



Rules and Regulations

Cape Haze Resort

Approved by the Board of Directors
November 10, 2018

Courtesy

Courtesy to others is a guiding principle of our community. It is especially important to allow your neighbors to enjoy peace and quiet from 10 p.m. to 7 a.m. Please help us make Cape Haze a welcoming resort, a great place to kick back and relax.

Section I: Recreation

- A. **POOL:** By law the pool hours are one-half hour after sunrise to one-half hour before sunset. You must shower before entering. No diving. Do not swallow pool or spa water. Animals may not enter the pool. Pool parties are not permitted. Children twelve (12) year of age and under must be supervised by a responsible adult. Persons who are not toilet trained or who are incontinent must use appropriate swim diapers (or similar protective under garments) while in the pool. A fecal accident or an animal in the pool would require steps to disinfect the pool, taking the pool out of use for an indeterminant period of time. The cost of disinfecting the pool will be charged to the violator.
- B. **SPA:** By law the spa hours are one-half hour after sunrise to one-half hour before sunset. Be sensible about spa use. Recommended maximum use is fifteen (15) minutes. Pregnant women, infants, those with health problems and those using medications that cause drowsiness should not use the spa. Persons twelve (12) year of age and under must be supervised by a responsible adult. Persons who are not toilet trained or who are incontinent must use appropriate swim diapers (or similar protective under garments) while in the spa.
- C. **FOOD, DRINK, PETS, ELECTRONICS:** Food and drink are not permitted *in* or within five feet (5') of the pool and spa. Glass objects, animals, and large floatation items are not permitted inside the fenced area. Electronic entertainment devices may be used in the pool and clubhouse area only with earphones.
- D. **SMOKING:** Smoking, including the use of e-cigarettes, is not permitted inside the clubhouses, within the fenced pool area or in the space between the pool, clubhouse and Gathering Room (also see III(D) below).
- E. **POOL BATHROOMS:** Please use the pool bathrooms when in the pool area and access them from the outside. Please do not walk through the clubhouses with wet bathing suits.
- F. **FITNESS ROOM:** For safety reasons, persons seven (7) years old and younger are not permitted in the exercise room at any time, supervised or not. Similarly, for safety reasons, persons between the ages of eight (8) and seventeen (17) are not permitted in the fitness rooms unless accompanied by an adult.

- G. **GATHERING ROOM:** The gathering room is for relaxation and enjoyment by all. Habitual, frequent or sustained business use of the facility is not permitted. Parties of owners are encouraged while parties where non-residents outnumber residents are discouraged. Parties where non-residents outnumber residents may be held only with permission from property management and the payment of required fees. Use of the Gathering Room and/or kitchen must be scheduled with property management and requires the payment of use and cleaning fees and a damage deposit. A schedule of events for the Gathering Room will be posted.
- H. **BBQ GRILLS:** Gas barbecue grills are provided at the clubhouse and at each cup de sac. No personal grills may be used on the grounds. Only electric grills may be used on lanais under current Florida Fire Prevention Code. Grills or other cooking equipment fueled by wood, charcoal, propane or other flammable materials are not permitted on lanais.
- I. **MISCELLANEOUS:** When using the tennis, pickle ball and bocce courts and other recreational amenities, please take turns and make an effort to include others if possible. Use skateboards, razors, roller blades, roller skates, scooters, remote control toys and similar items with caution, and always yield to both pedestrians and vehicles; do not use them on breezeways, on the tennis, pickle ball or basketball courts, or in the pool area.

Section II: Vehicles, Parking and Garages

- A. **GENERAL:** Drive slowly and carefully on site to avoid accidents and personal injury.
- B. **VEHICLES NOT PERMITTED:** The following are not permitted on site *except* as provided in II(C) below: golf carts, commercial vehicles, panel vans without windows on the sides of the cargo area, vehicles with more than four wheels, oversized vehicles, and other motorized vehicles not used primarily for personal transport on public streets. A vehicle advertising a business is considered to be a commercial vehicle; bumper and window stickers, dealership names and maker's marks are not considered to be advertising. An oversized vehicle is one that does not fit comfortably in a carport.
- C. **VEHICLES PERMITTED TEMPORARILY:** The following vehicles are permitted on site, temporarily, while engaged in activity, but not overnight: (1) vehicles engaged in the maintenance of the common facilities; (2) emergency vehicles, (3) delivery vehicles, (4) moving vans, (5) vehicles of service providers doing work for unit owners, and (6) motor homes, campers and other oversize vehicles only so long as is necessary to pick up and discharge passengers or cargo.
- D. **VEHICLES PERMITTED IN SPECIAL AREAS:** Boats and trailers (including motorcycle trailers) are permitted in a specially designated area only. Boats and trailers need to be registered with the management office prior to storage on site. Only one boat and one trailer are permitted per unit.
- E. **VEHICLES PERMITTED IN GARAGES AND SUPPORTING CONSTRUCTION:** Notwithstanding the foregoing, any type of vehicle that will fit may be parked inside a closed garage space.

