

# Sail Harbour at Healthpark Homeowners' Sub-Association, Inc.

## Rules and Regulations of Sail Harbour

1. **The Architectural Review Board (ARB) has jurisdiction to review and approve all exterior construction on any portion of the property as well as all modifications, additions, or alterations made on or to home sites. Any Owner who desires to construct an improvement or structure of any kind (including but not limited to covered porches, screen enclosures, additional landscape, etc.) on their lot shall submit two complete sets of plans and specifications and samples (including colors) of proposed building materials to the ARB and must receive ARB approval and all related governmental approvals/permits prior to commencing construction.**
  - (A) No carriages, bicycles, wagons, shopping carts, toys, tools or other objects shall be kept outside unless approved by the ARB and properly screened by landscaping
  - (B) No awning, canopy, shutter or other projection shall be attached to or placed upon the outside walls or doors.
  - (C) No carports shall be permitted within Sail Harbour at Healthpark.
  - (D) The exteriors shall be consistent with the theme adopted by the Declarant.
  - (E) All mailboxes or receptacles for the delivery of newspapers, magazines or mail shall be approved by the ARB prior to installation of any lot, and shall be of the type originally installed by the Declarant.
  - (F) No plant materials shall be installed except by the approval and authority of the ARB and the further approval of the Sub-Association, and if approved, shall be installed by the contractor approved by the Sub-Association and shall consist of Healthpark P.O.A. approved landscaping materials.
  - (G) **Garages.** Each home shall have an attached garage capable of housing one (1) or two (2) standard sized automobiles. Carports are prohibited. No more than one (1) of vehicle shall be regularly parked in the driveway of a Lot with only a one car garage. No more than two (2) vehicles shall be regularly parked in the driveway of a Lot with a two car garage. No garage shall be enclosed or converted to other use without the approval of the ARB. **Garage doors shall be closed except to allow access and egress. A garage door opened no more than 12 inches (1 foot) shall be considered "closed". Garage doors may remain open for no longer than 10 minutes after entering or leaving the garage. Garage doors may remain open during the time a resident is actively working in the garage if an open door is reasonably necessary for the health and safety of that person, not to exceed 2 hours per day.**
  - (H) No antenna of any kind shall be placed or erected upon any lot or affixed in any manner to the exterior of any building other than a satellite antenna one meter or less in diameter, an aerial designed to receive over-the-air television broadcast, or an antenna designed to receive multichannel, multi point distribution service which may be installed only at a location on a lot approved by the ARB. In approving the installation and location of any antenna the ARB shall comply with all applicable laws, whether state or Federal.
  - (I) No fences or walls shall be permitted on any portion of a Lot except for the fence maintained by the Association.
  - (J) No recreational facilities, structures or improvements shall be constructed or placed on a Lot or Common Area, including without limitation by specification, any play or recreation structures, such as swing sets, play houses, plastic play sets or any other kind of structures of a similar kind or nature (collectively referred to herein as "Recreation Facilities").

