated fines.
- G. Property owners remain responsible for the maintenance of their property throughout the time of their ownership, whether or not they reside in East Village. Property owners who may be away from their property or out of contact for extended periods are encouraged to make arrangements for an agent to monitor and care for the property during their absence, and to report contact information for that agent to the community manager. Fines will not be waived due to the inability of Managing Agent to contact the property owner.

## **6. ENFORCEMENT**

Financial penalties for violations of these rules, regulations and policies may be collected by any means available through administrative, legal and judicial proceedings. Additionally, the Board may institute legal action for the injunctive relief of damages, and the homeowner shall be liable for attorney's fees and costs. Any outstanding violations of these rules, regulations and policies, and/or outstanding unpaid penalties levied by the East Village Homes Corporation, shall become a part of the resale disclosure statement and legal documents of the property.

## **7. IMPLEMENTATION**

These rules, regulations and policies shall come into full force and effect on July 1, 2008. In the subsequent years that these rules, regulations and policies remain in force, inspections will be performed in line with the standards contained herein. Owners are encouraged to survey their properties periodically for potential issues and to avoid any possible problems and/or citations. Notices of non-compliance beginning September 1, 2008 will be processed fully with penalties, as provided in these Rules, Regulations and Policies. However, any violation(s) and/or condition(s) that could affect, or potentially affect the health, welfare and/or safety of owners, tenants, residents, or neighborhoods within East Village that may be found during any inspection will be enforced immediately, with no grace period.

**8. AUTHORITY** These Rules, Regulations and Policies for the Exterior Maintenance of Private Dwellings and Lots were adopted in accordance with the Articles of Incorporation, By-laws and Declaration of Covenants, Conditions, and Restrictions recorded among the Land Records of Montgomery County, Maryland, and are applicable to all privately-owned property, community property, and common property within East Village Homes Corporation as defined in those documents.

Adopted April 15, 2008  
Affiremd 5/19/09



## **POLICY FOR THE PRIVATE USE OF COMMUNITY PROPERTY**

---

### **I. Introduction**

In view of the potential problems, liabilities and risks that may arise from the placement of privately owned objects, including plantings, on community property by residents, the East Village Homes Corporation has developed this policy to assign responsibility for ownership and maintenance of such objects as well as a procedure for acquiring permission to place objects on community property.

### **II. Privately installed plantings on community property**

Residents may request permission to modify community property or install plantings of their choosing on community property by filing a Community Property Improvement Request (CPIR) with community management for review and approval by the Maintenance Committee (a sample is attached). If the CPIR is of extensive scope, the Maintenance Committee may choose to request permission from the full Board of Directors.

- A. The CPIR grants permission for residents to install plantings on community property. These plantings become the property of the East Village Homes Corporation.
- B. The CPIR requires homeowners to undertake the full cost of the proposed modifications to community property and to assume full responsibility for potential costs associated with the installation of plantings or modification to the greenspace.
- C. The Maintenance Committee may choose to deny a CPIR for any reason, including aesthetic disagreement or the determination that risk or liability from a modification is too great for the community to assume as the final owners of the modification. Plantings or modifications made to community property without an approved CPIR may be removed from community property by the homes corporation and with the expense for removal and community property restoration to be borne by the homeowner.
- D. When it appears that a homeowner has modified community property without a CPIR, the homeowner will be provided with the CPIR form and requested to fill out the form to document the situation. By making the CPIR form available after a modification has been made, the Board is not obligated to accept or approve the CPIR and the homeowner may yet be required to restore the community property to its original condition.
- E. While every effort will be made to properly care for plantings or modifications by a homeowner on community property, East Village Homes Corporation is not responsible for reimbursing the homeowner or otherwise making whole any damage to plantings or modifications on community property that may occur as a result of natural processes or maintenance activities.