- F. KEEPING OWNERS' VEHICLES OVERNIGHT: Owners may keep personal or rented vehicles on site, including overnight, when used to support construction work inside their units but only for such reasonable length of time needed to complete the work, as determined by the boards in their sole discretion.
- G. TRUCKS AND MOTORCYCLES/MOTORSCOOTERS: Pickup trucks, motorcycles and scooters are permitted on site. A pickup may have only four wheels, may not be oversized, must have a clean and tidy bed at all times, and nothing may protrude from the vehicle. Motorcycles and scooters may not be parked in open parking spaces except as provided in (I) below.
- H. PARKING UNDER CARPORTS: Vehicles may be parked under a carport only if they display a parking pass for that particular carport, or with the express permission of the owner who holds the use permit for said carport. Vehicles may not be parked under carports while hurricane warnings are in effect.
- I. PARKING IN UNASSIGNED AREAS: Vehicles may be parked in open parking areas around the condominium buildings ("primary open parking areas") only if they display an open parking pass for that area, or if they are the vehicles of visitors. Vehicles of overnight visitors must have a parking pass, but those of day time visitors need not. To avoid congestion no more than one open parking pass will be issued to any one unit for primary unassigned parking areas. To relieve congestion, open parking passes for areas away from the condominium buildings ("secondary open parking areas") may be issued as directed by the boards from time to time. Vehicles may not be parked in any open parking space for more than two weeks without being moved.
- J. RESTRICTED PARKING AREAS: Vehicles may not be parked in driveways, open garage areas, or cul de sacs. Vehicles must not be left unattended in driveways or open garage areas for more than five (5) minutes.
- K. RUNNING OF ENGINES IN GARAGES: For health and safety, engines may be running in garage areas only as necessary to drive into and out of garage areas.
- L. VEHICLE CONDITION: Every vehicle on site must be in proper condition to be operated legally on a public roadway, including having a current tag. Repairs to cracked, broken or missing windows, lights and body trim must be made within one week, and flat tires must be repaired within 24 hours.
- M. WASHING AND MAINTENANCE: Washing of any vehicle is not permitted on site except within a garage. Minor repair of motor vehicles to put them in a condition to operate on public highways and which will require less than 90 minutes to complete (e.g. changing a flat tire; charging a battery; repairing a windshield) is permitted. No extended (more than 90 minutes) or routine (e.g. changing oil) maintenance or repair of motor vehicles, (excluding those owned by the associations) may be performed on site, except within a garage space, isolated from public view.

- N. APPLICATION OF RULES: Vehicle and parking rules apply to all persons, including owners, renters, visitors and invitees. Vehicles on site in contravention of these rules may be towed. Towing charges are the liability of the vehicle owner.
- O. DEHUMIDIFIERS: Dehumidifiers in garage spaces and storage rooms must be plumbed to drain out the backs of buildings. Adjacent garage space and storage room owners must cooperate as reasonably required for drains to be installed. Dehumidifiers may not drain into open garage areas or onto sidewalks.
- P. BICYCLES: Bicycles cannot be left or stored under stairwells, along breezeways or walkways, beneath air conditioner platforms or any areas other than garages, storage rooms, lanais or in the bicycle racks provided at each building.

