

**RULES AND REGULATIONS GOVERNING COMMON PROPERTY OF
HOLLAND POINT CITIZENS ASSOCIATION**

(Adopted August 25, 1990/Revised and Approved May 17, 2008)

PROLOGUE

The Holland Point Citizens Association, Inc. ("Association") is the owner of certain real property described in a Deed dated October 2, 1980, liber 3352, pages 102, 103, and 104 ("Deed"); Plat No. 40, Book No. 2, Folio 36 Plat of North Beach Park, dated December 20, 1922 and Plat No. 99, Book No 3, Folio 36, Revised Plat of Part of North Beach Park, Anne Arundel County dated June 1924 ("Plats") and the real property referred to herein including Streets, Alley and Bay Front Property as defined herein.

The Holland Point/North Beach Park community is a special taxing district. The proceeds of the "special tax" are used to provide erosion control and for the purpose of mosquito control [and] payment of the salary, expenses, and allowances for a special police officer, and maintenance and improvement of community-owned property.

The Association desires to provide for the preservation of the values and amenities in the community and for the maintenance of the common areas.

The Association recognizes that it does not have the resources to provide for the maintenance of the Association's Common Property, as defined herein and in lieu of an increase in property taxation or special assessments or other significant measures will rely on the resources of the private property owners within the community to maintain the Association's Common Property.

These rules and regulations ("Rules") are in addition to all Anne Arundel County and Maryland state laws and codes which are superior authority to the Rules.

These Rules are also in addition to the Articles of Incorporation of the Association and in addition to the By-laws of the Association which Articles and By-laws are superior authority to these Rules.

These Rules shall neither be interpreted nor applied in a way which violates the Association's express covenant contained in the Deed requiring the Association to keep the Common Property for the benefit of the Property Owners.

The invalidity or unenforceability of any provision of these Rules shall not impair nor affect the validity or enforceability of any other provision.

These Rules apply to all Property Owners, guests, and tenants. It is the duty of the Property Owners to inform their guests and tenants of these Rules.

ARTICLE I

DEFINITIONS

The following definitions are to be used for the interpretation of these Rules.

1. **Common Property** – All of that property owned by the Holland Point Citizens Association except for the civic center and associated land (described on Plats as "Lot Triangular" plus Lots 1, 2, 15, 16, of Block 29 which were purchased by the Association for the use of the Association). The Common Property is for the use of Holland Point/North Beach Park residents, Property Owners, and their guests. The Common Property consists of the Bay facing Property, Streets and Alley.
2. **Bay Front Property** – That portion of the Common Property lying between the Chesapeake or Herring Bay ("Bay") and a contiguous line that joins the bay side property lines of the bay side private properties. This Bay Front Property constitutes a continuous sweep of land along the entire bay-facing portion of Holland Point and is about 1.3 miles long and an average of about sixty (60) feet wide including the bulkhead and rip-rap. Holland Point Citizens Association owns bay facing front property and as such is the only entity that has riparian rights. No individual property owner in Holland Point/North Beach Park has riparian rights.