### **III. The use of community property for parking or storage**

- A. At times it is necessary for privately-contracted contractors or workmen to park on community property in order to perform their work on private property. If the operation or parking of vehicles or equipment on community property causes damage to that property, the associated homeowner is completely and fully responsible for the cost of greenspace repair. The East Village Homes Corporation may permit a contractor of the homeowner's choosing to perform the community repairs, subject to the requirement that the contractor be appropriately licensed and insured and that the work be performed as soon as possible after the damage is done.
- B. Contractor or commercial vehicles may be parked on community property (including greenspace) during the period in which they are involved in working on a home. Unless work



is being performed, they may not remain in the community overnight unless garaged. Contractor or commercial vehicles may not be stored in the community.

- C. Storage pods or containers, such as may be used during renovation of a home, should be stored if at all possible on the private property of the home. If for logistical reasons they must be stored on community property, the homeowner is required to seek specific permission for the location and duration of the storage. The homeowner must also accept all liability and responsibility for the storage container. A sample form is attached.
- D. Construction materials stored on community property must be monitored to prevent them from being scattered, from creating a hazard to other residents of the community, or to prevent them from being misused in a dangerous way. East Village Homes Corporation reserves the right to remove any items from community property without prior notice in the event they are deemed to present a hazard, whether or not prior permission has been granted.

#### **IV. The use of community property for drainage**

Homeowners should make every effort to discharge their drainage onto their own private property.

- A. If a homeowner must discharge drainage onto community property and in order to prevent erosion or damage to curbs and paths, the pipe should daylight onto greenspace and provide sufficient pervious surface for the drainage to soak into the ground (under normal rainy conditions) before it reaches a sidewalk, curb, or asphalt path.
- B. Homeowners must monitor their downspouts and gutters to ensure that drainage from the front of their homes is directed across and over the concrete sidewalk rather than between the sidewalk and the structure of the home, as this could lead to structural damage to the garage and/or brick wall.
- C. There are locations where homeowners have installed drainpipes to the curb of their homes, across the community-owned street parcel. In these cases, East Village Homes Corporation is not responsible for private property damage that may occur if the drainpipe becomes blocked by debris or snow. It is the responsibility of the homeowner to clear the drainpipe of obstructions and to monitor it in the event it becomes re-obstructed (such as in the case of repeated snow plowings). East Village Homes Corporation is not required to make any special arrangements for the clearing of privately owned drainpipes.
- D. Under no circumstances will drainpipes from private properties be permitted above ground on community property. Homeowners may request permission to bury drainpipes on community property through the CPIR process. The Maintenance Committee will consider the possible consequences to community property (such as erosion or other damage) that may result from the placement of a drainpipe. If approval is granted for the burial of a private drainpipe on community property, under no circumstances will East Village Homes Corporation be responsible for damage to the pipe as a result of maintenance activities.

#### **V. The use of the street parcel**

In some areas of East Village, the homes corporation owns a street parcel on which is typically planted a street tree and grass.

- A. Homeowners with street parcels that directly adjoin their front and/or side yards in such a manner that the property appears to be one contiguous piece and that serves as a front or side yard are responsible for the routine care and maintenance of the street parcel greenspace, with the exception of the street tree. The care of the street tree is governed by the East Village Homes Corporation Tree Policy. Homeowners are responsible for mowing, weeding, planting or performing other needed or desired maintenance on the street parcel.



## **POLICY GOVERNING STORAGE ON PRIVATE PROPERTY**

---

### **I. Introduction**

Pursuant to the guidelines included in the Supplementary Declaration of Covenants, Conditions, and Restrictions, this policy governs the outside storage of objects within East Village Homes Corporation.

### **II. Definition of Storage**

- A. A stored object is something that has been placed on private property that does not show evidence of use or movement for a period of time greater than eight (8) months.
- B. A stored object is something that is or appears to be creating a hazardous situation for the community regardless of the length of time it has been in its location. An example would be a large pile of yard debris or mulch left in such a way as to create a fire hazard or environmental threat.
- C. A storage pod, construction dumpster or portable storage shed not subject to the controls imposed by the architectural covenants because of its temporary nature.