Section III: Grounds and Exteriors

- A. GENERAL: Everyone must help keep the property neat and safe. Please do not drop litter anywhere on site.
- B. GARAGE AND YARD SALES: Garage and yard sales are not permitted.
- C. OPEN HOUSES: Open houses are permitted. Prospective buyers must be accompanied by owner or broker at all times while on site.
- D. SMOKING: Smoking, including the use of e-cigarettes, is not permitted in or around the clubhouses and pool areas, on the breezeways or elevators, on lanais, or in public areas within ten feet (10') of a condominium building except in designated smoking areas. Please use receptacles placed in these areas for cigarette and cigar butts and pipe ashes.
- E. CLEAR WALKWAYS: The sidewalks, entranceways, elevators, breezeways, stairs and similar portions of the common areas must remain clean and free of obstructions for the safety of all. Nothing must be left unattended in these common areas except in specially designated areas (e.g. bicycle racks). Welcome mats are permitted outside entry doors of each unit. Planters are permitted, but the full width of the breezeway must remain clear.
- F. HANGING ITEMS: Rugs, towels, clothing and other items may not be hung from windows, lanais, breezeway railings or carports.
- G. WINDOWS AND DOORS: Windows and glass doors must appear white or off-white from the exterior and may not be covered with aluminum foil or newspapers. All breezeway windows must have window coverings, and such coverings must be closed if the unit is vacant for more than three consecutive days. Unit owners **must** provide to Condominium Management either a duplicate key for units, unit storage areas and garages or a combination code for doors equipped with such locks.

- H. ATTACHMENTS TO THE BUILDINGS: Nothing may be attached to the outside of the building or project from any window, door, or lanai with the exception of decorative wreathes on entry doors, hurricane protection on lanai doors and flags specified in Florida statute. No storm or hurricane shutters or windows may be installed except in full compliance with the standards established by the associations.
- I. AIR CONDITIONING CONDENSERS: No part of an air-conditioning condenser may be more than 32” above the top surface of the platform.
- J. FLAMMABLE AND COMBUSTIBLE MATERIALS: Owners will be held liable by insurance companies and the associations if flammable, combustible or explosive liquids or gases are kept in or around their units, garages or storage areas, and such items contribute to damage to property owned by others. Normal items used for normal household purposes are excepted.
- K. SIGNS: Signs are not permitted anywhere on the property, including in windows or on rights-of-way adjacent to the property, except those posted by the associations. Security decals are permitted.
- L. NOISE: No loud, offensive or disturbing noises are permitted. Vehicle horns and engines, and many musical instruments, televisions, radios, sound systems, and computers are capable of causing annoyance. Please be considerate, especially between the hours of 10 p.m and 7 a.m.

Section IV: Lanais

- A. GENERAL: Lanais are for suitable furniture and planters only; they are not to be used for storage except for bicycles.
- B. REPAIR: Lanai screens must be in good repair and in place at all times.
- C. HURRICANE PRECAUTIONS: Lanais must be clear while hurricane watches and warnings are in effect.
- D. SMOKING: Smoking, including e-cigarettes, is not permitted on lanais.
- E. GRILLING AND COOKING: Only electric grills may be used on lanais under current Florida Fire Prevention Code. Grills and other cooking equipment fueled by wood, charcoal, propane or other flammable materials are not permitted on lanais.

Section V: Pets

- A. GENERAL: Dogs, cats and birds are welcome, but pets may not be nuisances. There is a limit of two pets per unit for owners and one pet per unit for renters. Pets must be registered with property management.

- B. COMMON RULES: Please follow these three simple rules regarding your pets: (1) do not allow excessive barking, whining, meowing, chirping and whistling; (2) keep your pet on a leash while on the grounds; and (3) carry and use disposable bags to collect and deposit solid waste in an appropriate trash receptacle.
- C. REMOVAL OF PETS: Pets are subject to removal at the discretion of the boards. Those subject to a removal order may request a hearing. Hearing procedures are explained below in the section entitled *General Comments on the Rules and Regulations*.