- (K) Screen enclosures must be constructed with white aluminum frame and charcoal screen.
  - (L) No aluminum, insulated roofs are allowed with screen enclosures.
  - (M) All gutters must be white aluminum.
  - (N) Window coverings visible from the street or another dwelling must have a white or off white backing or blend with the exterior of the dwelling. Wood tone plantation shutters are permitted. Reflective window film is not permitted. Transparent film is permitted with ARB approval.
2. **Garbage:** Trash, garbage and other waste shall be kept only in sanitary containers which shall be kept in a clean and sanitary condition and kept in the garage and not on the interior roadways except when out for pick-up. **Recycle bins and trash shall not be put on the curb, for pick-up, prior to 6:00 p.m., the night before the scheduled pick-up and shall be removed from the curb no later than 6:00 a.m., the morning after day of pick-up.**
  3. **Nuisances.** No owner shall use his home, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance to the occupant of another home, or which would not be consistent with the maintenance of the highest standards for a first class residential community nor permit the premises to be used in a disorderly or unlawful way. The use of each home shall be consistent with existing laws and the governing documents, and occupants shall at all times conduct themselves in a peaceful and orderly manner. No solicitation will be allowed at any time within the community. The Board of Directors determination as to what constitutes a nuisance or annoyance shall be dispositive and shall control without regard to any legal definition of such terms.
  4. **No pets, wading, boating, fishing, or other recreational activity is permitted in the lakes.**
    - (A) **Feeding of Ducks and Wild Animals Prohibited.** No person shall feed any ducks, geese or other water fowl or wild animals on the Property.
  5. **No solicitation is permitted by anyone anywhere in the subdivision.**
  6. **Homes shall not be used for commercial or business purposes and shall only be used as residences.**
  7. **No window or wall air-conditioning units are permitted.**
  8. **Pets, Livestock and Poultry.** No animals, livestock, snakes or poultry of any kind shall be raised, bred or kept except that dogs, cats, or other, normal, domesticated, household pets may be kept, but no more than a total of two (2). **Those pets which in the sole discretion of the Association, endanger the health, safety or welfare, make objectionable noise, or constitute a nuisance or inconvenience to the Owners of other Units or the Owner of any property located adjacent to the Properties may be expelled and removed from the Properties by the Board.** No pets shall be kept, bred or maintained for any commercial purpose. All household pets shall be confined to a leash whenever they are outside a Unit. **ADDITIONALLY, IT SHALL BE THE PET OWNERS OBLIGATION TO REMOVE THE PET'S WASTE MATERIAL FROM ALL PROPERTY WITHIN THE DEVELOPMENT.** All pets shall be properly licensed and shall have all required medical vaccinations. Upon request a pet owner shall provide the Board proof of licensure and the medical history/records of the pet. The keeping of pets is a privilege not a right. Pets may only be kept subject to the following conditions:
    - (A) No pets shall be permitted in the pool area, leashed or unleashed.
    - (B) Owners may not leave pets unattended in screened porches, or lanais where their noise may bother others.
    - (C) Any Owner tenant or guest who keeps or maintains any pet shall, in exchange for and in consideration of the privilege to keep the pet, hereby indemnify and hold the Association and other Owners and residents free

and harmless from any loss, claim or liability of any kind or character of whatever nature arising from or related to the keeping or maintaining of such pet on the Property.

- (D) **No dog may be kept in a leased home. Renters currently keeping a dog(s) are grandfathered for the remainder of the lease and renewals thereof as to the dog(s) in place at the time this amendment is recorded.**

9. **Unoccupied Property:** Everything must be removed from the lanai when the home is unoccupied for an extended period of time, especially during the Hurricane season May through November.
10. **No guns may be discharged on association property including both residences and the common areas.**
11. **Parking; Vehicles.** Owners and their guests shall park in the garages or driveways. Additionally, residents and their guests are permitted to park in designated Common Area parking spaces, if any, on a first-come basis. No vehicles shall be parked on the grass or in any other areas that are not designed for the parking of vehicles. A home Owner or lessee resident shall be allowed to park the number of average mid-size vehicles that are capable of being parked in the home's garage and driveway at any one time. All vehicles in excess of the maximum number are prohibited. The Board shall be authorized to make exceptions to the maximum number of vehicles to account for an Owner's or Lessee's guests and other temporary situations. The granting of an exception or variance by the Board shall not set a precedent applicable to any other situation whether similar or not nor shall it constitute a waiver. **Commercial vehicles are prohibited from being parked on the Properties at all times except when temporarily present to perform necessary services.** The term "commercial vehicle" as used herein shall mean any vehicle that contains signage, graphics or equipment of or intended for commercial purposes or a vehicle with or without signage, equipment or graphics that is primarily designed to be used for commercial purposes without regard to whether or not the vehicle is presently used for a commercial purpose. The Board may restrict and/or designate particular areas of the Property for parking for certain purposes or vehicles. The Board is authorized to adopt, implement, enforce and modify as it deems necessary a vehicle registration program for all vehicles entering or parking on the Property. Such authority includes but is not limited to requiring vehicles to be marked with a registration sticker, bar code or other similar item in a location on the vehicle determined by the Board; issuing access cards, codes or similar items/devices to owners and tenants; requiring vehicles to be registered and owners to submit vehicle registration and licensure information (including a copy of the vehicle owner's and/or operator's driver's license); and issuing parking passes for guests and other persons entering the Properties on a temporary basis. The Association may charge a reasonable fee for lost, replacement or extra vehicle access equipment and/or parking stickers/bar codes/access cards or such other similar required items. The Association is authorized to deny any person or vehicle access to the Properties that has failed to comply with the restrictions contained herein or elsewhere in the governing documents. The Board is authorized to have any vehicle that is parked in violation of these restrictions towed from the Properties or a disabling boot placed on it at the vehicle owner's expense.
- (A) Absolutely NO parking on grass. The damage caused to association property is expensive to repair and will not be tolerated.
- (B) No parallel parking in the driveways. This is normally achieved by driving on the grass. All vehicles MUST be parked perpendicular to the garage door.
- (C) No commercial vehicles, boats, trailers or rv's are allowed after midnight. A commercial vehicle is identified as having lettering or signage on the vehicle.
- (D) No street parking after midnight. If you have overnight guests and their vehicle cannot fit in the driveway you will need to find alternate parking outside of the community.
- (E) No portion of the vehicle can extrude beyond the concrete street gutter. There is concern that an accident will occur if vehicles are parked partially in the street.

