



**NEW MARK COMMONS  
HOMES ASSOCIATION, INC.**

P.O. BOX 4206  
ROCKVILLE, MD 20849-4206  
301-340-0288

<http://www.newmarkcommons.net>

**BOARD MEETING AGENDA  
Thursday June 1, 2017  
7:00 pm at the NMC Clubhouse**

- |                   |    |  |
|-------------------|----|--|
| 7:00pm            | 1. | Call to Order  |
| 7:00pm – 8:00pm   | 2. | Community Forum <sup>1</sup><br>A. Peter Kurtze, Maryland Historical Trust, re: NMC's application to the Register of Historic Places.  |
| 8:00pm – 8:30pm   | 3. | ACC Appeal<br>A. Appeal of Betsy Burkhard, 1 Farsta  |
| 8:30pm – 8:50pm   | 4. | Approve Minutes and Agenda<br>A. Approve Agenda for June 1, 2017.<br>B. Minutes for March 2, 2017 Board Meeting.<br>C. Minutes for April 6, 2017 Board Meeting.<br>D. Minutes for May 4, 2017 Board Meeting.   |
| 8:50pm – 9:10pm   | 5. | Committee Reports <sup>2</sup><br>A. Architectural Control Committee – Alex Belida<br>B. Communications Committee – David Schwartzman<br>C. Community Enhancement – Magnus Turesson<br>D. Landscape Committee – Ellen Stein<br>E. Pool Committee – Kathleen Moran<br>F. Social Committee – Alexandra Manolatos |
| 9:10pm – 9:30pm   | 6. | Administrator's Report <sup>3</sup><br>A. Finance and Dues Update.<br>B. Pool Update.  |
| 9:35 – 9:40pm     |    | Break  |
| 9:40pm – 10:00 pm | 7. | Old Business<br>A. Reserve Fund Study Proposals.<br>B. ACC Policy on Violations.<br>C. Discussion: Quarterly non-signatory review of books.  |

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<sup>1</sup> Preference to speakers will be given to those who provide advance notice. To provide notice, email [board@newmarkcommons.net](mailto:board@newmarkcommons.net).

<sup>2</sup> Each Committee Report shall be no longer than 3 minutes. No Discussion or voting during committee reports.

<sup>3</sup> Limited questions will be entertained at the end of the report as time permits.

- 10:00pm – 10:45pm 8. New Business  
A. Parking Lot Repaving Proposals.  
B. Discussion: Parking Regulations Revision.  
C. Discussion: Fence Encroachments from 315 NME.
- 10:45pm Closed Session Pursuant to the Maryland Code §3-305(b)(1).
- 11:00pm Adjournment.

4/28/17

NMC Board,

Request for an appeal  
to the attached letter.

This shed replaced an  
existing shed.

I submitted a form  
(completed) to replace.

Did not hear back in  
more than one month.  
(actually longer)

Spoke with Jim and  
another board member  
in the process.

I also have a corner lot with ground level windows on the back of the house. Discuss location with Jim and he could see there is no real place for a shed next to the house.

Additionally when I  
purchased the  
house the garage  
had been converted  
to a bedroom and  
in fact still is  
so the need for  
the shed is great.

In summary:

1) HAD EXISTING SHED

2) CORNER lot - NO other location

3) No charge - instead b'doom

4) submitted form with all of the info -

NOTE: signed by neighbors etc neighbors remember sign the application

5) did not receive response in over 1 month -

in fact over 2 months

6) spoke with @m.

7) Encouraged to have new shed built by former board members

NOTE: I WILL BE ON  
VACATION THE WEEK  
OF 5/15 AND OUT OF TOWN.

e) shed was built  
about 1 1/2 years ago

g) MANY comments about  
how happy folks  
are about new shed

10) no complaints

11) spent much more  
than normal to

attempt to get attractive  
shed that fit in  
with neighborhood

12) the old shed was an eyesore

lets discuss

Betsy Burkhead



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April 20, 2017

Betsy Burkhard  
1 Farsta Court  
Rockville, MD 20850

Dear Ms. Burkhard:

You constructed a free-standing shed in your backyard without an application to the Architectural Control Committee [ACC]. If you had applied, we could have told you that New Mark's covenants specifically disallow such structures. Because the covenants are so explicit, I regret that your shed must be removed.