### **III. Acceptable stored items**

The following examples reflect items that are acceptable if maintained neatly:

- F. Lawn furniture that may be used for several months per year.
- G. Awnings, gazebos, and deck lights that may be used for several months per year.
- H. Flowerpots or planters that may be used for several months per year.
- I. Ladders, if properly screened and stored neatly on the ground and not propped against houses or structures.
- J. Hoses, hose holders, and incidental lawn care tools, if stored neatly.
- K. Barbecues, grills, and chimeneas.
- L. Bicycles.
- M. Children's toys and toy structures, if stored neatly.
- N. Boats, if screened appropriately (per Paragraph 7 of the Supplemental Covenants, Conditions, and Restrictions).

### **IV. Unacceptable stored items**

The following examples reflect items that are unacceptable under any conditions:

- E. Indoor furniture and appliances.
- F. Chemicals and fuels, including gasoline.
- G. Yard waste that is not contained within an approved compost bin.
- H. Trash or debris.
- I. Obviously broken or rotting objects that cannot be used for their intended purpose.
- J. Standing water.
- K. Food.

### **V. Storage containers**

Storage pods, construction dumpsters, or other temporary storage structures should be kept in rear yards whenever possible. If a pod or dumpster must be located in the front yard or driveway of a



home for an extended period of time, homeowners must contact community management with a deadline for removal in order to be deemed in compliance with the covenants. Storage containers may be located in the front of a home for no more than four weeks.

## **VI. Enforcement**

Homeowners who have stored items on private property in violation of this policy will be requested to remove the items within a 14-day period. If they do not comply, the Board may pursue legal action.

Approved 3/16/06  
Reaffirmed 4/17/07, 5/19/09

## **RESERVED PARKING POLICY**

---

Each non-garaged unit in The Reach and each unit in Essex Place and Holly Pointe has been designated one parking space by the East Village Board of Directors. "RESERVED" AND LOT # will be painted on the pre-designated parking space by East Village Homes Corporation.

The Board of Directors will consider designating a second reserved space to non-garaged unit owners in The Reach and unit owners in Essex Place and Holly Pointe, or any portion thereof, after one space has been designated and proven to be inadequate.

This property is owned by East Village Homes Corporation and there is no enforcement of the "RESERVED" use of this space by East Village Homes Corporation, Montgomery Village Foundation, nor Montgomery County Police.

All parking spaces are owned by East Village Homes Corporation, and a single space allocated to a resident is not an assignment of property.

Other communities may petition the East Village Board for inclusion in this policy.

Adopted: 10/17/91  
Approved as Amended: 5/18/95, 3/19/98  
Reaffirmed: 4/23/98, 4/20/00, 4/19/01, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09



## **GUIDELINES FOR EAST VILLAGE HOMES CORPORATION RESIDENT PARTICIPATION IN BOARD MEETINGS**

---

1. All residents of the East Village Homes Corporation who would like to participate in the East Village Homes Corporation Board Meeting for either the Residents' Time at the beginning of the meeting or during the meeting must sign in before the meeting and designate the agenda item in which they would like to participate. Agenda items for participation will be limited to Residents' Time, Unfinished Business, and New Business
2. All residents must comply with Roberts Rules of Order during the Board meeting.
3. The chair of the meeting has the authority to limit a resident's participation in any Board discussion on any agenda item or during Residents' Time.
4. Residents must be recognized by the chair of the meeting prior to speaking to the Board.
5. Residents' comments or questions must be limited to 2 minutes during Board discussions or during Residents' Time, unless granted additional time by the chair of the meeting.
6. Residents and Board members will not use their time to rebut or debate any subject.
7. The chair of the meeting will control the number of residents who will be allowed to make comments or questions on each agenda item according to time constraints. If the number of residents signed up to talk on a particular topic is too large, the chair of the meeting may choose to permit comment only from those who have different comments or questions from those previously made.
8. The rules above are subject to change at any time by the East Village Homes Corporation Board of Directors. Additionally, there will be a trial period of six months for these rules, at which time the Board will decide whether or not to make these rules permanent. The Board will review these rules annually.

