

# **Community Association of Waterford Lakes Rules of Operation**

**Revised October 2015**

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# **Community Association of Waterford Lakes Rules of Operation**

A) 1. The Board adopts the following Community Association of Waterford Lakes, Inc. documents and all Amendments as presented by the Community Association of Waterford Lakes, Inc. and reviewed by the members of the Board. They shall officially be known as the "Governing Documents" to be distributed to homeowners, renters, and prospective purchasers. They are:

- a. Articles of Incorporation
- b. By-Laws
- c. Declaration of Covenants and Restrictions
- d. Rules of Operation

2. Governing Documents listed above, including all Amendments thereto, along with any question and answer sheets, shall be maintained in the office of the Association at all times and be available at all times. Additional copies will be sold to owners, their representatives and prospective purchasers upon request for the price established from time to time by the Board of Directors.

3. The following procedure is to be used to fulfill requests by any homeowner of the Association or his/her authorized representative to inspect and/or obtain copies of the records of the Association:

- a. All requests must be in writing and mailed certified mail to the Association's Management Company and must specifically list the documents to be inspected or obtained by copying and identify the number of copies required.
- b. All current official records of the Association are typically located at the offices of the Management Company, and that is the designated location at which records of the Association will be reviewed and copied. Any review of records will be under the supervision of an employee of the Management Company to protect the integrity of the records and shall incur a supervision fee of \$35.00 per hour of supervisory time. All charges are to be billed by the Association.
- c. Records review or copying will be available only during normal working hours, defined as 9:00 am to 4:00 pm, Monday through Friday (closed for holidays).
- d. Intentionally omitted.
- e. Records review will be limited to a duration of not more than two hours unless the written request to review records specifically includes the expectation that the time needed to review records will extend beyond the two hour limit.

4. The Association's charge for the cost of duplication of official records of the Association shall be at the rate of \$0.15/page for any records of the current business year. An additional charge of \$35.00 per hour shall be made for the time it takes to retrieve any prior year's documents or records from the Association's storage.

B) 1. A petty cash fund is to be established with \$500.00 and replenished as necessary. The fund is to be administered under the direction of the Treasurer's office. This fund shall be used to pay small bills to reduce office expenses for checks.

2. A single Board member or the Management Company may approve expenditures of up to \$500.00. Items less than \$200.00 may be paid from petty cash.

3. An expenditure of more than \$500.00 requires a majority Board approval.
  4. Emergency expenditures may be authorized by a single Board member where it is not practical to obtain additional approvals. The majority of the Board will confirm the expenditure after the fact.
- C) Section 3.6: Remedies for non-payment of assessments of the Covenants and Restrictions for Waterford Lakes shall be implemented by the Association's Management Company in the following manner:
1. The date of receipt shall be considered the date of payment for the purpose of determining late payments. Notices or letters are effective as of the date sent.
  2. Payments are to be made to the Association in care of the Management Company as provided to unit owners with their payment coupons.
  3. If after 15 days the assessment is past due and unpaid, an administrative late fee of \$25.00 will be applied once for each overdue assessment, plus the cost of collection in the amount of \$5.00. Interest on unpaid assessments shall accrue at the rate of 18% per annum, calculated from the due date of the assessment, and applied to the account after the assessment is 15 days past due and unpaid.
  4. After the 15<sup>th</sup> of the month following an assessment due date, the Management Company will send the delinquent unit owner a reminder notice by First Class mail to the official address of record, indicating the past due assessment amount, the late fee, costs, and interest.
  5. On the first of the following month, the Management Company will send the delinquent unit owner a second letter by First Class Mail to the official address of record, for all amounts past due and unpaid. This letter will advise the delinquent unit owner that, if the past due amounts are not paid within ten days, the account will be subject to referral to the Association's attorney for collection.
  6. A list of all delinquent accounts is to be provided to the Board of Directors monthly.
  7. After the 10<sup>th</sup> day following the mailing of the second letter, delinquent accounts will be referred to the Association's attorney for collection and legal action as permitted by law and directed by the Association.
  8. Any payment received and accepted by the Association shall be applied first to unpaid accrued interest, then to any unpaid administrative late fees, then to any unpaid costs and unpaid reasonable attorney's fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. Any partial payments received shall be deposited, and the envelope with enclosed documents, if any, will be sent promptly to the Association's attorney.
  9. A current unit owner is jointly and severally liable with the previous unit owner for assessments that were due and unpaid up to the time of transfer.
  10. The Treasurer, or in his absence or non-availability, the Assistant Treasurer shall administer the collection policy of the Association, the instruction of the Management Company or counsel, and all matters that may arise that are related to collections. The Treasurer, or in his or her absence, the Assistant Treasurer, shall report to the Board of Directors regularly on these matters and the exercise of authority related to mitigating circumstances.

