

# **GULF HARBOUR MASTER ASOCIATION**

## **RULES AND REGULATIONS**

**Effective December 1, 2022**

**Following are Rules and Regulations for the Gulf Harbour Master Association (hereafter “Master Association”) as updated by the Board of Directors. These Rules and Regulations are intended to supplement, not replace, the Gulf Harbour Master Covenants (hereafter “Covenants”), Articles of Incorporation, and Bylaws regarding use, maintenance, management, and control of Gulf Harbour common areas.**

### **1. Annual Assessments**

Annual assessment invoices for Master Association dues shall be mailed to all owners at least 20 days before the end of each calendar year and shall be due and payable in full by January 1 of each calendar year. After 30 days, late fees and interest will be assessed on any unpaid annual dues. It is the responsibility of all owners to keep the Master Association Management Company (hereafter “Management Company”) apprised of their current address. Failure to receive any notice given by the Master Association shall not excuse any owner from the payment of any assessment when due. Any owner who is delinquent in assessments to the Master Association will have their vehicle transponder deactivated, guest list deleted, and access to the Master Association website suspended until payment is received in full.

### **2. Delivery Trucks, Lawncare, and Construction Company Hours**

Delivery and Construction Hours are restricted as follows:

- 7:00 AM to 6 PM Monday through Friday
- 8:00 AM to 4:00 PM on Saturdays
- No deliveries, lawncare company work, or construction activities are permitted on Sundays, New Year’s Day, Memorial Day, Independence Day (July 4<sup>th</sup>) Labor Day, Thanksgiving Day or Christmas Day (excludes personal delivery, catering, and courier services such as flowers, gifts, food, mail, and packages under 50 lbs)
- The Management Company and Gatehouse Security will control any needed exceptions to this rule.
- The Country Club Facility, the Marina Operations Facility, and the Golf Course Maintenance Facility are exempt due to the nature of their operations and because access to those facilities are not passing through any neighborhood.

### **3. Use Restrictions**

No property owner, their guests, or their tenants may violate use restrictions outlined in the Covenants for maximum occupancy. They also may not violate use restrictions for garages, lots/lot structures, motor vehicles/boats, moving storage containers, window coverings, and landscaping. It is also expected that property owners and their tenants will supervise minors so that they do not become a nuisance to others within Gulf Harbour.

Garage or Yard sales are not permitted within Gulf Harbour. Estate Sales or Auctions that are properly approved by the Master Association or its agent and that occur within the confines of a residence are permitted within reason as long as they do not create security or parking issues.

### **4. Guest, Realtor, and Vendor Access**

If an owner expects to have non-resident guests or a vendor come to their home, the owner must either have the guest name(s) on their permanent guest list or the owner must call the pre-call system and specify the guests(s) that are allowed access to their property. Non-resident guests and vendors arriving by motor vehicle must have a valid driver's license. Pedestrians and cyclists must have a valid driver's license or other appropriate identification (ID).

Non-resident realtors may access Gulf Harbour in conjunction with their real estate business by showing a drivers license, a realtor business card, and letting the Gulf Harbour Gate Access and Control person at the guard house know what address the realtor intends to visit.

Non-resident guests and property owners arriving by taxi or limousine are required to show valid ID (i.e. Driver's License). All guests, non-resident realtors, and vendors must use the inside guest lane upon arrival at Gulf Harbour guard houses.

### **5. Motorized Vehicles**

Any member, family member, or guest may operate a motorized vehicle (i.e. cars, trucks, golf carts, motorized scooters, etc.) on Master Association property as long as the driver is at least 16 years of age, has a valid driver's license, and has proof of vehicle insurance. All Florida rules of the road must be followed when driving motor vehicles within Gulf Harbour.

