

SECTION 7 - MAINTENANCE OF PREMISES

MARKUP #1 ->

No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon the property, and no refuse pile or unsightly objects shall be placed or suffered to remain anywhere thereon. The Owner shall maintain, repair, replace, clean and/or paint the roofs, driveways and all exterior surfaces of the Home or Villa.

In the event an Owner shall fail or refuse to maintain the property, including keeping the property free of weeds, underbrush or refuse piles or other unsightly growth or objects, the Association may enter upon said property and remove same and/ or remedy the violation at the expense of the Owner. Such assessment (cost of the remedy) shall be a lien and subject to the provisions of Section 11 and Section 12 of this Declaration. Such entry shall not be deemed a trespass.

The Association shall have the power to adopt guidelines, rules, and regulations describing acceptable and proper maintenance.

SECTION 8 - NUISANCES

Residents shall be entitled to the quiet enjoyment of their property.

Nothing shall be done by an Owner, contractor, or agent which may be or may become an annoyance or nuisance to the neighborhood.

Nothing shall be done by any member, guest, or contractor which may increase the insurance premium of the Association.

No business, commercial or professional activity or establishment may be conducted on the property. The Association, in its sole discretion, may determine what constitutes same, and the decision of the Association shall be final. Notwithstanding the foregoing, incidental use of a Home or Villa for a home office purpose shall be allowed so long as such activity is not prohibited by any applicable County Code or regulation, and so long as such incidental home office use does not generate traffic, excessive noise or any other nuisance within the Association or on any Association property or any Lot, Home or Villa or violate any other provision of this Declaration, or the rules and regulations of the Association as same may be amended from time to time.

No animals, reptiles, poultry, or fowl (other than approved dogs, cats, fish, birds, or caged rodents or reptiles) may be kept on the property. The Association shall have the authority to adopt such additional rules and regulations concerning the keeping of any pets on any Lot, Home or Villa, including, but not limited to, rules governing the number of pets that shall be allowable at any time, weight or breed restrictions or limitations on such pets, or the right of the Association to remove any such pet(s) from the property.

In the event of any question as to what may be, or may become, a nuisance, such question shall be submitted, in writing, to the Association for a decision and its decision shall be final. The Association is expressly granted the right to injunctive relief to abate any such nuisance without the necessity of posting bond.

Each Lot or Unit Owner shall be responsible for the acts of their family members, guests, tenants, agents, contractors and employees. No conduct shall be permitted which is in violation of any local, state, or federal law, or the Association's Governing Documents.

ISSUE #1

Hurricane and storm shutters are permitted for protection of a Home or Villa. Prior to installation, all permanent storm shutter requests must be submitted to the Association for approval. Existing metal shutters ~~must be painted to coordinate with the Home or Villa as approved by the Association, and in accordance with applicable guidelines and standards adopted by the Board of Directors from time to time.~~ Homeowners may close or install shutters that meet the above stated requirement when leaving the area for extended periods of time as approved by the Association. All shutters are to be opened or removed no later than seven (7) days after Hurricane Season ends. Temporary panels (plywood or unpainted corrugated metal shutters) may only

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 8 (p. 6): Clause purports to prohibit or arbitrarily deny hurricane protection systems.

Statutory / Legal Reference: Fla. Stat. § 720.3035(6) (HB 293 / HB 1203)

Statutory Comparison: Under Fla. Stat. § 720.3035(6) (HB 293 / HB 1203), association boards are legally required to adopt hurricane protection specifications and cannot prohibit owners from installing hurricane shutters, impact glass, or code-compliant storm mitigation hardware.

CURRENT WORDING IN DOCUMENT:

Hurricane and storm shutters are permitted for protection of a Home or Villa. Prior to installation, all permanent storm shutter requests must be submitted to the Association for approval.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Owners may install hurricane shutters, impact glass, or other hurricane protection products complying with the Florida Building Code and the Association's adopted specifications, pursuant to Fla. Stat. § 720.3035(6) (HB 293 / HB 1203).