**D) Section 7.4 Miscellaneous Use Restrictions. Part (1) of the Covenants and Restrictions for Waterford Lakes is to be implemented as follows:**

1. The Association shall post at each entrance to the community signs designating the streets within the Community of Waterford Lakes as a "Tow-Away-Zone", and list the name and telephone number of the tow company on the posted sign.

2. The Association shall have towed to a local storage area at the owner's expense vehicles parked on any street in Waterford Lakes in such a manner as to impede vehicles operating in the travel area of any street, any vehicles parked at the curb in excess of four hours between the hours of 7:00AM and 12:00 midnight, and any vehicles parked on the street between the hours of 12:00 midnight and 7:00AM. All vehicles with commercial lettering shall not be permitted to be parked anywhere within Waterford Lakes including streets, driveways and pool parking lot from 12:00midnight to 7:00AM. The pool parking requirements are addressed elsewhere in the Rules of Operation.

3. The Association shall have towed to a local storage area at the owner's expense vehicles parked on grass or sidewalks. This section does not apply to that portion of the sidewalk where sidewalk and driveway coincide. Homeowners are responsible for any damage to the grass and/or irrigation system.

4. The Association shall have towed to a local storage area at the owner's expense vehicles found in a manner that impedes or obstructs the flow of traffic.

5. Owners of vehicles towed have the right to appeal through the Waterford Lakes Appeals process.

6. Enforcement of parking violations will be performed by Directors and members authorized by the Board of Directors.

7. If the owner of the vehicle arrives at the scene prior to the towing of the motor vehicle, the vehicle must be disconnected, and the owner shall be liable for the payment of a reasonable service fee. If the fee requires collection by the Association, the Association will bill the respective homeowner and add a processing fee of \$15.00.

**E) 1. Fines are due and payable within 30 days of the original citation. Fines not paid by that date will be billed in accordance with the post assessment billing cycle along with a \$5.00 processing fee, for a single unpaid fine, or \$15.00 for two or more unpaid fines, and interest at the same rate of 18% per annum from 10 days after the original citation date.**

2. The filing of an appeal will not put the fine, processing fee, or interest on hold. However, a successful appeal will result in the return of the fine, processing fee, and interest paid.

3. Accumulation of over \$100.00 in fines, processing fees, and interest by the owner(s) of any CAWL unit may result in legal action in accordance with the laws of the State of Florida.

**F) The bulletin board at the Waterford Lakes Communication Center is designated as the location where all notices of Board, Committee, and Owner meetings shall be posted and displayed as required by law.**

**G) The meetings of the Board of Directors, its Committees and all Homeowners meetings shall be open to all Homeowners to speak with reference to designated agenda items within the following guidelines:**

1. Board of Directors and Committee Meetings:
  - a. Homeowners will only be allowed to speak on a meeting agenda item for a total of three (3) minutes.
  - b. Only homeowners may speak at these meetings. (A homeowner is defined as an individual listed on the deed as registered with the Indian River County offices.
  - c. A sign-up sheet will be provided. Residents only will be allowed to speak up to three minutes on a subject that is on the agenda. Speakers will be chosen in order on the sign-up sheet.
  - d. Speakers that exceed the three minute time limit or speak on subjects not on the current agenda will be asked to stop speaking. Speakers that refuse to stop speaking when requested or are abusive and/or unruly may be denied, at the discretion of the Chair, future opportunities to speak.
  - e. Statements made by Homeowners shall not be included in the minutes of the meeting, nor shall the minutes indicate who spoke.
  - f. During a Board meeting, only Directors may enter into the discussion on the merit of the current agenda item. Committee chairs and a limited number of Homeowners may be permitted, if recognized by the Chair, to present information relevant to the current agenda item and may be questioned by a Director, with consent of the Chair. Debate will only be by the Directors of the Association. The association's attorney or Management Company representative may be allowed input when requested by the Chair.
  - g. During Committee meetings, all action will be by designated Committee members.