All property owner golf carts and other off road vehicles, such as personal All Terrain Vehicles (ATVs) that are intended to be used within Gulf Harbour common areas, all Gulf Harbour Communities, the Gulf Harbour Yacht and Country Club including the golf course, and the Gulf Harbour Marina must be registered with the Gulf Harbour Master Association. The Gulf Harbour Gate Access and Community Patrol Committee is responsible for establishing a golf cart/ATV registration process including a unique rear bumper marking and

registration fees. The Gate Access and Community Patrol Committee will manage golf cart and other off road vehicle registration and markings. This rule does not apply to golf carts and ATVs used by the Gulf Harbour Master Association, the Gulf Harbour Yacht and Country Club, the Gulf Harbour Marina, or Gulf Harbour communities provided they are marked on the rear bumper with markings that identify them as belonging to a Gulf Harbour association, club or community.

All golfers with Golf Carts should refrain from using pedestrian and bicycle pathways, if at all possible, especially if a golf cart path is available in that area and the golf cart driver is playing golf at the time. When use of a Gulf Harbour road is necessary, ATVs, and Golf Carts utilized for other than golf activities should be driven in the same direction as vehicle traffic and comply with all rules that apply to vehicles.

## **6. Open Houses and Estate Sales**

Open Houses are limited to Saturday and Sunday from 1 to 5 PM. Non-residents wishing to view an Open House will be allowed access to Gulf Harbour during those times and given a visitor pass, provided they have a valid driver's license if arriving by motor vehicle. Pedestrians and cyclists must have a valid driver's license or other appropriate **ID**.

Estate Sales at individual residences must be approved in advance by the appropriate Gulf Harbour community and the Master Association. Once approved, estate sales may only be held from 9 AM to 4 PM on Friday, Saturday and Sunday. Non-residents wishing to attend an Estate Sale, provided they have a specific address for the Estate Sale, will be allowed access to Gulf Harbour during those times and given a visitor pass.

Each Estate Sale application must be reviewed by the Master Association after the community Home Owner's or Condo Association has approved a request by a resident or their representative to hold an Estate Sale. The Master Association and/or the Master Association Management Company will establish an Estate Sale application form and approval process. Estate Sale applications must be submitted to the Master Association or its Management Company for approval not less than 10 business days in advance of the planned sale.

No third party furnishings, equipment or possessions may be transported into Gulf Harbour for inclusion at a scheduled and approved Estate Sale. A parking attendant is required on the street to ensure that driveways and mail boxes are not blocked and that people do not park on lawns. The attendant must also ensure that Estate Sale attendees park on only one side of the street. Gate access code information is not to be given out in advance to Estate Sale attendees.

Note: An Auction held within the confines of a residence, i.e. not outside or in the yard, will be handled in the same manner as an Estate Sale.

## **7. Pets**

Pets are to be kept on a leash at all times when the pet is outside on common areas. Pet owners are also to pick up after their pets in all outdoor areas of Gulf Harbour. This includes the pet owner's property and all of the property within Gulf Harbour. This follows a Lee County ordinance. Property owners should ensure that their pets do not become a nuisance to their neighbors by controlling excessive noise.

## **8. Press and Reporters**

Press and/or Reporters shall not be allowed within Gulf Harbour without the expressed prior approval of an Officer of the Gulf Harbour Master Association Board.

## **9. Realtor and Estate Sale Signs**

Realtor and Estate Sale Signs within Gulf Harbour shall be a generic, uniform black and gold sign. Signs for an Open House or Estate Sale shall also be a uniform sign which says "Open House" or "Estate Sale" with arrows for direction to the Open House or Estate Sale.

Signage for Open Houses and Estate Sales must be pre-approved by the Gulf Harbour Master Association Architectural Review Board (ARB). Signage may be placed within Gulf Harbour ½ hour before the beginning of an Open House or Estate Sale and must be removed within ½ hour after the end of the Open House or Estate Sale each day.

## **10. Rental or Property**

Rental Property owners are to inform the Management Company via the Rental Information Form, which is available on the Master Association website, the names of any tenants, the address to be rented, and the period of time those tenants will occupy the owners' premises. Property owners must email or fax a copy of the of the Rental Information Form referenced above to the Management Company and pay the required fee so that this information can be entered into Gulf Harbour's security system to allow renters entry into the development.

