

Heritage Pointe Master Association, Inc.

Membership Guide

Amended and Restated Rules and Regulations

**FORWARD**

The following Amended and Restated Rules and Regulations have been adopted and will be administered by the Heritage Pointe Master Association Board of Directors and may be changed at any time by the Board. These Rules and Regulations combine and amend the following two sets of Rules and Regulations recorded in Instrument # 201000021654, Public Records of Lee County, Florida, as amended from time to time-RULES AND REGULATIONS FOR HERITAGE POINTE MASTER ASSOCIATION, INC. and RULES AND REGULATIONS FOR TERRACE AT HERITAGE POINTE CONDOMINIUMS. It is the intent of the officers and directors to limit these Rules and Regulations so that everyone will obtain maximum use and enjoyment of the facilities. Although they place some restriction on members and guest activities, they are intended to respect the rights of the membership as a whole. Enforcement of the Rules and Regulations will primarily be placed in the hands of carefully selected staff. It is the duty of those using the facilities to know these Rules and Regulations and to cooperate with enforcement.

**HOUSE RULES**

**HOURS OF OPERATION**

The Board of Directors set the hours of operation, and these may change without notice.

|                         |                 |                                |
|-------------------------|-----------------|--------------------------------|
| Swimming Pool/Spa       | Everyday        | Dawn to Dusk                   |
| Fitness Room            | Everyday        | 24 Hours through key access    |
| Card Room               | Everyday        | 8am to 10pm through key access |
| Community Center/Office | Monday-Friday   | 9:00am to 5:00pm               |
|                         | Saturday-Sunday | Closed                         |

The hours of operation of the various Community facilities shall be determined by the Office Administrator or the Board of Directors, and may be adjusted seasonally as usage dictates.

**IMMEDIATE FAMILY, GUEST, TRANSFEREES AND TENANTS**

**Immediate Family:** Related (by blood, marriage, or adoption) to the following degree: Parent, grandparent, child, grandchild, sibling or spouse.

**Guest:** Anyone other than immediate family, staying with owner present. Guests must be accompanied by a resident while using any Community facilities. These guests must be limited to no more than six. Non-overnight guests in the absence of the owner are not permitted, although units may be inspected by caretakers, friends or relatives. However, such individuals shall not be permitted to use the Community facilities, such as any recreational facilities.

**Transferee:** Guests occupying a unit overnight without the owner present and without the payment of rent shall be considered a transferee and be required to register with the Association and pay a \$100.00 transfer fee.

**Tenant:** Any person leasing a unit: Requires the payment of a \$100.00 transfer/application fee.

Owners, their families, guests, transferees and tenants must register upon arrival at the Heritage Pointe (HP) office.

Privileges as a member, immediate family, tenant, guests, or transferee may be suspended immediately for (1) defacing, marring, or otherwise causing destruction of property, (2) violation of laws of the Community or any state and federal law, (3) non-payment of fees. A suspension of member or their immediate family, tenant, guests or transferee privileges could be enacted in regards to a minor or an adult.

### **TRANSFER OF RIGHT TO USE COMMON AREAS AND FACILITIES**

Any owner may transfer his right of enjoyment to the Common Area and facilities. A non-refundable transfer fee of \$100.00 will be paid and the transfer will be in accordance with the documents and the policies set by the Board of Directors. The owner's privileges are rescinded during the period specified on the transfer form.

An owner MUST transfer his right to use the Common area and facilities to anyone (excluding immediate family) who is staying overnight in the unit without the owner present.

A tenant application for lease approval by the management company must be received by the HP office prior to the arrival of all lessees. The \$100.00 transfer/application fee must accompany the application forms sent to the management company. Please submit all forms at least 30 days prior to the start of the lease to allow for processing. Without the proper forms and approval no parking passes will be issued and use of the facilities will not be allowed.

### **COMMUNITY CENTER**

Owners, their families, guests and tenants are to be respectful of club employees and shall conduct themselves in an orderly fashion as ladies and gentlemen.