H) The meetings of the Board, its Committees and Homeowners meetings may be audio and/or video recorded subject to the following procedures:

1. Only Homeowners may bring and operate recording devices at meetings.
2. Recording equipment utilized at any such meeting shall not produce sound or light emissions deemed by the Board to be distracting to the participants or the observers of any meeting, nor shall any equipment be physically located in such a way that it blocks the view of the meeting participants or any observers.
3. All recording equipment shall be assembled and placed in position for recording in advance of the calling to order of any meeting.
4. Homeowners recording a meeting shall not be permitted to move about the meeting in order to facilitate the recording.
5. Any Homeowner planning to record the proceedings of any meeting is required, prior to the call to order of that meeting, to submit written notice to the Chairperson of the meeting of his/her intent to make such recording.
6. The Association, Board, or Committee being recorded shall not be required to furnish any electrical outlets, lighting, tables, stand, preferential seating, or specific locations for any of their equipment. All equipment shall be placed by the owner on a first-come, first-serve basis. The Chairperson shall have the right to resolve equipment and seating location disputes between Homeowners and to remove same when disputes are preventing any meeting to proceed as posted.

I) Rule I is removed and combined with Rule B.

- J)** 1. Flowering plants (annuals, perennials) and trees that are within the guidelines of the original planting areas, or new planting criteria (see number 3 below) completed by November 14, 2007 or a planting area approved by the ARC for that Unit is permissible without a new ARC Committee review as long as they are well maintained. They are grandfathered in.
2. As of November 15, 2007 all trees, shrubbery (additions or deletions) within or outside of the Unit's guidelines must have ARC review approval.
3. No planting of trees, shrubbery, or flowering plants (annuals or perennials) shall be permitted within five (5) feet of the edge of the curb toward the dwelling.
4. Where there is a sidewalk, all plantings must be planted at least three (3) feet from the edge of the sidewalk toward the dwelling.
5. The canopy of tree limbs that protrude over the sidewalk must be held to a height of seven (7) feet above the common sidewalk, and is the owner's responsibility to trim.
6. Trees and shrubbery that were originally planted by the developer are grandfathered for the life of the tree or shrub. When a grandfathered tree or shrub dies or is to be replaced, it must be removed, grassed over and then reverts back to criteria mentioned above.
7. Two-thirds of the common area in front of the dwelling must remain grass. That common area is defined as being between the left and right outside walls of the dwelling and the edge of the curb toward the dwelling, not including the original sidewalk and driveway.
8. Property owners are responsible for trimming and maintaining flower beds, supplemental gardens/plantings, and trees associated with their Unit in a reasonable manner. All flower beds, supplemental gardens/plantings, excluding those around a porch screen room, should be regularly weeded and overgrowth cut back. Growth may not be any higher than the center of all windows (pertains to shrubbery, not trees). This is necessary for safety, security, and fire hazards and applies to full time residents, seasonal residents and landlords. Failure to comply will result in Property Owners being subject to a fine or correction as set forth in the Covenants and Restrictions.

**K) Architectural Review Committee**

1. Any alterations or additions to a Unit or property must be filed in accordance with Article VII of the Covenants and Restrictions, reviewed by the Architectural Review Committee (ARC) and then presented to the Board with their recommendations. The Board will then render its decision and advise the ARC who will then notify the applicant. **NO** alteration or addition approvals can be given without first obtaining Board approval. The application will not be complete until the ARC has inspected the completed work and has verified that the work has been completed in accordance with the approved application. Correction of any damage or change to a swale due to any applicant's work is the responsibility of the Homeowner and must be corrected prior to final approval from the Board. This rule shall be included on all ARC review applications.

- L)** No garage sale, yard sale, auction, tag sale, estate sale, or any other type of public sale is to be held in the Waterford Lakes subdivision.

**M) Waterford Lakes Retention Ponds/Canals**

1. All retention ponds/canals in Waterford Lakes are part of the common areas and not for recreational use. They are for hydration purposes only and not intended for any purposes by the homeowners. Any violation is considered trespassing and will be dealt with as such.

2. The feeding of retention pond/canal wildlife i.e. ducks, fish, turtles, alligators, or any other wildlife that lives on or in the retention pond/canal is prohibited. Bird feeders are permitted within the unit owner's property lines, not on common areas, as long as they do not draw ducks or other retention pond/canal wildlife to the feeder.