The Architectural Control Guidelines do permit sheds attached to the house. The AC Committee would be glad to discuss with you how you could locate a shed against your house and apply for its approval.

For your ready reference, here are the specific provisions for sheds in the covenants and the guidelines.

Declaration of Covenants, Article X, Section 3(j):

No structure of a temporary character, trailer, tent, shack, barn or other outbuilding shall be used on any lot at any time.

ACC Guidelines, Section T:

T. SHEDS Article X, Section 3(j) of the Covenants states that no structure of a temporary character, shack or outbuilding shall be used on any lot at any time. Therefore, for a shed to be acceptable it must be attached to the house. Sheds shall be simple in design and harmonize with surroundings. They shall be of the same material and color as the house and must not adversely affect the appearance of the neighborhood.

The complete Covenants and Guidelines are on our web site: [www.newmarkcommons.net](http://www.newmarkcommons.net).

*ACC MKC  
12/17  
board  
@new  
mark*

Please advise me within 15 days of the date of this letter how you intend to proceed. You may appeal to the Board of Directors within 30 days of the date of this letter. If the Board affirms the ACC enforcement, you would have 15 days to start action to bring your property into compliance. If you and the Association cannot come to an amicable resolution, you or the Association may appeal to the County Commission on Common Ownership Communities for mediation and resolution. [http://montgomerycountymd.gov/DHCA/housing/commonownership/ccoc\\_index.html](http://montgomerycountymd.gov/DHCA/housing/commonownership/ccoc_index.html). Thank you for your cooperation.

*New*

*John A. Hansman*

John Hansman, ACC Chair

301 340 3198 [Johnhansman10@gmail.com](mailto:Johnhansman10@gmail.com)

**NMC Communications Committee  
Report to the NMC Board  
June 1, 2017**

**Committee membership update:** Melanie Huston will be inactive until September; Jonathan Smith has resigned.

**Committee and newsletter succession plan**

*On May 23, Judy Rudolph informed John Daroff, David Schwartzman, and Magnus Turesson that*

following the 5/25 CE meeting and the 6/8 Communications Co. meeting, I will no longer be available to create and/or prepare CE artifacts nor serve as Communications Committee Chair, newsletter editor, and website administrator. In order to facilitate a responsible transition, I will be happy to be a member of both committees and provide consultation/training to staff or volunteer successors during a reasonable transition period.

*The agenda for the 6/8 Communications Committee meeting will include discussions of:*

- New Committee Chair
- Newsletter Editor: Staff vs. volunteer responsibilities (including revisiting a 3/27 document/recommendations discussed at the April committee meeting)
- Change standing meeting day

*Please review the full contents of the draft minutes of the 5/11/2017 committee meeting, attached.*

*These items from the draft May Committee minutes should be noted:*

**Website**

- David, as Board Secretary/Treasurer, will now assume responsibility for posting all minutes and agenda to the website
- Website minutes and agenda [David], newsletters and Community News [Kirsten] are now turned over to them following training after the May meeting
  - *It is advisable to have Jim able to backup Kirsten or to designate a committee member to be on-call when Kirsten is not available*
- New pages for the website:
  - Pages have been modified by Bill Holdsworth and/or created to accommodate the 50<sup>th</sup> Anniversary and a request made directly by John Hansman to put the last several years of ACC *letters* on the website; *the Board may wish to review the latter.*
  - David will work with Bill to ascertain changes necessary on the Board Minutes and Agendas page to accommodate the CCOC agreement scanning project
  - Separate pages for each committee: the group expressed concern that it would be too much work to ask each committee to write individual content for the website

## Newsletter

- Ads/advertising billing: David has created an ad insertion form to formalize and document the process for ads. When that is approved, we will reactivate selling/seeking ads and Jim will reinstitute a billing procedure
- May paper newsletter: The group discussed and defined a timeline with early deadlines, to ensure adequate time for us to implement the new Word template and process with Kirsten and to allow for the printing and delivery requirements for paper newsletters. *Unfortunately, a problem with the printing arrangement resulted in delivery later than planned.*