3. **Adjacent Land** – That portion of the Common Property lying closest to each private property line and extending halfway to the next private property line or the bulkhead. This creates Adjacent Land boundary lines which run down the center of the Alley and the center of the Streets extending all the way to the bulkhead. Private Property lines and their extensions constitute the rest of the Adjacent Land boundary lines. Adjacent land includes one half of the Alley for private properties abutting the Street and that portion of the Bayfront lying between the extended private property lines for the Bayfront private properties plus one half of the Bayfront at a street for bayfront corner lots. There is no Common Property which is not Adjacent Land to someone's private property.
4. **Streets** – That portion of the Common Property which is shown on Plats as named streets such as Pine, Hemlock, and Cedar. These Streets are fifty(50) feet wide and sometimes include drainage ditches and pipes. This property; however, does not include Walnut Avenue and associated land which is Maryland State and Anne Arundel County property or that portion of Myrtle Avenue diagonally intersecting Walnut Avenue at both ends which is Anne Arundel County property. All Streets about the Bay Front property on that contiguous line which connects the bay side property lines of the bay side property owners. The streets extend from the Bay Front Property to the far ends of Holland Point. Much of the Street property remains undeveloped.
5. **Alley** – That portion of the Common Property which lies roughly parallel to Walnut Avenue and which bisects Blocks 9 through 20 plus Blocks 41 and 42 as shown on Plats. There is only one alley and it is 15 feet wide. The Alley is undeveloped in certain blocks and does not exist in Blocks 1 through 8 plus Block A.
6. **Non-Conforming Structures** – All pre-existing permanent structures or pre-existing temporary structures, in existence as of April 22, 1990, that would not be permitted under these Rules, on or attached to Common Property. These structures require adverse possession waivers as described herein.
7. **Piers** – All structures requiring pilings in any waterway and requiring federal, state and county agencies permits and approvals.
8. **Platforms** – A structure, not requiring additional pilings, built on existing bulkheads or jetties.
9. **Fire Lane** – a fifteen (15) foot wide right of way for emergency vehicles. The Fire Lane includes the entire width of the Alley. The Fire Lane also includes approximately the central fifteen (15) foot wide strip of each and every one of the Streets. The edges of these Fire Lanes are parallel to, and roughly equi-distant from the edges of the streets.
10. **Association Member** – A member in good standing of Holland Point Citizens Association, as defined in the Association Bylaws.
11. **Property Owner** – An owner or co-owner of any Lot (or portion of any Lot) within Holland Point/*North Beach Park*. A Property Owner is not required to be a member of the Holland Point Citizens Association.

ARTICLE II

MAINTENANCE OF COMMON PROPERTY

For the good of all Property Owners, all individual Property Owners are requested and expected to keep the Common Property in good order and repair.

SEC. I

LAWNS

Property Owners adjacent to Common Property are requested and expected to keep the lawns mowed and free of debris.

SEC 2

TREES

Property Owners are requested to remove all dead and diseased trees on Adjacent Land. The Property Owners must receive advance written Association permission to remove any trees or to plant any replacement trees or shrubbery on Common Property.

The Association must approve the planting of trees, or shrubbery, or other plantings on Alleys or Streets or on that portion of the Bay Front Property which lies between the extended Street lines to the bulkhead and the buffer zone of approximately twenty (20) feet inward from the bulkhead and/or riprap. A buffer zone will be maintained to allow access of emergency and maintenance vehicles.

SEC 3.

DRAINAGE

All current drainage and pipe ditches on Common Property shall be kept open. No Property Owner shall have any right to alter or modify any drainage or pipe ditch that lies on Common Property without prior written Association permission. The Anne Arundel County maintains some of the community’s drainage ditches.

SEC 4.

STREETS AND ALLEYS

Property Owners adjacent to Streets and the Alley are requested and expected to maintain the existing road surfaces. Potholes should be filled and a flat surface maintained. The Streets and Alley are to be kept clear of all debris and trash so as to allow for, among other things, access of emergency and maintenance vehicles and trash removal vehicles.

Advance Association approval and permission of all adjacent Property Owners is required in order to expand the area covered by particulate or stone, or to expand any road surface. The Association only approves ½ inch to 1 inch blue stone on Streets and Alleys.

No lying of stone or other surfaces shall extend beyond the adjacent Property Owners building lines into the Bay Front Property.

ARTICLE III

ACCESS AND PARKING

SEC. I

ACCESS AND PARKING

The term “vehicle” as used in these Rules shall include licensed motor vehicles, unlicensed motorized vehicles, bicycles, and other conveyances.

Access to, and parking on, Common Property is limited to Holland Point/North Beach Park residents, Property Owners and their guests as well as to emergency, maintenance and service vehicles as required. Appropriate access and parking signs may be posted. The Bay Front Property is intended for pedestrians only. The only exceptions to this are for maintenance, service or emergency vehicles, wheel chairs, and the transport (not storage) of small boats (such a jon boats, rafts, small catamarans, canoes, kayaks, and sailboards) by human power across Common Property.