**N) All portable sports equipment, BBQ grills, patio furniture, garden tools, etc., cannot be stored in front of or along the sides of units. Patio furniture, decorative garden furniture, swings or benches are allowed on ARC approved front patios and shrubbery areas only and are not allowed on the grass.**

**O) Waterford Lakes is a private deed restricted community and therefore no soliciting is allowed. Signs will be placed at the entrances to Waterford Lakes.**

**P) The following procedure is for fining and/or suspending use rights for non-monetary violations of the "Declaration of Covenants, Bylaws and Rules of Operation" (Governing Documents) of Waterford Lakes.**

1. The Board of Directors may impose use rights suspensions and/or fines in such reasonable sums as they may deem appropriate, up to the highest amount allowed by law, for violations of the Governing Documents, by owners, their guests or tenants. Before levying a fine and/or use right suspension pursuant to this paragraph, the Board of Directors shall afford an opportunity for a hearing before the Appeals Committee to the party against whom the fine and/or suspension is sought to be levied, after reasonable notice of not less than fourteen (14) days. This notice shall include:

- (a) A statement of the date, time and place of the hearing.
- (b) A statement of the provisions of the Governing Documents which have allegedly been violated.
- (c) A short and plain statement of matters asserted by the Board.

2. The party against whom the fine and/or use rights suspension may be levied shall have an opportunity to respond, to present evidence and to provide written and oral argument on all issues involved and shall have an opportunity at the hearing to review, challenge and respond to any material considered by the Association. Upon the levy of any fine, the Board may collect such fines like assessments in one or more installments. Each day of violation shall be a separate violation. The affected lot owner, whether the offending party or not, shall always be given notice of the hearing.

3. First notices for non-monetary violations will be mailed by the Management Company USPS Certified/Return Receipt to the homeowner's last known address on record. A copy of the letter shall also be mailed first class to the physical address of the violation. First notices are considered effective and served on the homeowner when deposited in the United States Mail.

- a. Owner is required to comply with corrective actions within the allotted time shown on the First Notice of violation. Written acknowledgement of the corrective action taken must be received by the Management Company within this allotted time frame.

- b. Homeowners will not be assessed a fine and/or use rights suspension when the violation is resolved within the time allotted in the First Notice.
4. Second notice: Failure by the owner to resolve the violation within the allotted time of the First Notice will result in a Second Notice. This notice will be mailed by the Management Company, USPS Certified/Return Receipt to the homeowner's last known address on record. A copy of this letter shall also be mailed first class to the physical address of the violation. The Second Notice is considered effective and served on the homeowner when deposited in the United States Mail.
  - a. Owner is required to comply with corrective actions within the allotted time shown on the Second Notice of violation. Written acknowledgment of the corrective action taken must be received by the Management Company within this allotted time frame.
5. Notice to Board: If the owner fails to resolve the violation during the time allotted in the Second Notice, the violation shall be presented to the Board of Directors for the purpose of levying a fine and/or use suspension at the next Board meeting. The Board shall forward to the Appeals Committee for approval their decision containing, (a) the date, time and place of the hearing; (b) a statement of the provisions of the Governing Documents which have allegedly been violated; and (c) a short and plain statement of matters asserted by the Board. Such hearing shall be scheduled no sooner than fourteen (14) days from the Board's decision.
  - a. The Association has the right to impose on the homeowner a fine in the amount of \$10.00 per day for each unresolved violation, starting with the date of the First Notice.
  - b. Unresolved violations and/or an unsuccessful Appeals Committee hearing will be considered a continuing ongoing violation.
  - c. All monies are due within 30 days following the date of the resolved violation, or an unsuccessful Committee hearing date, and/or a maximum fine of \$1000.00 per violation has been accumulated. Fines not paid by that date will be billed in accordance with the post assessment billing cycle.
  - d. Resolved violations must be reported in writing to the Waterford Lakes Management Company as soon as possible to avoid any unnecessary confusion or accumulation of fines.
6. Appeals Committee is comprised of at least three homeowners, who are not officers, directors, employees of the Association, or spouse, parent, sibling, or child of an officer director, or employee appointed by the Board of Directors.
  - a. The committee shall receive from the Board of Directors a decision whether to levy fines and/or use rights suspension.
  - b. The committee shall meet and determine whether to confirm or reject the fine and/or use suspension or any other penalty levied by the board. The committee cannot make any changes whatsoever to the fine, use right suspension or penalty.
  - c. Successful hearings will result in the cancellation of the violation and return of all fines, and/or use rights suspension.
  - d. Unsuccessful hearings will result in fines being due and payable within thirty (30) days of the hearing.
  - e. Homeowners who have questions or feel they have been unjustly cited, or have corrected the violation should respond in writing as soon as possible to the Management Company.



