

**AUDUBON SQUARE COMMUNITY ASSOCIATION, INC.**

**POLICY RESOLUTION PR-0519  
FINING FOR VIOLATIONS**

**WHEREAS**, Article VII, Section 12 of the Declaration of Audubon Square Community Association, Inc. ("Association") provides that in addition to the means for enforcement provided in the Association's Declaration or otherwise permitted by law, the Association, after notice and an opportunity for a hearing, acting through its Board of Directors ("Board"), shall have the right to levy fines against an Owner for a violation by such Owner, his guests, fellow residents, relatives, tenants, lessees and/or invitees, of any provision of the Association's Declaration, By-Laws, or adopted rules and regulations and guidelines (collectively, "Governing Documents");

**WHEREAS**, the Board has the power to adopt reasonable rules and regulations concerning the affairs of the Association pursuant to Article V, Section 3(d) of the By-Laws;

**WHEREAS**, the Board recognizes the need for a reasonable means of encouraging and compelling compliance with the provisions of the Governing Documents without the need to resort to suits for injunctive relief;

**WHEREAS**, a system of special individual assessments (fines) levied, after notice and an opportunity for a hearing, would assist in encouraging compliance with the Association's Governing Documents;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

The Board adopts the following Schedule of Fines. If a violation of the Governing Documents is not listed on the Schedule of Fines, the Board may levy a fine as it deems reasonable.

## SCHEDULE OF FINES

The Schedule of Fines reflects a non-exhaustive list of fines for violations of the Association's Governing Documents. Owners may also be separately subject to city and/or county fines/fees.

Prior to the imposition of fines, the Association will follow the procedures set in General Resolution GR-2019-01, titled "Violation Enforcement Procedure," or any other enforcement procedure effective at that time.

| Fine Amount and Frequency   | Description (actions include but are not limited to the following):  |
|---|--|
| <b>Common Area Violations</b>   |  |
| <p><b>1st Violation:</b> Cost of repair, replacement and/or clean up</p> <p><b>2nd Violation:</b> Up to \$50 per violation plus cost of repair, replacement and/or clean up</p> <p><b>3rd Violation:</b> Up to \$100 per violation plus cost of repair, replacement and/or clean up</p> <p><b>4th Violation and beyond:</b> Fines double per violation based on previous amount + cost of repair, replacement and/or clean up based on previous fines</p> | <ul style="list-style-type: none"> <li>• Littering</li> <li>• Destruction of Common Area property</li> </ul>   |
| <b>Architectural Changes</b>  |  |
| Up to \$150 per violation   | <ul style="list-style-type: none"> <li>• Failure to submit an Architectural and Environmental Control Committee (AECC) change form prior to implementing a change.</li> </ul>  |
| Up to \$50 for each day the violation continues and is not abated   | <ul style="list-style-type: none"> <li>• Failure to remedy a change not approved by AECC within time allotted.</li> </ul>  |
| <b>Parking/Towing</b>   |  |
| <p><b>All vehicles are subject to <u>towing</u> if in violation of the Association's and/or County parking regulations, in addition to the below fines:</b></p> <p><b>1st Violation:</b> Cost of towing fee</p> <p><b>2nd Violation:</b> Up to \$150 + towing fee</p> <p><b>3rd or more Violation(s):</b> Fines double per violation based on previous amount + towing fee</p>  | <ul style="list-style-type: none"> <li>• Parking in a visitor spot without a Visitor's Parking Pass displayed.</li> <li>• Resident(s) parking in a visitor spot</li> <li>• Parking in a visitor spot (with or without a Visitor's Parking Pass) for more than seven consecutive days. (for special circumstances, contact the Board).</li> <li>• Expired registration or abandoned vehicle.</li> <li>• Parking in fire or emergency zone.</li> <li>• Parking junk vehicles; commercial vehicles; trailers; trucks; campers; camp trucks; house trailers; and boats on the Association's Property. <i>See the Declaration, Article VII, Section 7(d)</i></li> <li>• Parking trucks or commercial vehicles in resident parking areas.</li> </ul> |