Adopted: 5/15/03

Reaffirmed: 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09



## SNOW REMOVAL POLICY

---

1. When snow accumulation is less than two (2) inches, or when icy conditions make passage on our roadways treacherous, roadways will be chemically treated (i.e., the application of salt, sand and/or ice melt).
2. When snow accumulation exceeds two (2) inches, roadways will be plowed.
3. When plowing begins, one lane of each First Priority street (see list, attached) will be cleared. After the initial clearing is completed, the plows will clear Secondary Priority streets and will open wider driving lanes on the First Priority streets. Particular attention is given to roads that have steep hills and/or curves.
4. East Village will be responsible for identifying high hazard areas and notifying the snow removal contractor of snow clearance priorities.
5. Residents are responsible for removing snow or ice on sidewalks abutting their property according to the Montgomery County “Pedestrian Winter Safety Act of 2001”, Bill 1-01.
6. The East Village Homes Corporation will remove snow from sidewalks according to Montgomery County’s “Pedestrian Winter Safety Act of 2001, “ Bill 1-01. The firelane labeled “emergency access” on East Village maps, connecting Beaver Ridge Road with Warfield Road near Goshen Elementary School, will be cleared of snow for pedestrian traffic.
7. Bike paths and asphalt paths are deemed non-essential thoroughfares and, therefore, ***are not plowed or treated***. Residents are urged to use alternate routes in snowy/icy weather. Use of bike paths is at residents’ own risk.
8. During and after snow storms, residents are urged to use designated parking spaces only. Vehicles along the sides of roadways, or parked too close to entrances and intersections hinder plowing operations.
9. Residents who have driveways and/or garages are required to remove their vehicles from the street so that the plows can clear snow more quickly and efficiently.
10. Parking spaces within parking lots are not cleared. Residents are required to clear the parking areas. Residents should not shovel snow from driveways or sidewalks into streets or adjacent parking spaces.
11. Snow banks deposited in front of driveways, around parked vehicles, and behind parking spaces are an unavoidable result of plowing and are the residents’ responsibility to remove.
12. Day-to-day snow removal decisions are made by the greenspace maintenance chairperson and are implemented by community management in communication with the maintenance contractor.
13. Some areas of East Village may tend to be unusually icy. Residents are permitted to apply sand and/or salt at their discretion and in excess of the chemical applications provided by the homes corporation, should they feel that this will improve the driving surface.

Approved: 4/15/04  
Reaffirmed: 5/19/05, 4/20/06, 4/17/07, 5/19/09



## TOWING POLICY

---

### PURPOSE

1. To prevent continued violation of the covenants and parking regulations by restricted vehicles (see Parking Rules and Regulations for descriptions of restricted vehicles).
2. To remove restricted vehicles.

### IMPLEMENTATION

1. Restricted Vehicles - Towing will not be used until after the following steps have been taken:
  - a. After the vehicle is seen once, a violation sticker is securely attached to the vehicle.
  - b. The date and time the sticker was attached is written on it.
  - c. The sticker informs the vehicle owner that the violation must be corrected or the vehicle removed within 48 hours after the sticker is attached, or the vehicle may be towed at the vehicle owner's expense.
  - d. The vehicle may be towed 48 hours after it is stickered.
2. Abandoned Vehicles
  - a. The Montgomery County Police will be notified and its procedure for towing abandoned vehicles will be followed.

or

- b. A tow sticker stating that the violation must be corrected or the vehicle removed within 48 hours is securely attached to the windshield of the vehicle. The vehicle may be towed 48 hours after it is stickered by the private towing company.
3. The Homes Corporation should post signs giving notice that the restricted vehicles will be towed.
4. Montgomery Village Foundation will continue to provide the Homes Corporation with reports on vehicle violations. In the event that additional staff must be hired to accompany the towing service, this cost will be borne by the Homes Corporation authorizing the towing. All instructions to the private towing company will be directly from MVF staff. The Homes Corporation will be kept informed of this action through a monthly report.

Approved: 8/19/93  
Reaffirmed: 4/23/98, 4/20/00, 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09  
Approved as Amended: 3/21/02



## TRASH STORAGE, DEPOSIT, COLLECTION AND DISPOSAL POLICY

---

It is the responsibility of each East Village household to store, deposit and dispose of household trash and other debris in compliance with the following policy and the Montgomery County Ordinance.