**Q) Waterford Lakes Pool Rules:**

1. Warning! No lifeguard on duty – use at your own risk.
2. Pool hours 8:00AM to dusk (use at any other times is a violation).
3. All persons must shower prior to entering the pool – Florida law.
4. Loud music is not allowed.
5. Children under the age of fourteen (14) years and guests must be accompanied by a resident eighteen years of age or older.
6. No person wearing diapers is allowed in the pool at any time.
7. No diving, jumping, running, or game playing is allowed in the pool area.
8. No inflatable floats or toys of any kind are allowed in the water – personal flotation devices are permitted.
9. No pets are allowed in the pool or deck area.
10. No food or alcoholic beverages or glass containers are permitted in the pool area at any time.
11. Proper bathing apparel is to be worn at all times.
12. Maximum allowable number of persons in the pool at one time is thirty (30).
13. Entering the pool from other than the pool deck will result in loss of pool privileges. Criminal charges may apply.
14. Entry into the pool area must be done by use of the keyless entry gate.
  - a. The pool area is defined as the area enclosed by the continuous fence, including the fence and keyless gate.
  - b. Entry into and exit from the pool area is to be through use of a CAWL entry card via the pool entry gate only. Entry into the bathrooms will require the same CAWL entry card. Simply passing the card near the reader at the gate or bathroom will open the lock. Exit from the bathrooms is by a button inside the bathrooms. Any attempt to thwart the system, including defeating the latch by blocking open the entry gate or bathroom doors, will result in loss of use of the facilities and may result in criminal charges.
  - c. Only one active CAWL entry card will be allowed per unit. Any others will be removed from the control system. Any homeowner delinquent in assessment, fees, and/or fines, for a period greater than ninety (90) days will forfeit the use of the pool facility pursuant to FL Statute 720.306(8), until such time as all assessments, fees, and/or fines are cleared and/or paid.
  - d. Lost or stolen CAWL entry cards may be obtained for a fee of \$75.00.
  - e. Faulty or damaged CAWL entry cards may be replaced on a one for one basis once at no charge. Additional replacements within one year will be charged a fee of \$25.00.

- f. Property owners have the responsibility to provide tenants with pool access as per their property rental agreement. Renters may obtain a CAWL entry card directly from our Management Company, or other designee, provided all necessary rental documentation is completed. A refundable deposit of \$75.00 is required. It is to be noted that any homeowner's account that is delinquent by more than 90 days will result in loss of pool privileges to homeowners and/or tenants, as noted in paragraph c.
- g. The use of the pool provided to the tenants of a property owner automatically suspends the rights of the homeowner to use the pool facilities for the term of the contract.
- h. Misuse of the CAWL entry card such as giving or loaning it to unauthorized persons, will result in cancellation of the card.

15. Violations of the above rules will result in loss of pool privileges and may result in criminal charges.

16. CAWL entry cards may be obtained and receipted from our Management Company or other designee. Homeowners may request that the card be mailed to them; a \$10.00 processing fee will be charged to their account. Failure to pay the fee will result in the card being deactivated. In either case a copy of this rule will accompany the card. Replacement cards, or cards for tenants that have proper lease information on file, will be processed when all the required arrears payments and other fees have been received.

17. The entire recreational area, including the pool, is subject to video camera surveillance.

18. Pool gate will be locked during the following hours: 8:00PM until 8:00AM DST (Daylight Savings Time) and 6:00PM until 8:00AM EDT (Eastern Daylight Time).

#### **R) Waterford Lakes Recreational Areas**

1. Pool Parking Lot – Daytime parking is from 8:00AM to 8:00PM. Daytime parking is limited to residents or guests accompanied by a resident using the pool or playground only. Overnight parking is from 8:00PM to 8:00AM. Overnight parking is limited to residents or their guests **with prior approval of a member of the Board of Directors.** All others will be towed at owner's expense. Requests for overnight parking shall be processed as follows:

- a. Owner must request overnight parking at the pool from a Board member.
- b. Board member shall obtain from owner, length and date of stay, make, model, color, and license plate number of vehicle.
- c. Based on the parameters of the request, the Board member may grant immediate approval, defer approval, or deny approval.
- d. The decision of the Board member must be transmitted to the Management Company by phone immediately.
- e. The Management Company shall notify the towing company and towing enforcement personnel by phone and the remaining Board members via email of the decision.

2. Tobacco Free Zone: All forms of tobacco products are prohibited in the Waterford Lakes recreational areas.

3. Playground hours are 8:00AM to 8:00PM DST and 8:00AM until 6:00PM EDT. Use of the playground equipment or being within the common area adjacent to or including the playground area at any time other than the posted hours is considered trespassing. Areas in and around irrigation pumps, irrigation timers, and artesian well and floats are always designated no trespassing areas.

S) Rule S is removed and combined with Rule J.