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| <b>Lease Enforcement</b>  |   |
| <p><b>1<sup>st</sup> Violation:</b> Up to \$100 per violation and up to \$50 per month until resolved</p> <p><b>2<sup>nd</sup> Violation:</b> Up to \$250 per violation and up to \$75 per month until resolved</p> <p><b>3<sup>rd</sup> or more Violation(s):</b> Dollar amount doubles per violation based on previous amount</p> | <ul style="list-style-type: none"> <li>• Not filing a copy of the lease promptly, which is defined as within ten (10) days after the leases execution and within 10 days of the Board's written request to submit a copy. <i>See the Declaration, Article VII, Section 8.</i></li> <li>• Leasing a portion of the Lot or anything less than the entire Lot or dwelling. <i>See the Declaration, Article VII, Section 8.</i></li> </ul>  |
| <b>Maintenance of Property</b>  |   |
| <p><b>1<sup>st</sup> Violation:</b> Up to \$100 per violation</p> <p><b>2<sup>nd</sup> Violation:</b> Up to \$250 per violation</p> <p><b>3<sup>rd</sup> or more Violation(s):</b> Dollar amount doubles per violation based on previous amount</p>   | <ul style="list-style-type: none"> <li>• Repairs identified as part of the Association's annual property inspection, yard clutter, hoarding, etc.</li> </ul>  |
| <b>Trash</b>  |   |
| <p><b>1<sup>st</sup> Violation:</b> Up to \$100 per violation</p> <p><b>2<sup>nd</sup> Violation:</b> Up to \$200 per violation</p> <p><b>3<sup>rd</sup> or more Violation(s):</b> Dollar amount doubles per violation based on previous amount</p>   | <ul style="list-style-type: none"> <li>• Burning trash</li> <li>• Accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind on the Lot. <i>See the Declaration, Article VII, Section 7(c)</i></li> <li>• Keeping trash and garbage containers in public view on days other than trash collection days. <i>See the Declaration, Article VII, Section 7(e)</i></li> <li>• Violation of the <i>Association's Policy Resolution 9601, Trash Removal</i> or Montgomery County Code, Chapter 48, Section 24</li> <li>• Improper disposal of trash, yard waste, and branches.</li> <li>• Uncovered trash cans</li> <li>• Branches longer than six feet and not tied with string.</li> </ul> |
| <b>Illegal Dumping</b>  |   |
| <p><b>1<sup>st</sup> Violation:</b> Up to \$100 per violation + cost of removal</p> <p><b>2<sup>nd</sup> Violation:</b> Up to \$200 + cost of removal</p> <p><b>3<sup>rd</sup> or more Violation(s):</b> Amount doubles per violation based on previous amount + cost of removal</p>  | <ul style="list-style-type: none"> <li>• Burning of trash</li> <li>• Accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind on the Lot. <i>See the Declaration, Article VII, Section 7(c)</i></li> <li>• Keeping trash and garbage containers in public view on days other than trash collection days. <i>See the Declaration, Article VII, Section 7(e)</i></li> </ul>   |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• <i>See the Association's Policy Resolution 9601 Trash Removal</i></li> </ul> <p>See Appendix B for information concerning trash disposal at the Montgomery County Transfer Station.</p>  |
| <b>Nuisance</b>   |   |
| <p><b>1<sup>st</sup> Violation:</b> Up to \$100 fine</p> <p><b>2<sup>nd</sup> Violation:</b> Up to \$200 fine</p> <p><b>3<sup>rd</sup> or more Violation(s):</b> Dollar amount doubles per violation based on previous amount</p> | <ul style="list-style-type: none"> <li>• Unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.</li> <li>• Noxious smells, noise, burning, misdirection of water onto other property, illegal gambling, unauthorized collections of rusting autos, indecent signs and pictures, etc.</li> </ul> |



**PR-0519 Appendix: A**  
**SHADY GROVE TRANSIT STATION INFORMATION**

Location: 16101 Frederick Road, Derwood MD 20855

Phone: 311 (or 240-777-0311)

URL: <https://www.montgomerycountymd.gov/sws/dropoff/>

Bring proof of Montgomery County residency or evidence that waste was generated in Montgomery County. *This is required, and they may ask for it at any time.*

*All loads must be covered and are subject to inspection.*

**Montgomery County Solid Waste**

Phone: 240-777-6410

TTY: 240-777-6442

URL: <https://www.montgomerycountymd.gov/sws/>

Email: [recycle@montgomerycountymd.gov](mailto:recycle@montgomerycountymd.gov)

**Montgomery County Division of Solid Waste Services**

Phone: 240-777-6466

Use the following entrances:

Less than 500 pounds of trash, use the Route 355 / Frederick Road entrance

Hours: Monday - Friday: 7:00 am - 8:00 pm

Hours: Saturday: 7:00 am - 5:00 pm

Hours: Sunday: 9:00 am - 5:00 pm

More than 500 pounds of trash, use the Shady Grove Road entrance

Hours: Monday - Saturday: 7:00 am - 5:00 pm

Hours: Sunday: closed

There may be a charge for some large loads. Bring cash or a check for any fees. *The Transfer Station accepts cash and checks only. They cannot accept credit or debit cards. They may ask you to leave a deposit.*

| <b>Transfer Station Trash Disposal/Yard Trim</b>                          |                 |
|---|-----------------|
| <b>Material Type</b>  | <b>Fee</b>      |
| Trash Loads (under 500 lbs)   | No Charge       |
| Trash Loads (500 lbs and over)  | \$60.00 per ton |
| Materials delivered for disposal in open-top roll-off boxes (All Amounts) | \$70.00 per ton |
| Yard Waste (under 500 lbs)  | No Charge       |
| Yard Waste (500 lbs and over)   | \$46.00 per ton |