1. **Frequency:** Residents shall lawfully dispose of their household refuse and recyclables in compliance with the schedule established by contract.
2. **Storage:** Until the household refuse and recyclables are properly placed for collection or hauled to an acceptable deposit site, it shall be stored within an airtight, water proof container that is vermin proof and meets Montgomery County standards while stored at the exterior of the residence. Plastic bags, cardboard boxes and/or paper sacks do not qualify as acceptable storage containers. No storage containers for either refuse or recyclables are to be kept in front yards, on stoops or sidewalks of any unit. Back-to-back townhouses with enclosed courtyards and storage sheds are to utilize the sheds for the purpose of storing refuse and recyclables until the appropriate collection date.
3. **Deposit for Collection:** Residents shall place household refuse and recyclables out for collection no earlier than 7 p.m. of the evening prior to the regularly scheduled pick up day. **All trash placed for collection must be placed in a sealed vermin proof container.** Violators shall be requested to bring their actions into compliance. Violations, following notification, shall subject the violator to penalties levied by the Board of Directors. Empty containers should be retrieved the same day of the scheduled pick up and properly stored until the next scheduled collection time.
4. **Location of Deposit Sites:** Refuse and recyclables are not to be placed on the property of others for collection without the permission of the property owner where it is to be placed. To this end, the East Village Homes Corporation does not grant permission to place refuse or recyclables on any community property owned by the East Village Homes Corporation. Persons depositing refuse or recyclables on East Village Homes Corporation property shall be subject to charges being filed with the Montgomery County EPA and/or penalties levied by the Board of Directors.
5. **Disposal:** Normal household waste is currently removed by the unified trash contractor. All other items not covered by the County recycling program are the responsibility of the resident. The resident is required to remove refuse to an acceptable disposal site in compliance with the East Village Homes Corporation policy and Montgomery County Ordinances.
6. **Administration:** This policy shall be administered through the East Village Homes Corporation's Officers and/or Agent. For the purpose of filing complaints, each Officer and Agent shall have the authority to file any and all necessary complaints on behalf of the Homes Corporation.
7. **Penalties -- Violations will result in a fine of \$10 per sighting.**

Adopted: 6/18/92

Approved as Amended: 9/23/93, 9/22/94

Reaffirmed: 5/16/96, 5/15/97, 4/23/98, 4/20/00, 4/19/01, 7/18/02, 7/17/03, 5/19/05, 4/17/07, 4/15/08, 5/19/09

Modified and affirmed: 4/15/04, 1/19/06



## **TREE MAINTENANCE POLICY**

---

### **LANDSCAPE TREES**

East Village Homes Corporation will maintain trees that that meet the following conditions:

1. The tree is not planted on homeowner property.
2. The tree was planted by the homes corporation or the builder.
3. The tree was planted on East Village Homes Corporation common property (owned by the homes corporation).
4. The tree is not part of an area generally considered to be forest-like.
5. The tree is planted in an area that is accessible to maintenance equipment and crews.

A tree that meets all of the conditions above will be a “Landscape Tree”.

### **REMOVAL AND REPLACEMENT**

1. East Village will remove Landscape Trees that become damaged and no longer appear visually appealing, as determined by the maintenance inspection team and/or tree experts hired by the East Village Homes Corporation.
2. Trees that are in declining health may be permitted to remain in the community until such time as they are deemed a safety hazard or are completely dead.
3. Due to the small street parcels in many East Village communities, it may not always be possible to replace a tree that is removed.
4. Replacement trees will not be planted on homeowner property under any conditions.
5. Trees may be removed without prior notice in the event of an emergency.
6. The following species shall not be used as replacement trees: crab apple, Bradford pear.
7. Trees located at the rear of private properties, and not within 25 feet of streets, will be replaced under exceptional circumstances only and only with the approval of the Maintenance Committee.
8. Trees will not be planted within 2 feet of a street or path.
9. Residents are not permitted to plant trees on community property without prior permission. Such permission is available through the use of the Community Property Improvement Request (CPIR) form, available through community management. This agreement becomes part of the unit owner’s permanent file and assigns responsibility for all future maintenance and liability associated with the tree to the unit owner.