- (F) Parking at the pool in designated parking spaces is allowed overnight until 8:00 a.m. the next day. Currently, there are 5 designated parking spaces. If you park in a non-designated spot, you will be towed immediately.

**12. Rules for parking in the five designated poolside spaces and the eleven spaces north of the pool on Healthpark Circle are as follows:**

As parking is permitted on the street during the day, from 8am-8pm the aforementioned parking spaces may be occupied if and only if you are visiting the pool. If a vehicle is found in one of these spaces between 8am and 8pm but the occupant(s) are not present at the pool, the vehicle will be towed at the owner's expense.

Overnight parking in the aforementioned parking spaces will be limited to Sail Harbour visitors only. The spaces are no longer available for resident overnight parking. A current visitor pass must be prominently displayed on the dashboard or review mirror. Vehicles without a visible visitor pass will be towed at the owner's expense. The new parking rules took effect on Wednesday, February 13, 2013.

- 13. No obnoxious or offensive activity shall be carried on within Sail Harbour or upon any part, portion or tract thereof, nor shall anything be done which may be or become a source of unreasonable nuisance or annoyance to the Community or its residents.**
- 14. Homeowners are individually responsible for any damage on association property for which they, their family, guests, visitors, servants or employees are responsible.**
- 15. NO Basketball Hoops allowed.**
- 16. Sports Equipment must be stored in garages when not using.**
- 17. Maximum Number of Occupants in Home.** The maximum number of permanent occupants of a home shall **NOT** exceed two (2) persons per the number of bedrooms in the home. A bedroom shall be defined as any room identified as a bedroom on the original plans for the home. The term "permanent occupant" shall mean any person that stays overnight in the home more that 60 days (either consecutively or cumulatively) in any 365 day period. The term "stays overnight" shall mean the act of being present in the home after 11:59 P.M. until 6:00 A.M. the following day.
- 18. Leasing of Homes.** In order to foster a stable residential community and prevent a motel-like atmosphere, the leasing of homes by their owners shall be restricted as provided in the leasing section of the governing documents. All leases of homes must be in writing. A homeowner may lease only his entire home, and then only in accordance with this Section, after receiving the approval of the Association. The lessee must be a natural person as opposed to an artificial entity such as a corporation, partnership, trust, etc. An application must be submitted to Tropical Isles Management Services at least twenty (20) days prior to the start of any lease with a signed copy of the lease agreement and a application fee made payable to Tropical Isles Management Services, Inc. **NO TENANT OR LESSEE MAY MOVE INTO OR OCCUPY A HOME, NOR SHALL ANY OWNER PERMIT A TENANT OR LESSEE TO MOVE IN OR COMMENCE OCCUPANCY WITHOUT FIRST TIMELY SUBMITTING A COMPLETE APPLICATION WITH THE ASSOCIATION AND RECEIVING WRITTEN APPROVAL FROM THE ASSOCIATION. THIS APPLICATION MAY BE DISAPPROVED FOR GOOD CAUSE PER SECTION 10.1 (C) OF DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS.** **Persons who violate this provision will be fined up to \$100 per day per violation. In addition, the Association may pursue legal action to evict, sue for damages, and other legal remedies. Guest and renters are required to comply with all of the rules and regulations. The Board reserves the right to limit the number of temporary guests which may reside in a unit at any time.**

