

# ***The Sanctuary at Imperial River Condominium Association, Inc.***

## ***Rules and Regulations***

The Rules and Regulations for The Sanctuary at Imperial River, a Condominium (the Condominium") hereinafter enumerated shall be deemed in effect until amended by the Board of Directors of The Sanctuary at Imperial River, Condominium Association, Inc. (the "Association"), and shall apply to and be binding upon all unit owners<sup>1</sup>. The unit owners shall, at all times, obey said rules and regulations, and shall use their best efforts to see that they are faithfully observed by their families, guests, tenants, and all other persons whom they exercise control and supervision. Family members, guests, tenants, and all other persons shall also at all times obey the Rules and Regulations. Some of the Rules and Regulations are as follows<sup>2</sup>.

### **1. Community Association Management**

- The Community Association Manager is available to answer any questions you may have regarding the Rules and Regulations or use of the facilities. Office hours are posted at the following designated locations for Association notices and announcements; Clubhouse and resident building bulletin boards.

### **2. Written Inquiries**

- Pursuant to Florida Statutes section 718.112(2), Unit Owners are permitted to make written inquiries to the Board of Directors regarding Association business. Unit owners shall be permitted to make no more than one (1) written inquiry per calendar month. In the event a Unit Owner makes more than the allotted number of inquiries per calendar month, the Association shall have no obligation to respond. Any additional inquiries in a single calendar month shall be responded to in the subsequent calendar month period.

### **3. Inspection and Copying of Official Records**

- Records Defined. The Official Records available for inspection and copying are those designated by Chapter 718, Florida Statutes, the Florida Condominium Act, as amended from time to time, as the Official Records of the Association, to the extent that the Association is required to maintain such records.
- Records Available. No records other than those defined above shall be available for inspection and copying. The following non-exclusive list includes examples of those documents not subject to inspection which may or may not be in the possession of the association:
  1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including records reflecting mental impressions, conclusions, litigation strategy, or legal theory of the attorney or the association prepared in connection with pending or anticipated litigation/adversarial proceedings.
  2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.
  3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. However, written employment agreements or budgetary/financial records showing compensation is still open to the owners.
  4. Medical records of unit owners, Social Security numbers, driver's license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements. An owner may agree to allow the association to disclose contact information. The association is not liable for the inadvertent disclosure of information if it is an official record of the association and is voluntarily provided by an owner as opposed to being requested by the association.
  5. Electronic security measures that are used by the association to safeguard data, including passwords.

<sup>1</sup> The authority to enforce the Rules and Regulations is found in the Florida Statutes, the Condominium Declaration, and Bylaws. Fines, towing of vehicles at owner's expense, restriction of use of amenities, and/or possible eviction are all options available to the Association to enforce these Rules and Regulations.

<sup>2</sup> For a complete set of Rules and Regulations for the Community, please see your Condominium Documents. Other rules and regulations may apply.

6. The software and operating systems used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. Only the data is part of the official records of the association.
- **Persons Entitled to Inspect or Copy.** No Unit Owner, or the Unit Owner's authorized representative (as referenced in Exhibit "A" attached hereto), shall have any right to inspect or copy the records of the Association, except as permitted by law. No other person shall be permitted to inspect or copy the Association records, unless approved by the Board, the President or unless required by law.
- **Inspection and Copying.**
  1. A unit owner, or a Unit Owner's authorized representative, desiring to inspect or copy Association records shall submit a written request by, hand delivery or regular U.S. Mail therefore to the Association at 8675 River Homes Lane, Bonita Springs, FL 34135 (the official address of the Association), pursuant to the most recent on-line records of the Florida Secretary of State, Division of Corporations.

Request by facsimile transmission or other means does not comply with this Amendment. Verbal requests do not comply with this Amendment. The written request must specify the particular records the Unit Owner desires to inspect or copy, including pertinent dates or time periods. The specification of the particular records must be sufficiently detailed to permit the Association to retrieve the exact records requested. General descriptions of records, such as, but not limited to, "all items pertaining to The Sanctuary at Imperial River" is not sufficiently specific, shall not be permitted and such general requests need not be honored. The form of such request to be utilized is attached hereto as Exhibit "B".