Property owners should also check regulations regarding rentals within individual Homeowner or Condo Association's governing documents as those regulations vary from one association to another. All renters must be given a copy of the Master Association Rules and Regulations as part of their lease package by their property management company or the property owner. The lease should include a statement saying that the renter received a copy, read, understands, and agrees to comply with the Master Association Rules and Regulations. All rental forms must be received by the Management Company at least 5 days before the start of the lease.

## **11. The Architectural Review Board**

The Architectural Review Board (ARB) may from time to time approve or disapprove property owner improvement requests. Failure to follow the ARB process or ARB decisions may result in warnings and/or fines by the Gulf Harbour Master Association Board of Directors and enforcement to restore property to its prior condition.

## **12. Roads and Parking**

No parking is allowed on Gulf Harbour Master Association Roads, specifically Vista River Drive, Westport Drive, Harbour Links Drive, Harbour Yacht Court, Harbour Landings Drive and Bienvenida Way. These streets are thoroughfares to various locations within Gulf Harbour and thus traffic flow must not be impeded at anytime. Exceptions to this rule are service vehicles and special events approved by the Board of Directors or their agent. Parking is never allowed on both sides of the streets name above and parking under the exceptions listed above is not allowed for more than 4 hours.

Only persons with current disabled parking permits and placards are allowed to park in handicapped parking spaces within Gulf Harbour.

## **13. Roads and Speed Limits**

Drivers must obey posted speed limits and stop signs on all roads within Gulf Harbour and its communities. There are several different speed limits set by the various Gulf Harbour communities that must be obeyed and at no time shall any driver exceed 25 MPH within Gulf Harbour. And per Gulf Harbour Covenants skateboarding is prohibited on common areas, such as roads within Gulf Harbour. Hover boards are not permitted on any roadway in Gulf Harbour. Their use, as well as that of skateboards, must be restricted to private property.

## **14. Access Control**

All Owners must have an up-to-date Master Association Permanent Access Form on file with Master Association's Management Company. The completed forms are to be either faxed or mailed to the Management Company. Additional forms are available from the Management Company or on the Master Association website. It is the responsibility of every property owner to keep these forms current. The information on these forms will be entered into the computerized security system to control access to the community.

Transponders can be purchased that activate the access gate in the resident/owner lane at each gatehouse. Transponders are available to: Property Owners, Marina Slip Owners, Renters (must show valid lease), Property Managers, Country Club Managers and their permanent staff, and County Club members who are not Gulf Harbour property owners. Transponders are not to be given to temporary guests. Transponders, at the discretion of the Gate Access and Control Committee, may be issued annually for a fee to vendors with significant business at Gulf Harbour.

Abuse of Gulf Harbour gatehouse personnel will not be tolerated. Interactions with Gulf Harbour gatehouse personnel are recorded and will be reviewed by the Board and penalties for abusive language or actions will be imposed accordingly. Penalties may include, but not be limited to: a fine, deactivation of the violator's transponder, or the involvement of law enforcement. Issues with gatehouse personnel should be reported to the security company manager or to the Management Company.

#### **15. Driving within Gulf Harbour**

Anyone driving a vehicle in Gulf Harbour may be required to provide their Driver's License to obtain access into the Community. Those entering the Community who are not driving a vehicle may be required to show proper ID (i.e. passport, Driver's License, State Issued ID, etc.). Anyone entering Gulf Harbour through the visitor/guest lane at either gatehouse may be required to show a valid driver's license or a valid Gulf Harbour visitor pass regardless of whether they are a guest, visitor, Gulf Harbour owner/resident, renter, or whether or not their vehicle has a transponder for the resident/owner lane.

#### **16. Noise Levels within Gulf Harbour**

Noise levels for all properties within Gulf Harbour shall comply with the Multi-Family Dwellings requirements stated in Lee County Ordinance No. 82-32. That ordinance states that it shall be unlawful to create or permit to be created any noise that exceeds a weighted decibel level (dBA).