T) Waterford Lakes Road Usage

1. A motorized vehicle is any vehicle, other than a bike or wheelchair, propelled by other than manual means, i.e. foot or hand.
2. Motorized vehicles of any kind are not permitted on the sidewalks of this community. Bikes or wheelchairs are accepted.
3. Any motorized vehicle using the roads within Waterford Lakes Community must be registered, if required, and operated by a licensed driver.
4. Un-motorized vehicles, skateboards, rollerblades, etc., must proceed along the edges of the roadway so as not to interfere with motorized traffic. Such vehicles and personnel not near the edge of the roadway are required to move themselves to the edges of or exit the roadway, so as not to create a hazard to motorized vehicles.
5. Un-motorized vehicles may use the sidewalks of the community, but must give way to pedestrian traffic.
6. Sports accessories, such as ramps, bars, nets, etc., are expressly prohibited from any roadway and sidewalk within the community and may be removed by any homeowner authorized to serve citations for violations.
7. Citations may be issued in accordance with Section 5.2: Common Property Rights of the Declaration of Covenants and Restrictions for Waterford Lakes.
8. No person shall drive any type of vehicle within the Community of Waterford Lakes at a speed greater than is reasonable and prudent under any conditions. However, under no time may anyone exceed the posted speed limit. It shall be the duty of all persons to use due care and drive at a safe speed within Waterford Lakes.
9. The 15 mile per hour speed limit signs posted on the Waterford Lakes roadways is the maximum speed limit for any vehicle.
10. The Association may impose a reasonable fine as provided in the Governing Documents against any member, tenant or guest in violation. A fine may be levied on the basis of each day of a continuing violation, not to exceed a total fine of \$1000.00 in the aggregate.

U) The Community of Waterford Lakes and/or its Management Company will not be held responsible for homeowner's incorrect address on file. It shall be the responsibility of the property owner to maintain their accurate and correct address and phone number with the Association and Management Company. Any Changes should be made in writing, dated, and submitted to the Management Company by the property owner.

V) Rule V is removed and combined with Rule J.

- W)** The controls and concrete pad associated with the IRC sewage lift station #48 at 10<sup>th</sup> Manor and 13<sup>th</sup> Square East are designated as an “off limits area”. The area shall be marked with signs stating “No Trespassing” and “No Parking”. Vehicles parked in the area, other than IRC utility vehicles, are subject to towing in accordance with Rule D.
- X)** Holiday decorations may be in place in the front of and/or on a unit for up to one month prior to a specific holiday and up to one month past such holiday without prior approval from the Architectural Review Committee. While the structure or decorations are in place, it is the responsibility of the unit owner to maintain the landscape on the same basis as the Homeowner’s Association’s contractors, within 2 to 3 feet around the decorations. Neither the HOA, nor its contractor, is in any way responsible for any damage to the decorations. Any grass killed by any decorations must be replaced by the unit owner.
- Y)** Small satellite dishes are permitted without approval of the Architectural Review Committee, provided they are placed no closer to the front of the unit than the TV cable entry to the unit per Section 207, Telecommunications Act of 1996, 47 C.F.R, Section 1.4000.
- Z)** All vehicles owned and parked in Waterford Lakes by any resident must be roadworthy, in running condition, have current tags, and be insured at all times with at least the minimum limits required by the State of Florida Department of Motor Vehicles, with all glass and body parts intact. Any vehicle that does not meet these conditions must be stored off Waterford Lakes Community property.

#### **AA) Mail Box and Post Rules**

1. Owners are responsible for replacing their mail boxes and posts when damaged. Any standard black US Post Office approved mail box of the same size and style as the builder installed is permissible. The post must be obtained from the “Beautiful Mailbox Co.”, 1-954-792-6245, or 1-800-856-6983.
2. Homeowners that share a joint mailbox and post that becomes damaged are equally responsible for the replacement of mailbox and post as approved by the Architectural Review Committee.
3. Street address is to be placed on the front cover in gold 1 ¼ high numerals.

#### **BB) Non-Owner Occupied Unit Regulations**

1. This rule is meant to supplement and amplify Section 7.1 of the Declaration of Covenants and Restrictions for Waterford Lakes. It is applicable to tenants and long term guests of owners and tenants. This rule does not apply to owners or their parents, children, grandchildren, siblings or spouses of any of them, no matter how long they occupy a unit.
2. Leases of less than sixty (60) days are prohibited.
3. Unit owners must provide the Association with a copy of the “Intent to Have Occupant” form and an application processing fee at the time they give the Association notice of their intent to lease their unit or have someone occupy it in their absence for more than sixty (60) consecutive days. Unit owners must also provide the Association with a copy of the signed lease agreement at the time they give the Association notice of their intent to lease their unit. Owner and occupant must sign application and forward it to the Management Company for review and background searches. Acceptance or denial of application will be rendered as soon as possible. Occupancy shall not take place until application has been approved by the Board of Directors.