Household Hazardous Waste: hazardous materials having any of the following properties: reactive, ignitable, combustible, toxic and/or corrosive.

| <b>Household Hazardous Waste - Accepted Materials</b>  |
|--|
| <ul style="list-style-type: none"> <li>● Acids, such as: <ul style="list-style-type: none"> <li>○ Hydrochloric acid</li> <li>○ Muriatic acid</li> <li>○ Sulfuric acid</li> <li>○ Aerosol cans with remaining hazardous products (discard empty cans as regular trash)</li> <li>○ Antifreeze (5 gallon limit)</li> </ul> </li> <li>● Batteries</li> <li>● Building materials in usable condition</li> <li>● Bulky rigid plastics</li> <li>● Clothing and shoes</li> </ul> |

- Commingled ("blue bin") materials
  - Cans
  - Glass bottles and jars
  - Plastic bottles, containers, tubs, and lids
- Disposing latex paints at home - see more details at the Transit Station website
- Electronics
- Fluorescent, LCD and LED bulbs and tubes
- Hazardous waste from residents
- Hazardous waste from businesses (fee-based)
- Lithium
- Lithium-ion
- Mixed paper and cardboard
- Nickel-cadmium
- Lead acid (vehicle)
- Metal appliances and other large scrap metal items
- Motor oil
- Oil-based paints - see more details at the Transit Station website
- Propane tanks and compressed gas cylinders
- Uninterruptible power supplies (personal and network)
- Tires
- Tool batteries
  - Brake fluid (5 gallon limit)
  - Charcoal containing flammable agents - see more details at the Transit Station website
  - Dioxins
  - Driveway sealant
  - Drywall mud containing asbestos
  - Gasoline, gas-oil mixes, flammable liquids, unwanted fuels
  - Fertilizers
  - Fluorescent light tubes and bulbs (compact fluorescent lights - CFLs) - see more fluorescent bulb/light options
  - Fluorescent light ballasts
  - Herbicides
  - Insecticides
  - Mercury-containing items, including thermostats and thermometers
  - Nail polish - see more details at the Transit Station website
  - Paints
- Small scrap metal items
- Spray paint cans with remaining paint (discard empty cans as regular trash)
- Paint thinners and solvents
- Pesticides
- Photographic chemicals
- Rechargeable batteries - lead acid and other non-alkaline
- Road flares - see more detail about road flares
- Swimming pool chemicals
- Tar
- Tile mastic containing asbestos
- Used motor oil, most other oils, hydraulic fluids, kerosene (5 gallon limit) - see more details at the Transit Station website about these fluids
- Unknowns (items without any type of identification)
- Yard trim (grass, leaves, brush) up to 6" in diameter (fee-based)
- If you have over 15 gallons of liquid or 75 pounds of solid wastes
  - *Call the Division of Solid Waste Services at 240-777-6587 to arrange a drop-off*
- Smoke alarms are not hazardous waste.

Household Hazardous Waste: hazardous materials having any of the following properties: reactive, ignitable, combustible, toxic and/or corrosive.

**Household Hazardous Waste - Not Accepted Materials**

- Ammunition
- Asbestos
- Commercial, industrial or medical wastes
- Compressed gas cylinders
  - Acetylene
  - Carbon dioxide
  - Oxygen
  - Propane tanks
  - Etc.
- Computers and related electronics
- Explosives
- Kepones
- Medical sharps and syringes
- Shock-sensitive materials
- Radioactive materials
  - *Contact the State of Maryland, Department of the Environment, Office of Radiological Health at 410-631-3300 for more information*
- Televisions

This Policy Resolution PR-0519 supersedes all previously adopted resolutions and practices governing the fining of violations.

This Policy Resolution PR-0519 is hereby adopted by the Board of Directors of Audubon Square Community Association, Inc., this 21 day of May, 2019, and shall be effective upon adoption.

Audubon Square Community Association, Inc.

  
\_\_\_\_\_, President

AUDUBON SQUARE COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION PR-0519

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on May 21, 2019.

Motion by: [Signature] Seconded by: [Signature]

| Name of Board Member                   | Vote:          |               |               |               |
|--|----------------|---------------|---------------|---------------|
|  | Yes            | No            | Abstain       | Absent        |
| <u>[Signature]</u><br>, President      | <u>[check]</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| <u>[Signature]</u><br>, Vice President | <u>[check]</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| <u>[Signature]</u><br>, Treasurer      | <u>[check]</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| <u>[Signature]</u><br>, Secretary      | <u>[check]</u> | <u>      </u> | <u>      </u> | <u>      </u> |
| <u>      </u><br>, Director            | <u>      </u>  | <u>      </u> | <u>      </u> | <u>      </u> |

ATTEST:

[Signature]  
, Secretary

May 21, 2019  
Date