19. **Collateral Assignment of Rents.** In the event an Owner is in default in the payment of assessments or other sums due and owing to the Association and the Owner's Lot is leased, the Association shall have the right and authority to collect the rent to be paid by the tenant to the Owner directly from the tenant. Upon demand by the Association the tenant shall pay said rent to the Association. In the event such tenant fails to remit said rent directly to the Association within ten (10) days (but no later than the day the next rental payment is due) from the day the Association notified such tenant in writing that the rents must be remitted directly to the Association, the Association shall have the right to terminate the lease and evict the tenant. All sums received from the tenant shall be applied to the Owner's account for the leased Lot according to the priority established in Section 720.3085, Florida Statutes until the Owner's account is current.

20. **Forged Bar-Code Rule:**

No hand held bar code stickers will be issued by the Association. If your bar code sticker is used as a hand held bar code device the bar code number will immediately be deactivated by the Association. You may not transfer a bar code sticker from one vehicle to another vehicle. All transferred bar code stickers will be immediately deactivated by the Association. **You may not duplicate your bar code sticker in any way.** If you obtain a new vehicle you must register it with the Association and obtain a new bar code sticker.

21. **Passes for Registered Motorcycles:**

A motorcycle is a vehicle if it is allowed to be registered by the DMV (Department of Motor Vehicles). As such, the Board unanimously agreed to allow registered motorcycles (with the Association) not to have bar-code sticker placed on it. Further, no special passes are required and the motorcycle resident will need to use the guest lane and be checked in by the gate attendant. Moreover as motorcycles are considered a vehicle, the motorcycle will count toward the units maximum allowable vehicles.

22. **Gate Repair Charge Policy:**

The Board has adopted a policy of charging a minimum of \$200.00 to the responsible party that is designed to cover at least most of the costs to the Association in situations where there has been minimum damage. The Association incurs the following expenses such as but not limited to:

- \$25 for a copy of the DVD to be mailed to management.
- A charge of \$60.00 per hour for the review of the DVD and do whatever else is necessary to determine and document what actually happened.
- \$40-\$120 minimum for a gate vendor to reattach the gate arm.

23. **Sail Harbour Drone Rule:**

Drones are not allowed to be flown from or in Sail Harbour at Healthpark air space.

## **Sail Harbour at Healthpark Pool Rules**

- 1. Hours: Dawn to Dusk.**
- 2. No children under the age of 16 are permitted in the pool or pool area unless accompanied by a parent or resident over 21 years of age.**
- 3. Children wearing diapers and those who are not toilet trained must wear additional plastic coverings.**
- 4. Users of the pool must wear standard swimming attire. No cutoffs or other forms of non standard swimming attire are permitted.**
- 5. Jumping and diving into the pool is prohibited.**
- 6. Large floats are not allowed due to the size of the pool. Noodles are permitted.**
- 7. No running, ball playing, shoving, yelling, obnoxious or illegal behavior in the pool or on the pool deck. Operation of radios, tape decks, etc. except for approved community functions is prohibited unless using earphones.**
- 8. Pool chairs and lounge chairs must be protected with large towels from suntan lotions and perspiration.**
- 9. People with open sores, cuts, or communicable diseases may not enter the pool.**
- 10. The ONLY beverage allowed is plastic water bottles.**
- 11. No alcohol permitted within the fenced in Cabana and Pool area.**
- 12. No food is permitted in the pool or on the pool deck except for community functions.**
- 13. Health Department Rules and Regulations require showering before entering the pool.**
- 14. No bikes, scooters, skateboards, skates, or animals are allowed in the pool or pool deck.**
- 15. All accidents must be reported immediately (when they occur) to the Management Company.**
- 16. All activities in and around the pool are at individual risk**
- 17. No sand or sea shells are permitted in the pool area.**
- 18. NO PARTIES**