4. The application processing fee of One-hundred and fifty dollars (\$150.00) per application should be remitted to the Management Company with "Intent to Have Occupant" form. The fee shall cover the cost of processing the application for up to two National Tenant Network-Tenant Performance Profile screenings, two Multistate Criminal searches, and two Nationwide Sex Offender searches. Searches for each additional adult listed on the form shall be Seventy-five dollars (\$75.00) payable by applicant.

5. All adult occupants must be listed in the "Intent to Have Occupant" form and are subject to a National Tenant Network-Tenant Performance Profile screening, a Multistate Criminal search and a Nationwide Sex Offender search. Failure of any part of these searches could be cause for rejection of application.

6. Lease renewals require submission of updated "Intent to Have Occupant" form and Lease Agreement. The applicant processing fee and background searches will be waived for lease renewals provided the adult occupants have not changed and occupants do not have prior convictions or multiple violations which could be cause to deny lease renewal.

7. Unit owners must provide the tenant or other long term occupant with a copy of the Governing Documents (Declaration of Covenants and Restrictions and Rules of Operation) for Waterford Lakes prior to their taking occupancy of the unit.

8. Unit owners must notify the Association in writing when their tenant or other long-term occupant vacates their unit.

9. Occupancy of a unit by more individuals than are permitted under the Indian River County Code is cause for eviction and/or denial of lease renewal.

10. Occupants who are not identified in the "Intent to Have Occupant" form shall be subject to eviction and/or denial of lease renewal.

11. Occupants operating a business in a unit prohibited by the Association's Governing Documents will be subject to eviction and/or denial of lease renewal.

12. Anyone disturbing or interfering with the reasonable rights and comfort of others is subject to eviction and/or denial of lease renewal.

13. In the event it is necessary for law enforcement to respond to a complaint involving a tenant or long-term guest, the following action will be taken:

- a. First incident report from the police – a violation letter shall be sent to the owner outlining the complaint and requiring a written response.
- b. Second incident report from police at the same address – a notice of eviction will be issued to the owner.

14. Failure to comply with any of the provisions of this rule will be considered a violation of Section 7.1 and 5.1 of the Covenants and Restrictions, which addresses enforcement rights. Violators are subject to a fine of Ten dollars (\$10.00) per day for non-compliance.

**CC)** No commercial activity, home occupations or congregate care facility shall be conducted in any unit within Waterford Lakes. "No commercial activity or home business" as contained in the Governing Documents is defined in part, by the Indian River County Code of Ordinance 912.05(6), such that the following activities for home occupations, shall be exempt when only consistent with the Governing Documents of Waterford Lakes under the following circumstances:

1. The following commercial activities and home occupations are permitted in any dwelling unit subject to the provisions as found in I.R.C.C. Ord., and the respective zoning district, for which Waterford Lakes has been classified by Indian River County under the Comprehensive Use Plan.

- a. Artists and sculptors
- b. Authors and composers
- c. Dressmakers, seamstresses and tailors
- d. Computer programming
- e. Home crafts, such as model making, rug weaving, lapidary work, and ceramics
- f. Office facility of a minister, rabbi, priest or other similar person associated with a religious organization
- g. Office facility of a salesman, sales representative, or manufacturers representative, provided that no retail in person or wholesale transactions are made on the premises, and that no clients are attracted to the premises
- h. Telephone answering services
- i. Similar uses which do not involve in person retail or wholesale sales transactions on the premises, employment of persons on the premises other than occupants of the dwelling, and any mass production assembly, processing, or fabrication operations

2. The following commercial activities and home occupations are not permissible home occupations within Waterford Lakes by this rule, in accordance with Indian River County Codes and our Governing Documents.

- a. Automotive repair or paint shops
- b. Barber shops and beauty shops
- c. Child care centers
- d. Dog grooming services
- e. Food service establishments
- f. Funeral chapels, funeral homes
- g. Gift shops
- h. Massage parlors
- i. Nursing homes
- j. Medical or dental laboratories
- k. Outdoor repair
- l. Rental of any equipment or other items
- m. Restaurants
- n. Veterinary hospitals and clinics
- o. Similar uses not strictly in compliance with this section and the spirit and intent of the zoning ordinance and the Indian River County Comprehensive Use Plan

3. In addition to the regulations applicable in the zoning district in which Waterford Lakes is located, all home occupations shall be subject to the following limitations and requirements.