For residential (single-family) property\*:

- 66 dBA during the hours between 7 AM to 10 PM
- 60 dBA during the hours between 10 PM and 7 AM

\*measured from a neighbor's dwelling

For multi-family dwelling units\*\*:

- 50 dBA during the hours between 7 AM to 10 PM
- 45 dBA during the hours between 10 PM and 7 AM

\*\*measured from a neighbor's dwelling within the multi-family dwelling unit

## **17. Privacy of Property Owner Contact Information**

Gulf Harbour property owners expect and have the right to a certain level of privacy regarding their personal contact information. The purpose of this rule is to deter a property owner from engaging in unwanted contact with another property owner in a manner that could negatively affect property owner's enjoyment and use of the common areas within Gulf Harbour.

All Gulf Harbour property owners shall respect the privacy of contact information of other property owners at all times. That expectation of privacy applies to the use of their property address, email address, texting address, or telephone number that may have been provided to the Gulf Harbour Master Association. Property owner contact information may be provided, with property owner permission, on Gulf Harbour websites or in published Gulf Harbour directories. The websites and directories are provided as a service and convenience to property owners for information and for social uses via owner-to-owner communications.

Property owner personal contact information provided on the various Gulf Harbour websites and directories shall not be used for commercial/business, political, or personal solicitation. Additionally, that personal contact information may not be used for sending anonymous communications to property owners unknown to the sender (similar to spam) or for promotion of personal agendas, causes, or business matters. This rule does not apply to communications from the Gulf Harbour Master Association, its Board of Directors, the Management Company, Gulf Harbour community associations and, the Gulf Harbour Yacht & Country Club, Gulf Harbour clubs, or management companies associated with Gulf Harbour associations and clubs. Property owner personal contact is not intended to be limited by this rule.

Any property owner found using, providing, harvesting, supporting the harvesting, creating mass marketing distribution lists, or facilitating the provision of property contact information contained in Gulf Harbour documents or websites without the prior consent of the property owners or the Gulf Harbour Board of Directors shall be in violation of these Rules and Regulations and subject to a fine for each property owner address, email address, texting address, or telephone number used in such activities.

## **18. Damage to Common Areas**

Property owners are responsible for damage to common areas they have been found to cause. Property owners are also responsible for any and all damage to common areas caused by their guests and tenants.

## **19. Legal Fees**

All legal fees and/or costs incurred by the Association to enforce rules and regulations violations or collect fines will be the responsibility of the property owners.

## **20. Informing Guests and Tenants of Master Association Rules and Regulations**

It is each property owner's sole responsibility to inform their guests and tenants of all Master Association Rules and Regulations.

## **21. Use of Drones**

Drone use within Gulf Harbour must comply with Florida State laws and regulations. Private use of drones must be confined to an owner's property. Anyone wishing to use a drone for commercial purposes over any of the Gulf Harbour properties must be pre-registered and receive a drone operating permit from the Gulf Harbour Property Management Company. The permitted drone operators must then report in advance of intended drone operations in Gulf Harbour to the Gulf Harbour Property Management for each day and time period of intended use. Registrants must provide proof of insurance covering loss or damage relating to unmanned aircraft flights prior to flight day and time. The Gulf Harbour Property Management Company will establish procedures to register and permit qualified commercial drone operators and log intended days and hours or planned drone flights. Private and commercial drones shall not be used for unauthorized surveillance or filming of any property within Gulf Harbour. Violations of this rule by property owners or their vendor/agents is subject to property owner fines. Commercial drone operators found operating a drone in violation of this rule are also subject to losing their Gulf Harbour drone operation registration and permit.

## **22. Reporting Violations of Rules and Regulations**

Anyone wishing to report an alleged violation of the Master Association governing documents, i.e. Covenants, Articles of Incorporation, Bylaws, or Rules and Regulations may do so by contacting the Management Company. Violations should be reported in writing

with specifics such as name of property owner believed in violation of Master Association governing document and what governing document violation they believe has occurred.