Children under the age of 12 are to be accompanied by and actively supervised by an adult at all times. Parents are responsible for the conduct of their children.

Proper attire is to be worn at all times in accordance with acceptable practice for the particular area of the club facilities. The wearing of wet bathing suits is not allowed in the Community Center. Anyone not conforming to the dress code will not be allowed to use the facilities.

The Office Administrator is responsible for the facility room usage.

Residents using any area of the Community Center are responsible for leaving it clean after its use.

No unauthorized person shall tamper with or adjust heating, air conditioning or stereos.

No electronic devices without headphones are allowed in the Community Center unless the Office Administrator authorizes such use during a supervised activity.

Subscriptions, petitions, or notices that do not concern the Community Center's affairs, shall not be distributed or posted on Community Center property without prior approval of the Office Administrator or the Board of Directors.

The cost of replacing any Community Center property that is broken, damaged or removed by a member, transferee or guests or any member of their families shall be charged to the member or transferee concerned.

All decorations for private parties other than table center pieces must have the approval of the Office Administrator.

Animals are not allowed in the Community Center or the pool/spa area.

Personal property should not be left unattended on Community property. Heritage Pointe is not responsible for lost or stolen personal property.

### **SWIMMING POOL/SPA**

Owners, their families, guests, transferees and tenants are entitled to use the pool/spa from dawn to dusk, unless otherwise posted. **There is no lifeguard on duty, so swim at your own risk. Guests must be limited to no more than 6.**

**Do not move umbrella tables. Replace chairs to their original position and lower umbrellas when leaving.**

**Age Restriction:** Children under the age of 12 must be accompanied by and directly supervised by an adult at the pool at all times. No one under the age of 12 is allowed to in the spa at any time.

Proper bathing suits must be worn, no jeans or cut-offs.

Use of suntan oils is not allowed.

A shower must be taken prior to entering the pool and spa.

Persons with open sores, cuts or communicable disease may NOT enter the pool or spa.

Diaper-age children MUST wear swim diapers. Any damages resulting from improper discharges will be paid by the member or their guests.

No glass of any kind is allowed in the pool area.

No food or drink is allowed in or within 3 feet of the pool or spa.

Chairs may not be reserved without the person being in the pool area.

No pool furniture of any kind shall be removed from the pool area.

All electronic devices must have headphones when listening to audio programming.

No pets are allowed on the pool/spa deck.

The Office Administrator may block off times during which the pool will be reserved for water aerobics and other special functions.

### **FITNESS CENTER**

Owners, their families, guests, transferees, and tenants must sign a **Waiver and Release of Liability Form** before participating in fitness activities or any other activities or events held on the premises.

Everyone who uses the fitness room does so at their own risk. It is recommended that you consult your physician prior to beginning any exercise program.

**AGE REQUIREMENT:** Children under the age of **14** are **NOT PERMITTED** in the fitness room under any circumstance. Those ages **14-16 MUST be accompanied by an adult over 21.**

Wipe down the equipment after use, with cleaning solution and paper towels as provided.

Fitness shoes must be worn at all times. No sandals, dress shoes or open toed shoes are allowed.

Appropriate work out clothing must be worn. Under no circumstances will men be allowed in the fitness center without a shirt on. Wet bathing suits are not permitted.

No excessive dropping, banging or throwing of weights.

No open containers or food allowed in the fitness center. Plastic spill-proof water bottles are allowed.

### **PRIVATE PARTIES**

The multi-purpose room may be reserved by residents for private parties upon approval of the Office Administrator. Complete the application form and submit for approval. There is a fee and a refundable damage deposit required. There will be certain days around holidays that the room will be unavailable for private parties. The swimming pool and spa are not included in private party reservations, but the pool deck can be enjoyed by the private parties but not to the exclusion of other residents.

### **LAKE**

The lake is designed for visual enjoyment.

No boats of any kind shall be allowed on the lake except for routine lake maintenance being provided by authorized personnel.

Fishing from shore is allowed. Catch and release only.

No swimming, wading or playing in the lake is allowed.