## NMC Technology Tasks

- Google drive administration: There was discussion of the need for others, in addition to John Daroff, to have administrator rights

## ACC requests/projects

- We recommended that when the ACC revises their application form, they should send it to David to develop a PDF that can be downloaded as a fillable PDF form.
- Past ACC records: It has been discovered that they are at various places. David recommended the goal of consolidating all the ACC documents onto an external drive, to be stored in a secure offsite environment.

## Rental properties

- We discussed the need for a special form letter for landlords to inform tenants they must abide by the covenants. John D noted that NMC needs a copy of the rental lease that states the tenant has a copy of the rules and agrees to abide by them.

## Database management/oversight

- Kirsten has now assumed responsibility for maintaining AtoZ, Mailchimp, and the pool databases
- Kirsten should proceed to create segmented Mailchimp lists:
  - Adding non-resident owners/landlord and requesting tenant data from them
  - Adding non-resident pool members

*The next Communications Committee meeting is Thursday evening, 6/8/2017 at 7:30 PM at Judy Rudolph's, 830 NME.*

**Recent Mailchimp activity [note that the May newsletter, a 22-page paper issue, was delivered on May 23-24; there were also 3 Community News items posted on the website]**

## Campaigns

Create Campaign



Folders ▾

Filter ▾

Download Completed Campaigns



**Broadcast: 05302017 Board meeting**

Regular · New Mark Commons Homes Association, Inc. 02122017  
Scheduled for Tue, May 30, 2017 10:00 am

Pause And Edit



**Broadcast: 05112017 Pool Season: Passes, Hours, Parties**

Regular · New Mark Commons Homes Association, Inc. 02122017  
Sent on Fri, May 12, 2017 8:54 am

475

Subscribers

55.3%

Opens

0.6%

Clicks

View Report



**NEW MARK COMMONS HOMES ASSOCIATION, INC.  
COMMUNICATIONS COMMITTEE MEETING  
Thursday, May 11, 2017**

**Pat Reber's, 705 NME 7:30 PM**

DRAFT, to be approved at the June 8 committee meeting

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**Attendees**

**Committee members:** John Daroff, Jim Denny, Pat Reber, Judy Rudolph, David Schwartzman. *Absent:* Bill Holdsworth, Melanie Huston.

**Administration/Staff:** Kirsten Hall

**Minutes taken by:** Pat Reber/Judy Rudolph.

**Call to Order**

Chair Judy Rudolph called the meeting to order at 7:35 pm.

**Approving Minutes and Agenda**

The minutes of the April 13, 2017 meeting were approved by consensus.

**Old Business**

**May billing information update sheets:** Kirsten is entering the data into all of the databases

**Website:**

- Planned priorities/estimates for 2017 budget allocation
  - Click rate/Google Analytics and migration of the website from the newmarkcommons.org platform: John D agreed to talk directly to Jason Haynes to ascertain his skills and availability, so that we might be able to do some of the more technical activities without incurring consultant costs
  - John D asked David S. to look into a payment portal for the website. John mentioned that Mutual of Omaha has a payment portal for HOAs. Jim noted that Bank of America charges 3%. The bank has studied the issues and found that 80 to 90% of people would use portal if there were one, but usage drops to 20% once they learn they have to pay the fee.
- The committee will begin to follow the new process for preparation and approval of minutes and posting to website. David, as Board Secretary/Treasurer, will now assume responsibility for posting all minutes and agenda to the website (following training by Judy).
- Onboarding Kirsten [and Jim?]
  - Judy will train Kirsten, Jim [if possible], and David on posting newsletters and Community News items.

