

**Kendall Camp POA Motorized Recreational Vehicle Policy
(July 1, 2019)**

(This Policy replaces previous Kendall Camp Unlicensed Motorized Recreational Vehicle Policies)

(Capitalized terms contained herein but not otherwise defined shall have the meanings ascribed to them in the Kendall Camp Property Owners Association Declaration of Covenants, Conditions and Restrictions.)

WHEREAS, Section 2.6 of the Kendall Camp Property Owners Association Declaration of Covenants, Conditions and Restrictions (the Declaration) provides that the Kendall Camp Property Owners Association, Inc. (“Association”) shall have the right to prescribe reasonable rules and regulations governing the use of the Common Areas, which rules and regulations shall be applied equally to all Owners;

WHEREAS, Section 2.7 of the Declaration provides that the Association may improve, develop, supervise, manage, operate, examine, inspect, care for, repair, restore, and maintain the Common Areas, including, by way of illustration, and not limitation, streets, roadways, sidewalks and parking areas, and all trees, shrubbery and other plants and landscaping together with any items of personal property placed or installed thereon, at the cost and expense of the Association;

WHEREAS, Section 8.11 of the Declaration provides that in order to assure the peaceful and orderly use and enjoyment of the property, the Board of the Association may from time to time adopt, modify, and revoke in whole or in part, such reasonable rules and regulations, to apply equally to all similarly situated Lots and Members, governing the conduct of persons on or use of a Lot and the Common Areas, as the Association may deem necessary;

WHEREAS, Section 8.6 of the Declaration provides in relevant part that no nuisance shall be maintained, allowed or permitted on any part of the Property which may be noxious or detrimental to health;

WHEREAS, the Board of Directors desires to establish rules that reduce noise disturbances, safety risks to residents, guests and visitors; and potential damage to the Association’s Common Areas.

NOW, THEREFOR, BE IT RESOLVED that any previously adopted recreational vehicle policy is hereby rescinded, and the Board of Directors hereby resolves to promulgate the following procedures and guidelines for the use of its Common Areas in accordance with the Association’s governing documents:

1. Purpose: The purpose of this Policy is to assure the peaceful and orderly use and enjoyment of the Property and therefore regulates the use of the following authorized types of Member/Owner owned Vehicles and their operators within the Property:
 - a. Off-Highway Recreational Vehicles (defined in Section 11-140.1, Transportation Article of the Annotated Code of Maryland) as All-Terrain Vehicles (ATVs); Side by Side Utility Vehicles (UTVs); non-Class D Motorcycles (commonly known as Dirt Bikes); and Snowmobiles.

- b. Other motorized recreational type vehicles that are commonly unlicensed or unregistered, and powered either by electric motors, gas, or gas/oil propulsion engines, such as (but not limited to) Golf Cars, Go-carts, Scooters or Segways.
- c. When the term “Vehicles” is used in this Policy, it shall refer to the Vehicles defined in 1.a and 1.b above.

2. General Policy:

- a. The policy shall apply to Members/Owners, in addition to their family members and guests.
- b. The operation of Non-Class D Motorcycles (commonly known as Dirt Bikes) is NOT authorized in the Common Areas. If an Owner owns a “Dirt Bike” that they wish to use off Kendall Camp, the Dirt-Bike may be moved via trailer to and from the Property.
- c. Rental Guests: The rental guests of Owners, including their family and guests, are NOT permitted to operate ANY type of the Vehicles, as defined above, on the Property.
 - i. Vehicles trailered by rental guests for use off the Property may be temporarily stored on a trailer on the Property while the renter is actively occupying a Kendall Camp rental. Pursuant to Section 8.4 of the Declaration, the Board designates the large parking lot near the dumpster enclosure on the west side of the Property as the only authorized parking area for trailers and trailered Vehicles.
- d. Violations of this POA policy by Members may result in penalties as outlined in Section 8.11 of the Declaration (which include possible fines, suspension of voting rights, or infringement of other rights). Violations by Renters will be referred to the respective rental agency for action in accordance with their policies and procedures for dealing with non-compliant renters.

3. Rules and Regulations for Authorized Motorized Recreational Vehicles:

- a. Usage Rules:
 - i. Operating Vehicles on the Property is only permitted on the paved areas of Kendall Camp Circle, the large parking lot, and the driveway adjacent to the Owner’s unit.
 - ii. ALL unpaved areas (grass and mulched areas) are off limits.
 - iii. The operation of Vehicles is limited to direct ingress/egress on the paved circle road from the Owner’s garage to the front gate (following the appropriate one-way traffic flow).
 - iv. The operation of Snowmobiles is limited to direct ingress/egress from the Owner’s garage to the front gate on a combination of Kendall Camp Circle and the snowmobile pathway under Chairlift 4 that is used by Wisp Resort ski-operations personnel during the winter season.

- v. The posted speed limit of 10 MPH must be observed at all times.
- vi. Vehicles equipped with sound systems must maintain volume levels that do not disturb others.
- vii. In accordance with Section 8.6 of the Declaration, Noise and Nuisance avoidance hours of 11pm to 8am (also called Quiet Time in Garrett County Ordinances) shall be adhered to.
- viii. Member/Owner Vehicles must be stored in accordance with Section 8.4 of the Declaration. Pursuant to Section 8.4 of the Declaration, the Board designates the large parking lot near the dumpster enclosure on the west side of the Property as the only authorized parking area for trailers and trailered Vehicles.
- ix. Vehicles must use head and taillights if traveling at times of limited visibility.

b. Vehicle Safety:

- i. Vehicles must be operated in a safe and responsible manner.
- ii. Vehicles must yield to pedestrians, bicyclists and licensed vehicle traffic.
- iii. Head and safety gear must be worn in accordance with manufacturers' recommendations
- iv. The number of riders is limited to the capacity designated by the manufacturer.
- v. Vehicles must be maintained for safety, appearance, and noise control in order to operate on the Property.

c. Operator Requirements: Operators of all Vehicles must be under the direct supervision of the Member/Owner while operating on the Property.

4. Off-Kendall Camp Property Operations (For Information Only):

- a. Operating Vehicles on Wisp Resort property, Adventure Sports Center International (ASCI) property, in the neighboring private residential communities, and on other lands adjacent and near to Kendall Camp, including the county owned Fork Run Recreation Area, is regulated by posted signage at each community or area entrance.
- b. Members/Owners with ATVs and Snowmobiles are hereby made aware of the permitting requirements of the Garrett County Ride Program (GCRP) (see <https://www.garrettcountry.org/ride> for detailed information) for off-property operation. Additionally, the GCRP allows for the operation of ATVs and Snowmobiles on County maintained roads for distances up to 2 miles "for the sole purpose of gaining access to trails on which the operation of an all-terrain vehicle or snowmobile is authorized, or to a field, or to another area where the operation of an all-terrain vehicle or a snowmobile is authorized."