- a. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner which is normally associated with a residential use as required by the Governing Documents of Waterford Lakes.
- b. No stock in trade shall be displayed or sold on the premises.
- c. No alterations to the exterior appearance of the principal residence or premises shall be made which change the character thereof as a residence.
- d. No outside display of goods or outside storage of equipment or material used in the home occupation shall be permitted.

- e. No persons other than an occupant of the dwelling shall be allowed to work on the premises. Non-resident employees may be employed under the home occupation, but only for off-premise conduct of the home occupation. In such cases, no more than two (2) non-resident employees shall be allowed to park their vehicles or meet on the home occupation premises. Additionally, all other parking restrictions contained in any other rule shall apply such that on street parking is prohibited and subject to the vehicle being towed at the unit owner's expense.
- f. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- g. Parking generated by the conduct of such home occupation shall be met off the street. This prohibition on parking means that no parking other than the driveway of the unit applies, such that parking on the street is prohibited.
- h. No equipment or process shall be used in such home occupations which create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- i. No signs accessory to such home occupation shall be displayed.
- j. A home occupation shall be subject to all applicable state and county licenses and permits.

4. Any person desiring to establish a home occupation, as authorized under the County Ordinance, shall submit an application for a home occupation permit to the planning division for Indian River County. The application shall be on a form provided by the planning division and shall include all information required for a complete application. All such applications shall also be accompanied by a fee, as established by the Board of County Commissioners. Applications shall be approved, approved with conditions, or denied by the community development director for Indian River County defined in Chapter 902 of the land development regulations. Therefore, if no occupation license has been approved by county government, the unit owner or tenant occupant of a unit is in violation of this rule and may be fined by the Association and/or the Association may seek administrative, legal, and equitable relief to enforce the prohibition of no commercial activity or home occupation as contained in the Governing Documents.

**DD) Accounting Policy Regarding Uncollectable Debt.**

1. The policy of the Association to determine uncollectible debt is based on General Accepted Accounting Principles (GAAP). When the Association's Treasurer and at least three Directors determine, based on GAAP, that a unit owner's accounts receivable or any other amount due the Association is uncollectible, either in whole or in part, they will send a memorandum to that effect authorizing the Management Company to make the necessary bookkeeping entries. A copy of the memorandum will be sent to all members of the Board of Directors. Any charge-off of amounts due to the Association will become an agenda item as part of the Treasurer's report at the next meeting.

**EE) Rule EE is removed and combined with Rule T.**

**FF) Drainage Assessment Application Procedures.** If a homeowner suspects they have a standing water problem at their unit and seeks monetary relief from the HOA for abatement, they can submit an application requesting a Board review using the following guidelines:

1. Complete and mail a Drainage Assessment Application package to the Board consisting of the Drainage Assessment Application form and an Exhibit "A", "B", "C" or "D" as applicable to their property in duplicate. Incomplete applications will be returned to the owner for completion and resubmission.

2. The Drainage Committee will forward a copy to our engineers for their review. The engineer will respond to the Committee with a written opinion.
3. The Committee will forward its recommendation to the Board.
4. The Board will then notify the owner of its decision within 60 days of receiving a completed application package.
5. If the resultant flooding is caused by a deficiency in the drainage system maintained by the HOA, the Board will have the situation corrected as soon as possible. The HOA may reimburse the homeowner part or all of its surveying costs depending on the amount of responsibility the HOA assumes.
6. If the cause is owner related, the owner must submit their solution to the Architectural Review Committee prior to work beginning according to Article VII of the Covenants and Restrictions.
7. Copies of the Drainage Assessment Application and Exhibits "A", "B", "C", and "D" can be found in the Appendix and are also available from the Management Company.

**GG)** Flying commercial delivery drones may only be landed in Waterford Lakes on Lot 48 (1047 South 13<sup>th</sup> Square) between the hours of 8:00AM and 5:00PM. No one may go within ten (10) feet of a landing or departing flying commercial delivery drone, or otherwise interfere with it. All delivered packages must be removed from Lot 48 (1047 South 13<sup>th</sup> Square) within two (2) hours of delivery. The Association is not liable for any damages to persons or property relating to a flying commercial drone delivery, nor is it responsible for mis-delivered or stolen packages. Flying drones not used exclusively for commercial deliveries are prohibited in Waterford Lakes.