Parking violators may have their vehicles towed away at the vehicle owner’s risk and expense. Damage to the Common Property resulting from permitted access or parking will be repaired by, and be the responsibility of, the vehicle owner and associated Property Owner.

There shall be no parking in the Fire Lane.

SEC. 2

ACCESS TO BAY FRONT PROPERTY

There will be no vehicle access to Bay Front Property except for emergency, maintenance and service vehicles as needed to conduct their business, and small boat as described above.

SEC. 3

ACCESS TO STREETS

Driving on Streets is permitted on existing road surfaces only. However, access by emergency, maintenance and service vehicles is permitted on road and grassy surfaces to conduct their business. All Streets contain a Fire Lane.

SEC. 4

ACCESS TO THE ALLEY

Driving on the Alley is permitted on existing road surfaces only. However, access by emergency, maintenance and service vehicles is permitted on road and grassy surfaces to conduct their business. The entire Alley is a Fire Lane.

SEC. 5

PARKING ON THE BAY FRONT

There shall be no parking on the Bay Front Property except for emergency, maintenance and service vehicles as needed to conduct their business.

SEC. 6

PARKING ON STREETS

Parking on Streets is permitted on existing road surfaces only. Parked vehicles shall not restrict the fire lane.

SEC. 7

PARKING ON THE ALLEY

There shall be no parking on the Alley.

SEC. 8

SPEED LIMIT

No vehicle shall exceed 10 miles per hour on Streets or Alley.

SEC. 9

GENERAL PARKING RESTRICTIONS

No boats or non-self propelled vehicles may be parked or stored on Common Property. No commercial vehicles, except those presently needed to conduct their business, may be parked or stored on Common Property.

No vehicle larger than a pick-up truck or passenger van shall be parked on Common Property. As a courtesy, persons are requested to park only along the edge of their own property.

SEC. 10

MISCELLANEOUS

All-terrain vehicles (ATV's) or dirt bikes or similar off-road motorized vehicles shall not be operated on the Alley or Streets except for purposes of access to and from private lots within the Holland Point/North Beach Park Community.

No vehicles shall be operated on Common Property in a loud or unsafe manner.

ARTICLE IV

CONSTRUCTION AND STRUCTURES

SEC. 1

CONSTRUCTION AND STRUCTURES

The Common Property is to remain free from the building of all structures, such as overhead boat hoists, boat houses, gazebos or summer houses, fixed picnic tables and other structures that are permanently built in concrete, anything embedded in the ground or anything of permanence.

All construction permit variance requests impacting Common Property will be submitted in writing to the Association.

SEC. 2

CERTAIN TEMPORARY STRUCTURES PERMITTED

Only the following temporary structures or items are permitted on Common Property: chairs, benches, tables, hammocks, and temporary items which are moved to and from the Common Property on a regular basis. Such temporary items must not restrict the flow of pedestrian traffic.

SEC. 3

NON-CONFORMING STRUCTURES

All Non-Conforming Structures in existence prior to April 22, 1990 shall be allowed to remain in place, however, these structures may not be enlarged or improved; however, normal maintenance and repair will be allowed. If these structures are removed by the owner or by lawful action by the Association they may not be replaced. The Association has the authority to remove or have removed deteriorated structures. An adverse possession waiver must be signed for all Non-Conforming Structures or they will be removed.

No new permanent structures will be allowed to be placed on Common Property.

SEC. 4

PIERS AND PLATFORMS

In addition to the permits and licenses required by Anne Arundel County and the Army Corps of Engineers, all new Pier and Platform construction including extensions must be approved by the Association.

Piers and Platforms will be allowed to be constructed only by Property Owners directly adjacent to the Bay Front Common Area. No Pier or Platform will be constructed in front of the Streets. Any existing Piers and Platforms in these areas will be allowed to remain. The Association has the authority to remove or have removed deteriorated Piers and Platforms.