### **PRUNING**

1. East Village has implemented a 3-year schedule for pruning Landscape Trees.
2. East Village will not prune a tree off-cycle except in unusual and extreme circumstances. The off-cycle pruning must be approved by the Maintenance Committee.
3. Residents may request permission to prune street trees at their expense and using a certified tree specialist who meets the insurance and licensure requirements of East Village Homes Corporation.
4. Residents may prune any natural growth (limbs or roots) that encroaches on private property at the property line, on the condition that the removal of this natural growth does not damage the overall health of the tree. It is recommended that residents contact the community manager prior to performing such pruning.
5. Trees on islands and jut-outs that have grown to block street lights, postlamps, and vehicular access may be pruned off-cycle with the authorization of the Maintenance Committee.
6. Residents will be notified in writing prior to planned pruning. Residents may request in writing that the street tree in front of their property be exempted from the pruning. If the exemption is granted by the Maintenance Committee, the homeowner must agree to accept responsibility for



## **Mulching**

East Village will mulch deciduous Landscape Trees that line a street in a consistent manner annually. Other deciduous trees shall be mulched bi-annually. Evergreen trees, considered self-mulching trees, will not be mulched at all.

## **Pest Management**

Insects and other damaging influences will be managed using integrated pest management (IPM) techniques and/or environmentally sound chemical applications, as determined by the Maintenance Committee.

## **FOREST TREES**

East Village Homes Corporation also includes trees that meet the following conditions:

1. The tree is part of an area generally considered to be forest-like.
2. The tree was not planted by a resident.
3. The tree is planted on East Village Homes Corporation common property (owned by the homes corporation).

A tree that meets all of the conditions above will be a “Forest Tree”. Forest Trees are not routinely maintained. Forest Trees are not pruned, mulched, or treated for pests.

## **Removal**

1. East Village will take down Forest Trees that become damaged or present a safety hazard. Stumps will not be ground and wood will be left in the forested area except in unusual circumstances as determined by the Maintenance Committee.
2. Trees that are in declining health may be permitted to remain in the forested areas until such time as they are deemed a safety hazard or are completely dead.
3. Forest Trees will not be replaced.

## **DAMAGE TO TREES**

1. Residents may prune natural growth that encroaches onto private property at the property line, to the extent that this does not harm the health of the tree. It is recommended that residents request permission prior to performing work.
2. Unauthorized pruning of tree material on community property may be considered vandalism by the homes corporation and perpetrators may be required to repay the cost of remedial work on the tree(s).
3. A tree damaged by weather will be cared for or removed by the homes corporation as appropriate. Residents are encouraged to report damaged trees to community management in order for the Maintenance Committee to follow up.

## **DAMAGE CAUSED BY TREES**

1. East Village does not generally accept responsibility for damage caused by trees to private property. This includes, but is not limited to, the following situations:
  - a. Leaf drop onto private property. Homeowners should be aware of trees adjacent to their properties when they purchase their homes.
  - b. Fruit drop onto private property. Homeowners should be aware of trees adjacent to their properties when they purchase their homes.
  - c. Sap damage to vehicles or fences. Residents are not required to park beneath trees. When reserved parking spaces are located under trees that drop sap, it should be noted that reserved parking assignments are a courtesy and their use is not mandatory.
  - d. Tree growth that encroaches onto private property. Residents are permitted to cut branches and roots where they cross private property lines.



2. If a tree should fall on a structure, vehicle, or private planting, East Village will make every effort to remove the tree in a timely manner. Residents are required to report damage to their homes to their homeowners insurance carrier, and to report damage to their vehicles to their car insurance carrier. Residents will be assumed to be liable for any deductible.
3. Specific requests for reimbursement for damage to property, plantings or insurance deductibles may be considered by the Board. In order to request such reimbursements, residents must provide specific evidence that the tree causing damage was reported to the homes corporation and no action was taken as a consequence.

Adopted 11/20/03

Reaffirmed 4/15/04, 5/19/05, 4/20/06, 4/17/07, 5/19/09