- New pages
  - Judy will contact Bill Holdsworth about making the following changes:
    - 50<sup>th</sup> anniversary
    - Further segmenting of minutes and newsletter pages to accommodate the CCOC agreement scanning project
- Separate pages for each committee: the group expressed concern that it would be too much work to ask each committee to write individual content for the website

#### *Newsletter*

- Ads/advertising billing: David will create an ad insertion form to formalize and document the process for ads. When that is complete, we will reactivate selling/seeking ads and Jim will reinstitute a billing procedure
- May paper newsletter: The group discussed and defined a timeline with early deadlines, to ensure adequate time for us to implement the new Word template and process with Kirsten and to allow for the printing and delivery requirements for paper newsletters.
- The group rejected the proposal of including City of Rockville items, such as the recent diversity campaign, because it's "not our business" to promote the city.
- On Tennis Courts: We agreed to include a reminder box in the newsletters as follows: "The Tennis Courts are for tennis. Damage from non-tennis uses increases the amount the HOA must pay to maintain them."

#### *NMC Technology Tasks*

- Google drive administration: There was discussion of the need for others, in addition to John Daroff, to have administrator rights
- Archival material/scanning
  - CCOC agreement (minutes): David will handle. We agreed that minutes will be filed with a year's worth in one file, for anything pre-digital (1972-1999) that's being scanned. Audit reports will have their own bin. We agreed that the scanning should not include details about Townhome dues billings that are attached to some of the minutes.

#### *ACC requests/projects*

- Modification of ACC approval form to allow completion on line and printing: The consensus of the committee is that when the ACC revises their application form, they should send it to David to develop a PDF that can be downloaded as a fillable PDF form.
- We discussed the status of past ACC records. Jim reported they are at various places: Some on his hard drive, others in the paper files. Jim sends out approval or denial emails, which are in his email file. We discussed the need to consolidate these archives. For the time being, David will talk to ACC Chair John Hansman to print out the emails that he has so Dave can scan and store. David stated the goal of consolidating all the ACC documents onto an external drive, to be stored in a secure offsite environment.
- We discussed the need for a special form letter for landlords to inform tenants they must abide by the covenants. John D noted that NMC needs a copy of the rental lease that states the tenant has a copy of the rules and agrees to abide by them.

### ***Database management/oversight***

- Kirsten has now assumed responsibility for maintaining AtoZ, Mailchimp, and the pool databases
- Kirsten should proceed to create segmented Mailchimp lists:
  - Adding non-resident owners/landlord and requesting tenant data from them
  - Adding non-resident pool members

### ***Staff vs. volunteer responsibilities, continued***

- Issue: need to work out the logistics to coordinate Kirsten's schedule and availability to coordinate with anticipated needs
- Training Jim to backup Kirsten

***Nextdoor as a communications medium:*** John Daroff will write about his view of the relationship between Nextdoor and the HOA for the May newsletter.

***NMC "Branding" and editorial style guidelines:*** Following discussion about the need to codify/document these items, the group decided to investigate various existing style manuals, with AP being most likely.

### **New Business**

There was no new business

### **Adjournment**

The committee agreed by consensus to adjourn at 9:35 pm.

**NMC Communications Committee**  
**Communications Activities to be performed by Staff vs. Volunteers**  
*Discussion draft: 3/27/2017*

**Newsletter**

*Committee/volunteer New Mark News Editor:*

- Define and communicate to all contributors content plan for monthly issue by COB of [generally first] Friday following Board meeting
- Contribute assigned content by deadline
- Edit/"groom" content in Word as it is received
- Work with staff to lay out electronic and/or paper issue (text, photos, other graphic elements)
- Work with staff to solicit ads

*Staff:*

- Prepare content assigned to staff by monthly deadline [generally 9 AM 2<sup>nd</sup> Sunday]
- Follow up on outstanding content from all contributors by COB 2<sup>nd</sup> Sunday
- For paper newsletters:
  - Volunteer editor approves final production copy
  - Staff negotiates prices and handles all purchasing and logistics with printer
  - Staff coordinates all logistics for door-to-door delivery
- Ads
  - Respond to inquiries relating to ads
  - Coordinate acquisition of ad content
  - Perform all billing activities for ads