Do not feed alligators. It is a violation of state law to feed them.

No refuse of any kind is to be deposited in the lake.

## **PARKING**

Covered and uncovered parking spaces have been provided for the parking of private passenger vehicles of owners and their guests. Parking spaces are not intended for the storage of boats, campers, commercial vehicles, non-operational or invalidly licensed automobiles. Vehicles with trailers will be allowed one night, twice a year, to load or unload. Park in guest parking only.

Parking is only allowed in designated and marked parking spaces with a valid parking permit which is available upon registration. Only one vehicle per parking space is allowed.

No repairs or maintenance of vehicles may be performed, except emergency repairs.

Cars are permitted to be washed in the condominium parking spaces. Use only bio-degradable soap. No washing of vehicles at the Community Center parking lots.

Covered cars must be parked in the owner's spot under the carport. Each car must have an identifying tag (luggage tag) on the rear of the car showing the license plate number and owners parking permit number. Covers must be securely tied and in good condition. If a cover gets torn or becomes loose, we will contact the owner to correct the problem. If it is not corrected, the cover will be removed.

No disabled, inoperative or unlicensed motor vehicle of any kind may be parked on the premises.

Because there are limited parking spaces, each owner is permitted a maximum of two motor vehicles on the premises on a permanent basis. Any vehicles parked in violation of the parking restriction are subject to towing, with the owner of the vehicle responsible for all cost of towing.

## **PETS AND ANIMALS**

Only owners are allowed to have pets. Not more than two (2) commonly accepted household pets such as a dog or cat may be kept by owners in their unit, subject to other reasonable regulation by the Master Association. In addition, the owner may keep tropical fish in a tank no larger than 50 gallons and no more than two (2) caged birds. All animals must be leashed when outdoors or kept within the living unit and shall not be allowed to roam free. The Board of Directors may impose reasonable restrictions upon how and where pets may be permitted upon the common elements. All owners are to clean up after their pets. Dispose waste properly in dumpsters. The ability to keep a pet is a privilege, not a right. If in the opinion of the Board, any pet becomes the source of unreasonable annoyance to others, or the owner of the pet fails or refuses to comply with these restrictions, the owner, upon written notice may be required to remove the pet from the Condominium. Tenants are not allowed to have pets. It is a violation of our Declarations of Condominium, and may result in the termination of the lease.

## **BUILDING APPEARANCE AND MAINTENANCE**

The streets, sidewalks, hallways, entrances and stairs must not be obstructed or used for any purpose other than entrance or exit to and from the units. They are not to be used for storage of bicycles, wagons, baby strollers, shopping carts, chairs, benches, tables or any other similar object. Refuse and garbage must be bagged and placed in the provided dumpster. Recyclable items must be placed in the recycle bins.

Personal property of owners must not be stored outside in a common area.

No linens, cloths, clothing, curtains, mops or laundry of any kind may be hung or shaken from any window, door or walkway. Screened in entryways must be kept clean and clear of unsightly items. Cleaning of screened in entryways is the residents' responsibility.

Unit owners may display one portable, removable United States flag and/or flags of the branches of the Armed Forces in a respectful way on appropriate holidays. Flags should not exceed 4 ½ by 6 feet.

No one shall allow anything whatsoever to fall from windows, walkways, entryways, or doors of the premises, nor sweep or throw any dirt, waste or other substances out of the unit onto the common elements of the building.

No exterior radio or television antennas installation or other wiring shall be made without the prior written consent of the Board of Directors, except as provided by law.

No sign, banner, billboard, advertisement, notice or other material of any kind shall be displayed, inscribed, painted or affixed anywhere in the Community by anyone without written permission of the Board of Directors. All notices to be posted on bulletin boards must be approved by the Office Administrator and must not be posted on bulletin board glass or on elevator walls or doors.

No inflammable, combustible or explosive liquid, or gasoline cans or propane tanks shall be kept in any unit or storage area, except those necessary and suited for normal household use. No refrigerators or freezers are allowed to be used in the storage units.