### **23. Schedule of Notices and Fines**

#### FIRST OFFENSE: Notices and Special Fines

A. Handicap Parking

Parking in a marked Handicap space will carry an automatic \$250.00 fine for each violations. This fine will not come under consideration with the Compliance/Fining Committee.

B. Traffic Violations

A first violation will receive a letter from the Management Company advising of the infraction.

C. Governing Documents Violations

A first violation will receive a letter from the Management Company advising of the violation.

#### SECOND OFFENSE: Warnings

A. Traffic Violations

A second traffic violation will receive a Warning Letter from the Management Company detailing the violation and the possible consequences that may ensue, such as fines and/or suspensions upon a third violation.

B. Governing Documents Violations

A warning letter to be sent by the Management Company

#### THIRD OFFENCE: Fines and Suspensions

A. Traffic Violations

A third traffic violation will carry a 30-day suspension of all automobile transponders owned.

B. Governing Documents

A third violation of any Governing Document violation will be subject to a fine or suspension as determined by the Master Association Board of Directors

#### OPEN GARAGE DOOR VIOLATIONS

The following protocols are currently in effect:

Securitas Patrol Officer observing an open garage door after 11 PM will:

- Complete the stick-up notice with the date, time, sign it and affix the notice on the front door of the resident.
- Patrol Officer will notify the respective Gate House Officer of the open garage.
- Gate Officer will call the resident and advise of the open garage.
- The name, address, date and time as well as the response from the resident will be entered in the Shift Log.

Once the Master Board of Directors has issued a fine or suspension, the matter will be referred to the Compliance/Fining Committee to establish a Hearing and adjudication of the matter.

Please note that once a transponder has been suspended, any access to the Gulf Harbour residences will only be available through the Guest Lane passage.

In addition, any offense or violation that is considered egregious by the Master Board of Directors, said Board may elect to forgo any letters of Advice or Warning and directly impose a fine or suspension.

## **24. HEARING**

If the Master Association Board of Directors has considered a fine or suspension for any violation of the Governing Documents, the matter will be referred to the Compliance/Fining Committee for review and adjudication.

This Compliance/Fining Committee will establish a hearing with the party sought to be fined by sending a notice to include:

- A statement of the date, time and place of the hearing.
- A specific designation of the provisions of Chapter 720, Florida statutes, the governing documents or the Rules and Regulations which are alleged to have been violated.
- A short statement of the specific facts giving rise to the alleged violation(s)
- The possible consequences that may ensue, such as fines, suspension of use rights of common areas, facilities, Gulf Harbour website, guest lists associated with the property owner and suspension of the vehicle transponder.

The party against whom the fine may be levied shall have a reasonable opportunity to respond, to present evidence and to provide written and/or oral argument on all issues involved.

If the Fining Committee, by majority vote, approves or does not approve the fine or suspension, the Committee chair shall inform the Master Association Board of Directors in writing of their decision. The Master Association Board of Directors may then impose the appropriate fine or

take any other action deemed appropriate to the matter. A formal letter will be sent via certified mail to the property owner documenting the Master Association action and fine, if so imposed.

The property owner shall be the party ultimately responsible for payment of a fine, regardless of whether the fine relates to the conduct by a tenant, family member invitee or guest.

Failure to pay a fine within 30 days will result in suspension of the vehicle transponder, use rights of common areas, facilities, Gulf Harbour website and guest lists associated with the property owner.

The Master Association Board of Directors may choose to deviate from the above warnings, fines and suspensions based upon specific governing documents violations. The Master Association Board of Directors may then take any other action deemed appropriate to the matter.

*These Rules and Regulations may be amended at any time by a majority vote of the Master Association Board of Directors.*

**EACH OWNER SHALL BE RESPONSIBLE FOR THE ACTIONS OF THEIR FAMILY MEMBERS, GUESTS, INVITEES AND LEESEES.**