*Tossup\*:*

- Perform layout/document-build (electronic or paper) per editor design specs

**Broadcast emails**

*Committee:*

- Define for Board approval guidelines for frequency/use

*Staff:*

- Produce and send Mailchimp (and, if necessary AtoZ) broadcast emails as requested by Board/officers and/or as staff deem necessary, in accordance with *Guidelines*

**Databases:**

*Staff:*

- Maintain and update all databases (AtoZ, Mailchimp, website Resident Area login)
  - Within 5 days of notification by residents
  - From Information Update Forms sent with billing statements

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\* While I know that this is Kirsten's "sweet spot," beginning at least with Barbara Quinn having produced the paper newsletter during Jim's tenure, this could well continue be a volunteer function—as long as there are volunteers (such as Judy) who have the skillset, interest, and enjoy the creative aspect of providing this service.

- Develop and maintain segmented Mailchimp databases for
  - Nonresident owners of rental properties
  - Nonresident pool members
  - Targeted location areas by address ranges

## **Website**

### *Committee/volunteers/consultant:*

- Revise/maintain design elements and all page content *except* for the *Community News, Calendar, Newsletter, and Minutes and Agendas* as identified below
- Define for Board approval guidelines for frequency/use of Community News postings

### *Staff*

- Monitor and process *Resident Area* login requests within 24 hours of receipt
- *Community News* postings
  - Produce *Community News* posting as requested by Board/officers/committees and/or as staff deem necessary, in accordance with *Guidelines*
- Post to and maintain *Resident Area Minutes and Agenda* and *Newsletter* areas IAW Open Meeting Act and CCOC 80-16 Agreement requirements

## **Email**

### *Staff:*

- Monitor email addresses and respond to and/or refer incoming communications within 48 hours:
  - @*newmarkcommons.net* addresses
  - *newmarkcommons@gmail* and *communications@newmarkcommons* accounts

### *Committee:*

- Monitor/respond to [newmarknews@gmail.com](mailto:newmarknews@gmail.com) emails

## **Google Business**

### *Staff:*

- Maintain/manage/update Google Calendar/master community calendar (and syncing to website)
- Administration of email addresses for committee addresses
- Administration of Google Drive access rights

## **Previously-identified/currently inactive activities:**

- Resale packages/new resident identification to trigger:
  - Directory/AtoZ updates
  - Mailchimp updates
  - New resident welcome package

**NMC Lanscape Committee  
Report to the NMC Board  
June 1, 2017**

1. Chris Chiappa, T Chiappa, and Ellen Stein planted flowers in containers at pool
2. Ellen Stein spoke to Gabe Kosarek, Senior Civil Engineer, who managed the City's most recent pond dredging and maintenance projects. When asked about assistance in dredging our lake, he as we suspected, offered only the following recommendation: to hire a consulting firm to start our planning. The City used Bayland.

## **DRAFT revised 5/9, 2017**

**Motion: That the Board approve the following ACC violations policy and direct that it be attached to the current ACC regulations, posted on the NMC website and published in the next NMC newsletter.**

### **ACC Violations and How NMC Responds**

The enforcement of architectural regulations is a vital function of the NMC Board and its Architectural Control Committee. It is vital, therefore, that these regulations and the treatment of violations be spelled out clearly and communicated to all residents. While absolute adherence to the regulations and strict enforcement is the goal, it is important to note the Board and the ACC are allowed some flexibility in decision-making.

As Montgomery County's Commission on Common Ownership Communities (CCOC) has stated: *“The board of directors has a fiduciary duty to enforce the association’s rules, but that does not mean it must strictly enforce every rule in every case. The association documents give the board discretion on how to enforce the rules. However, the continued failure or refusal to enforce rules can eventually lead to a finding that the association has abandoned or waived its covenants.” [CCOC Ruling 369, p.46]*

There are several categories of violations. The Board and the ACC have agreed on the following responses:

1. Cases in which a homeowner has NOT applied for ACC permission for a change he/she has made that required advance ACC action.