Any window coverings facing the outside of the unit must meet Architectural Review Committee (ARC) guidelines.

No one shall at any time or for any reason whatsoever enter upon or attempt to enter upon the roof of any building.

### **ALTERATION OF CONDOMINIUM**

Unit owners are specifically cautioned that their right to make any addition, change, alteration, or decoration to the exterior appearance of any portion of their condominium is subject to the provision of the Declaration of Condominium and is also subject to prior approval of the ARC. All requests for permission to make changes must be submitted in writing to the ARC for approval accompanied by written plans when requested or drawings or specifications. (Application forms are on the HP website.) Examples needing approval: screen doors, windows, window coverings, window films, shades for the lanai, door locks, tile flooring for lanai or entryway and underlayment for all hard surface flooring within any unit on 2<sup>nd</sup>, 3<sup>rd</sup> or 4<sup>th</sup> floors. Air conditioners must meet size requirements. Owners must obtain ARC placement guidelines prior to installation. Refer to the ARC guidelines. Any unit installed incorrectly or of the wrong size will need to be moved or replaced at the owners' expense. The Board of Directors shall approve such requests only if the Association is protected against or indemnified as to construction liens and/or claims arising from such work.

## **EMERGENCIES IN OWNERS ABSENCE**

In order that proper steps and procedures may be taken in a minimum amount of time during an emergency situation or for the required annual fire inspection of units, the Association shall retain a key to all units. The locks of each unit and storage room are not to be changed or altered without providing the Association with a duplicate key. Keys will be kept in a locked storage box, in a locked cabinet in the Community Center secured office. The Office Administrator will be in charge of the keys.

Any unit owner who is going to be away from his unit for an extended period of time must prepare his unit prior to the departure in the following manner.

- **TURN OFF MAIN WATER SUPPLY**
- Remove all furniture, plants, wall decorations and other objects from the outside of the unit including the lanai, unless approved storm screens are installed
- Designate a responsible caretaker to care for the unit should it suffer any damage caused by storms, hurricanes, winds or other violent acts of nature. The Office Administrator should be notified of the name and contact information of the caretaker.

## **WATER MAIN VALVE REPLACEMENT**

After February 22, 2019, all plastic main water shut off valves must be changed to a brass ball valve. Unit owners not in compliance will be subject to a fine, as recommended by the Board of Directors. The Board's recommendation will be sent to the Fining Committee.

## **SMOKING**

No person shall engage in smoking on lanais or within fifteen (15) feet of any building, swimming pool, pool deck or spa. Smoking shall mean inhaling, exhaling, burning, carrying or possessing any lighted substance, including cigarettes, cigars or pipes. The use of "electronic" or "vapor" cigarettes, cigars, pipes or similar apparatus are likewise defined as smoking and likewise prohibited in the aforementioned areas. Please dispose of cigarette butts properly.

## **QUIET TIME**

No unit owner or tenant shall make or permit any disturbing noises by himself, his family, guests, transferees, or employees from 10:00pm to 8:00am. Remember that sounds carry, keep radios and TVs and all other noises down. No wind chimes are allowed. During daylight hours sounds should be kept at a moderate level.

## **MISCELLANEOUS**

Storage and use of personal barbeque grills on the lanai are restricted to electric only and per state statute up to 200 sq inches of cooking surface. No gas or charcoal grills are allowed.

There shall be no solicitation by any person anywhere in the Community Center or common elements, for any cause whatsoever, unless specifically authorized by the Office Administrator.

No person shall commit any activity on the common elements which is a fire, health, or safety hazard.

**Speed limit within the Community is 20 MPH.**

## **DISCIPLINARY ACTIONS**

Because there may be a few individuals who will not always observe these rules, the following infractions will be brought to the attention of the Board of Directors for disciplinary action:

- Repeated violation of club rules or knowingly violating a club rule.
- Display of temper or other discourteous conduct resulting in damage to Community property or physical damage.
- Showing disrespect to any Community Association employees or fellow members or guests.