Section VI: Guests and Renters

- A. GENERAL: Owners must provide a copy of these rules and regulations as they may be amended from time to time to their guests and renters, and guests and renters are required to observe them.
- B. GUESTS ACCOMPANIED: Guests must be accompanied by a person in residence while enjoying the common facilities. Occupants of any one unit may host up to six guests in the common areas at any one time.
- C. PETS: Guests are permitted to have pets as long as the total number of pets associated with a unit does not exceed the limits specified in Section V (A) of these Rules and Regulations.
- D. USE OF COMMON FACILITIES BY OWNERS IN ARREARS: Owners, and their renters and guests may not use the common facilities if said owners have not paid all amounts owing to the associations, including fines, late fees, interest and attorney fees.
- E. USE OF COMMON FACILITIES BY OWNERS WHEN UNITS LEASED: Owners may not use the common facilities while their units are leased except as guests of the lessee.
- F. UNIT RENTALS: The minimum rental period may vary depending on whether the owner is subject to the Amended Declarations of 2018 or had either voted “no” or opted out of the requirement at the time the Amended Declarations were approved. The option to opt out was available only to voting unit owners and neither the opt-out nor a “no” vote survives subsequent sale of a unit.
 - (1) The minimum rental period is four weeks for those who must follow the Amended Declarations, 2018. This means that a subsequent renter may not occupy until twenty-eight (28) days have passed since the previous renter took occupancy. The Amended Declarations prohibit *advertising* for rental periods less than 4 weeks.
 - (2) The minimum rental period is 7 days without any advertising restrictions for those who voted “no” or opted out of the new Declarations. This means that a subsequent renter may not occupy a unit until seven (7) days have passed since the previous renter took occupancy.

- (3) Owners should contact the property manager to confirm which rental rules apply to them before offering their units for rent.
- (4) Owners are encouraged to lease to responsible parties, to favor longer term rentals over shorter term rentals and to prohibit smoking in the unit.
- G. BOARD APPROVAL FOR RENTALS LONGER THAN 6 MONTHS: For rentals longer than six months, tenants must be approved by the appropriate board before taking occupancy. The prescribed paperwork, a copy of the lease, and a \$50 fee must be provided to property management no less than fifteen (15) days prior to the start of the lease.
- H. RENTER OCCUPANCY AND SUBLEASING: There may be no more than two renters per bedroom. Renters may not sublet any or all of their unit.
- I. RENTER REGISTRATION: Any owner renting his or her unit ***must register all renters with the property management office 10 days prior to occupancy***. The Rental Registration form may be completed by the owner or the rental agent, but **must** provide contact information for the tenants and the owner and/or agent responsible for the unit during occupancy. All renters **must** be given a copy of the Rules and Regulations ***prior*** to their arrival at Cape Haze Resort.
- J. OWNERS RESPONSIBILITIES: Owners are responsible for the conduct of their guests and renters. Guests and renters should address their problems and concerns to the unit owner, and not to the manager or the board.

Section VII: Workers

- A. GENERAL: Maintenance workers and housekeepers are directed by the property manager. They are paid to perform certain tasks; when interrupted they have to work longer or harder or leave work unfinished. Address your inquiries, concerns and suggestions to the property management office.
- B. PERSONAL WORK FOR OWNERS: The workers on site are not permitted to perform personal jobs or errands for owners while “on the clock”. Property management must be notified in advance if an association maintenance worker or housekeeper is going to be hired to perform work in a unit after hours.

Section VIII: Alligators (Gators)

From time to time a gator will appear in our lakes. You may see its eyes just above the surface of the water, or you may see one bathing in the sun on the shore. At night you may hear the mating call. They are fascinating creatures. But they have big teeth, strong jaws, an appetite, and unusual speed. Do not feed them anything. Do not torment them. They are dangerous, primitive reptiles. Please let management know if you see one exceeding five (5) feet in length.

Section IX: Work by Owners

- A. OWNERS' RESPONSIBILITIES: Owners are responsible for maintenance, repair and replacement of items as set out in the Declarations and as summarized on the Responsibility Chart attached to these Rules and Regulations.
- B. WORK HOURS: Except in an emergency, all work that could be disturbing to neighbors must be performed between 8 a.m. and 6 p.m. Monday through Saturday.
- C. BOARD APPROVALS FOR WORK REQUIRING BUILDING PERMITS: Any work that requires a building permit must also be approved by the board in advance.
- D. FLOORING REQUIREMENTS: All hard surface floors must be installed over a superior quality sound attenuation membrane.
- E. MODIFICATIONS TO THE COMMON FACILITIES: Any unit owner who makes or causes modifications to the common facilities, including the exterior of any building, must have the prior approval of the condominium board. If such modifications are made without the prior approval of the board, the unit owner will be liable for the full cost of restoration.
- F. GENERAL BOARD APPROVALS: Unit owners may paint and tile their lanais, install new entry door hardware, install retractable screens on entry doors, and install hurricane protection, provided they have submitted an approval form and received permission from the board in advance. All such work must be performed in strict conformance with the guidelines set out on the approval form.