***Owners shall be required to submit an ACC application. If approved, no further action is necessary. If denied, the owner may appeal to the Board. If the Board denies the appeal, the owner shall be required to comply with the ACC’s decision. This may entail a modification of the change or complete removal of the alteration at the owner’s expense. Any owner who refuses shall be taken before the CCOC. The owner may also appeal to the CCOC.***

2. Cases in which a homeowner has applied for ACC approval and received it but has made a change that differs from what was applied for.

***Owners shall be required, at their own expense, to make the change conform to the original ACC ruling. Any owner who refuses will be taken before the CCOC. The owner may also appeal to the Board and/or the CCOC.***

3. Cases in which a homeowner is denied ACC approval but makes a change anyway.

***Owners shall be required, at their own expense, to remove the change. Any owner who refuses shall be taken before the CCOC. The owner may also appeal to the Board and/or the CCOC.***

4. Cases in which a change was approved in the past but the change was in fact in violation of the ACC regulations or NMC covenants.

***The ACC will inform the owner of its finding of a violation and require that the change be removed or brought into conformity with current regulations before the property is sold or otherwise transferred.***

***Owners shall have 14 days to respond to a notice of violation and 60 days to bring their property into conformity. An Owner's response may be an appeal to the Board of Directors. An appeal to the Board will stay the 60 day period to bring the property into conformity. Appeals will be heard at the next regularly scheduled monthly board meeting provided that the appeal is submitted to the Board 10 business days before the Board meeting. In the event the Board rules against an owner, the owner has 60 days to bring their property into conformity. An action filed by the owner at the CCOC will stay 60 day period to bring the property into conformity pending a decision.***

The ACC and the Board are empowered to consider any external changes, including but not limited to, doors, windows, railings, hardscaping, paint color, lighting, extensions and sheds.

The following excerpts from CCOC rulings are provided as illustrations to homeowners in support of the NMC position:

*“A homeowner who obtains approval for an application, but then makes changes and does not build according to the approved application, can be ordered to submit a new application for the structure as finally built and to comply with the association's ruling on the revised application.” [CCOC Case 64-06, p.44]*

*“If a homeowner builds something different from what he applied and obtained approval for, and if the changes do not meet the community's architectural standards, the CCOC will uphold the standards and require the homeowner to comply with them and make the necessary alterations.” [CCOC Case 166, p.44]*

*“When an association approved a member's plans for a new deck, and he built the deck following the approved plans, the association cannot thereafter force him to change the deck, nor can it alter the deck without his approval, until such time as he sells the house.” [CCOC Case 53-13, p.47]*

*“When a member cannot show that he ever applied for, and received, approval for a deck, the association can require him to alter it, or can enter on the property to alter it at the owner’s cost.” [CCOC Case 73-13, p.47]*

***Despite the last citation, please note, the NMC Board and the ACC have decided the NMC administrator or a contractor hired by NMC will NEVER enter any property to make mandatory changes required by the Board or the CCOC. However they will strictly enforce requirements for such changes before the sale or transfer of any property.***

The citations in this document are from Cases cited in and pages from “The STAFF’S GUIDE to the PROCEDURES AND DECISIONS of the MONTGOMERY COUNTY COMMISSION ON COMMON OWNERSHIP COMMUNITIES”

[http://montgomerycountymd.gov/DHCA/Resources/Files/housing/commonownership/CCOC\\_Publications/staffs\\_guide.pdf](http://montgomerycountymd.gov/DHCA/Resources/Files/housing/commonownership/CCOC_Publications/staffs_guide.pdf),

NEW MARK COMMONS HOMES ASSOCIATION, Inc.  
**PARKING REGULATIONS**

Approved October 4, 2012 by the Board of Directors  
Effective and Enforceable as of January 1, 2013

A. Introduction

The bylaws and covenants of New Mark Commons grant authority to the Board of Directors to regulate parking within the New Mark community. The following parking regulations apply to any vehicle on public streets, Homes Association property, and/or private property within New Mark Commons. They define:

1. Permitted and Excluded Vehicles
2. Notice of violation, appeal process, towing, and assessment of costs.

B. Permitted and Excluded Vehicles

1. The following vehicles are **permitted** unless they have an excluded characteristic:
  - a. Passenger cars and wagons, minivans, SUVs, motorcycles, bicycles.
  - b. Pickup trucks and vans shorter than 250 inches.
2. The following vehicles are **excluded**:
  - a. Any vehicle with externally visible commercial markings, equipment or materials, including, but not limited to, ladders, compressors, generators, pumps, building trade tools, equipment racks, pipes, spreaders, or cylinders. However, one standard size tool box is allowed on pickup trucks.
  - b. Any vehicle that is inoperable because of its condition or lack of current registration.
  - c. Any other vehicle not listed as permitted, whether for on-road or off-road use.
  - d. Any vehicle not owned or controlled by an owner, tenant, or guest of a house in New Mark.

### 3. Exceptions:

a. Commercial vehicles parked during the day to provide services to a house, such as painting or plumbing.

b. Certain vehicles listed in (c) below may be parked in the clubhouse parking lot under the following conditions:

- The Administrator has given prior approval in writing. The Administrator shall set an expiration date for this approval which date shall not exceed one year. A vehicle owner may request a renewal of approval.
- All vehicles, including trailers, are operable and have current registration.
- Association dues are fully paid.
- The Homes Association is in no way liable for any damage or theft to the vehicle.

c. Under the conditions listed above in (b), the following vehicles may be parked in the clubhouse parking lot:

- Boats shorter than 26 feet, with appropriate trailers.
- Commercial cars and trucks shorter than 22 feet.
- RVs shorter than 22 feet.
- Trailers, other than boat trailers, shorter than 15 feet.

### C. Enforcement

#### 1. Notice of violation.

The Administrator shall identify vehicles in violation of the regulation, either on his/her initiative or in response to a complaint. The notice of violation shall be affixed to the vehicle and such notice is sufficient for enforcement. In addition, the Administrator shall make a good faith effort to contact the owner of the vehicle and to explain the violation.

The notice shall state the violation and date and explain that the violation must be corrected or the vehicle moved from New Mark Commons within 30 days of the notice. Evasive action to change the vehicle's location within New Mark will not abate or delay enforcement. The notice shall describe the opportunity to appeal to the Board of Directors.

#### 2. Enforcement.

If the vehicle remains in violation after 30 days, the Administrator will arrange to have it towed at the sole risk and expense of the owner. If the vehicle is towed, the owner must contact the Administrator who will provide contact information for the towing company.

### 3. Appeal

The owner may appeal to the Board of Directors through the Administrator within 15 days of the notice. The appeal must be in writing, identify the owner of the vehicle and the owner of the house where the vehicle owner resides, and explain why enforcement should be abated or delayed.

The Board shall consider the appeal at the next regular monthly meeting and make a decision as soon as practicable. The Board shall mail a notice of the outcome of the appeal to the owner of the vehicle and of the house, if different. This notice shall state a deadline for correcting the violation or moving the vehicle, which deadline shall be at least 15 days after the decision.

Results of the appeal and disposition of the matter may be published in the New Mark community.

### 4. Removal of Vehicle in Violation

If the vehicle in violation is present in New Mark after the date set for removal, the Administrator shall authorize a towing company to remove the vehicle. Contact information for the towing company will be provided by the Administrator upon request. If the towing company cannot remove the vehicle due to reasons beyond its control, the Board of Directors, by majority vote, may initiate court proceedings to have the vehicle removed.

### 5. Repeat Violations

If the complaint procedure in these Regulations has been followed and a vehicle found to be in violation reappears in New Mark at a later date with the same violation, it may be towed without notice.

### 6. Assessment of Costs

Costs of towing and storage must be paid to the towing company by the vehicle owner in order to retrieve the vehicle. If the vehicle owner does not retrieve the vehicle and the Association incurs costs in order to complete the enforcement action, those costs will be added to the regular house assessment of the vehicle owner. If the vehicle owner is not a homeowner, then the costs will be billed to the responsible homeowner.

### 7. City of Rockville Ordinances

Any vehicle that violates City of Rockville parking ordinances shall be reported to the City for enforcement of those ordinances.