No new Piers and Platforms will be allowed to exceed a total aggregate length of one hundred fifty (150) feet in length plus one (1) platform 6 feet x 20 feet. Maryland Department of Environment (MDE) limits dimensions to a 200 square foot maximum upper platform and pier extensions of 6 feet x 20 feet for lower platform which must be perpendicular to the bay. All upper and lower platforms must meet all Federal, Maryland State, and Anne Arundel County regulations.

No structures other than boat hoists, exceeding four (4) feet above the top of the bulkhead will be allowed on Piers. All railings on Piers shall be of the open variety – they shall not obstruct the view. No boat houses will be allowed on any Piers.

The Association reserves the right to impose further conditions to the construction of any Piers or Platforms.

ARTICLE V

ENFORCEMENT

SEC. I

The Special Police Officer shall enforce these Rules. The Rules may also be enforced by County and State Police as necessary.

If County or State laws are broken the County or State Police may enforce those laws under their jurisdiction.

If a violation comes under another agency, violators will be reported to the appropriate agency such as, the Health Department, Permits and Licenses, Environmental Protection, Army Corps of Engineers or the Animal Control Board.

SEC. 2

Vehicles, such as, cars, trucks, boats, etc. that block alleys or roadways or Fire Lanes or that are illegally parked or that otherwise are in violation of these Rules may be towed at the owners risk and expense at the discretion of the Special Police Officer, county or state officials or by the authority of the Association.

Each Property Owner is requested to help enforce these Rules and to notify the Special Police Officer or other proper authorities of any violation.

SEC. 3

Requests for exemptions to these Rules, or any matter requiring advance Association approval, shall be made in duplicate, in writing *and* in exact terms, to the Rules Committee. The Rules Committee shall decide whether to grant, or the extent to which to grant, the request. Any Property Owner may appeal the committee’s decision by submitting a written motion to the President of the Association. Such appeal will then be raised at a regular membership meeting, for which meeting notice of the request has been included with a timely notice of the meeting itself. Appeals will be allowed by a two-thirds (2/3’s) vote of the members present.

Any non-temporary construction placed on, or permanently attached to, Common Property after April 22, 1990 and without prior written Association approval shall be removed.

ARTICLE VI

ADVERSE POSSESSION

SEC. 1

No person shall make any claim to any Common Property or to the Riparian Rights of the Association for any reason, including by reason of any duty to maintain or actual maintenance of Common Property or by virtue of any structure on or partly on Common Property.

SEC. 2

All Non Conforming Structures require an adverse possession waiver. An adverse possession waiver for Non Conforming Structures must contain a waiver of a claim to any and all Common Property. All adverse possession waivers must contain a provision by which the structure “owner” indemnifies and holds the Association harmless for any and all injuries that may occur as a result of the structure. After any injuries that may occur as a result of the structure and after reasonable notice to the structure “owner”, the Association may remove any structure for which a proper adverse possession waiver is not signed.

ARTICLE VII

MISCELLANEOUS PROVISIONS

SEC. I

PETS

Dogs shall be kept on a leash at all times while on Common Property. Pet owners are required to clean up after their pets and to otherwise keep their pets from annoying or unreasonably threatening others. Pet waste will not be thrown into the Bay. All pet owners must abide by Anne Arundel County Code Article 12, Title 4 Animal Control Regulations.

SEC. 2.

UTILITIES

No electrical cables, sewer or water lines or other utilities shall be permitted on, in or over Bay Front Property without advance written Association approval. No septic or sewer lines shall be permitted on, in, or over Common Property without advance written Association approval.

SEC.3.

ENVIRONMENTAL

The use of pesticides or fertilizers on HPCA Holland Point/North Beach Park bay front property must be in accordance with Maryland Department of Environment and Anne Arundel County environmental laws and regulations in order to protect and foster a healthy and sustainable environment.

Changes approved by the Holland Point Citizens Association Board of Directors: February 27, 2008/Revised April 26, 2008
Approved by Association members: May 17, 2008