Section X: Fees, Meetings and Notices

- A. APPLIANCES AND ELECTRIC VEHICLES IN GARAGES: The fee for running dehumidifiers, refrigerators, freezers and heaters in garage spaces and storage rooms is \$5.00 per device per month. Electric vehicles may not be charged using "house power" unless the unit owner and board have agreed on reimbursement.
- B. LATE FEES: Late fees for assessments are 5% of the amount unpaid on the due date, but not less than \$25. Interest on late assessments is 18% per annum calculated from the due date.
- C. FEES FOR APPROVAL OF BUYERS: The fee for approval of prospective buyers is \$100, and for estoppels is \$150. Add \$100 for estoppels involving outstanding balances, plus another \$150 if the unit is in collection. Allow ten (10) business days for response. Add \$100 per item for an expedited response.
- D. ANNUAL MEETINGS: The annual meetings of members, and the organizational meetings of the boards, are tentatively scheduled for the second Saturday in November.
- E. BOARD MEETINGS: Regular board meetings are tentatively scheduled for the second Tuesdays of February, May and August.

F. MEETING NOTICES: Meeting notices will be posted in the library at the clubhouse.

Section XI: General Provisions

- A. AUTHORITY: These Rules and Regulations are declared pursuant to the Articles of Incorporation of Cape Haze Resort Community Association, Inc., supplement the restrictions contained in the Declarations of Condominium for Cape Haze Resort A 11/13, Cape Haze Resort B 3/5, and Cape Haze Resort C 7/9, and are joined by said Condominium Associations.
- B. COMPLIANCE REQUIRED: Every owner, his family, guests, invitees, lessees and employees **must** comply with these rules and regulations, with any and all rules and regulations which from time to time may be adopted, with any fine or suspension of rights and with every covenant, restriction, rule and regulation in the Declaration, the Articles of Incorporation and the By-Laws, all as amended from time to time. The association boards will strictly enforce these rules and regulations.
- C. RELIEF FROM COMPLIANCE: The boards may, in their sole discretions, grant relief to one or more unit owners from specific rules and regulations upon written request for such relief and good cause shown.
- D. FAILURE TO COMPLY: Failure to comply shall be grounds for legal action which may include, without limitation, an action to recover sums due for damages, an action for injunctive relief, and any combination thereof.
- E. FINES AND SUSPENSIONS: In addition to all other remedies, the board may impose fines or suspend the right to use the common facilities. Each day a violation occurs, after notice has been given, constitutes a new violation, and each new violation is subject to an additional fine. The process is as follows:
- (1) BOARD ACTION AND NOTICE: At any board meeting, the board may levy a fine against a unit owner, tenant, guest or invitee for an alleged violation of these rules and regulations and/or the governing documents. Notice of the violation and fine is provided to the party in violation in writing, giving that party 14 days' notice of their right to a public hearing before the fines committee. The fine or suspension of rights will be imposed if the fines committee confirms the fine or suspension of rights. The fine will be due and payable upon receipt of notification of the fines committee's confirmation of the board action which action shall be incorporated into the minutes of the board at which the fine or suspension was imposed. By law, fines cannot exceed \$100 per violation and may not exceed \$1,000 in the aggregate.
 - (2) FINES COMMITTEE: The committee appointed in (1) above is composed of one member of each of the condominium associations and its members cannot be directors or related to any director, officer or employee.

- (3) HEARINGS: Fines committee hearings are public. At a hearing, if requested by the party in violation, both the board and the party in violation may present testimony and documentary evidence and each may be represented by an attorney. In the absence of a request for a hearing, the fines committee will meet to approve or reject the action(s) of the board.

- (4) FINES COMMITTEE RECOMMENDATIONS: At the conclusion of the hearing or meeting of the fines committee in the absence of a hearing, if a majority of the committee members agree, the fine and/or suspension levied by the board is imposed; otherwise no action is taken. In either event, the committee will provide a written approval or rejection of the board action to the board and the party in violation within 48 hours of the hearing.

- (5) FAILURE TO COMPLY WITH A FINE OR SUSPENSION: If the payment of the fine is more than 90 days delinquent, the board may extend the suspension of the right to use the common areas and may suspend the voting rights of a unit. No hearing is required for the suspension of voting rights, but this action must be taken at a properly noticed board meeting. The board may also exercise any and all other remedies permitted by law.