2. Inspection or copying of records shall be restricted solely to those records specifically designated in the written request for inspection or copying. No inspection or copying of any other records shall be permitted.
3. A Unit Owner, or a Unit Owner's authorized representative, shall not submit more than two (2) written requests for inspection or copying of records per calendar month. No written request shall be submitted for the same records requested in a prior written request within the previous twelve (12) calendar months.
4. Inspections of records shall be conducted at 8675 River Homes Lane, Bonita Springs, FL 34135 (the office where the Association's records are maintained) or at such other location within forty-five (45) miles of the condominium as may be designated by the Association. No Unit Owner or authorized representative of a Unit Owner shall remove original records from the location where the records are inspected. No marks or alterations shall be made on original records.
5. Electronic production of the records shall substitute for in person production at the option of the Association. The production of any electronic copies of the Official Records requested, sent to the e-mail address provided to the Association by the Unit Owner shall conclusively establish that the Association complied with any obligations under law regardless of whether the Unit Owner receives or reads the electronic production.
6. Records shall be made available for inspection by the Association on or before the fifth working day subsequent to the actual receipt by the Association of the written request for inspection. This time frame may be extended upon request of the Unit Owner. In addition, this time frame shall be extended in the event the records are so voluminous, or otherwise in such condition as to render this time frame unreasonable. The Association shall notify the Unit Owner by telephone, in writing, or via email that the records are available and the time, date and place for inspection. Inspections shall be made only during normal Association business hours, or during the normal business hours of the location of inspection if other than the Association office. (For the purpose herein, "working day" shall mean Monday through Friday, exclusive of federal, state and local holidays in which the office of the Association is closed. For purposes herein, "normal business hours" shall be the hours the Association's office is customarily open, or the hours the location where the records are to be inspected is customarily open, or if there are no customary hours of operations, then 9:00A.M. to 12:00P.M. and 1:00P.M. to 5:00P.M., all on a working day.) No Unit Owner shall be entitled to inspect records for more than one "working day" per calendar month. Requests for Electronic production of any Records shall not exceed two (2) per month as if inspection had taken place in person.
7. If, at or subsequent to inspection, a Unit Owner or a Unit Owner's authorized representative desires to have a copy of a record, the Unit Owner shall designate in a separate writing, on a form provided by the Association (see Exhibit "C" attached hereto), which record, or portion thereof, for which a copy is desired, or, in the alternative, shall designate such record by use of a clip or tab upon the page(s) desired. Not more than one (1) copy of each record requested shall be permitted. If the

location where the records are being inspected or stored has a copy machine capable of making copies of the records designated, then copies of the records shall be available within two (2) working days subsequent to the designation of such records. If there is no copy machine at the location where the records are being inspected or stored capable of making copies of the records designated, then copies of the records shall be available as soon as a copying service can pick-up, copy and return the records to the location where the records are being inspected or stored. Photocopies will be available at the place where official records are kept. Owners requesting copies must arrange for pick-up of the records. The Association shall have no obligation to mail or otherwise deliver copies to any place. As determined by the Manager, the President, the Board, or the person designated by the Association to oversee the inspection of records, in the event the copies of the records are so voluminous, or a copy machine or copy service is not available or too busy, or the records are in such condition or form that copies cannot be made available within the above-stated periods, then copies will be made available as soon as practical.

8. A Unit Owner or a Unit Owner's authorized representative shall pay the reasonable expense of copying. In the event the copies are made by the Association, the cost shall be (\$0.50) per page. If copies are made by outside vendors, actual costs shall be charged to the owner. Payment in advance shall be required by cashier's check, money order or certified check, and payment shall not be deemed received unless and until payment has cleared. Cash is not an acceptable means of payment. No copy of the record shall be made unless and until payment for the copy is received and/or cleared. Records not normally kept in written form shall be produced for inspection in the form in which they are normally kept. The cost for converting such records to written forms shall be in addition to the cost of copying such records, and the Unit Owner or the Unit Owner's authorized representative shall pay the reasonable expense of converting such records to written form, which expense shall be the actual cost of making the copy.
- Manner of Inspection.
    1. No written request for inspection or copying shall be made in order to harass any Unit Owner, resident, or Association agent, officer, director or employee.
    2. For the purpose hereof, a Unit Owner and the Unit Owner's authorized representative shall be considered one person. If inspection is requested by any person other than a record owner of the unit, said request shall not be recognized by Association unless and until the record owners of the unit designate such person, in writing, as their authorized representative or unless such person is an attorney admitted to practice in Florida.
    3. All persons inspecting or requesting copies of records shall conduct themselves in a courteous manner, and shall not interfere with the normal operations of the Association office and the duties of its personnel, or the office where the records are otherwise inspected or copied or the duties of their personnel. The Manager shall assist in the inspection, copying and all requests for further assistance related to inspecting and copying.
    4. The Association shall maintain a log sheet (attached hereto as Exhibit "D") which shall include"
      - a. The date of a written request for inspection;
      - b. The name of the requesting party;
      - c. The records which are requested;
      - d. The date of availability of records for inspection or copying;
      - e. The date of actual inspection or copying.
  - Enforcement of Inspection and Copying Rules.
    1. Any violation of these rules shall cause the immediate suspension of the inspection or copying until such time as the violator agrees in writing to comply herewith.
    2. Any requests for inspection and copying not complying with these rules shall not be honored, but the Association shall mail, email, or hand-deliver a written response to the person requesting inspection and/or copying within five (5) working days after receipt of a non-complying request and shall indicate how the request fails to comply herewith.
    3. The Board of Directors may take whatever appropriate legal action is available against any person who fails to comply with these rules.
    4. The Board of Directors may also impose fines against any person who fails to comply with these rules.
    5. Nothing in these rules shall be construed as a limitation or restriction upon any of the Association's rights and remedies, or act as an election of remedies. All rights and remedies available to the Association shall be cumulative.

#### 4. Leasing of Units<sup>3</sup>

- A unit owner may lease his or her unit only after receiving the approval of the Association. The ability of a unit owner to lease his unit to others is a privilege, not a right. The privilege may be revoked by the Board of Directors if it is abused by the owner (or tenant.)
- All residents (owners or tenants) 18 years or older must complete an application and submit to a criminal and credit background check. Individuals without Social Security Numbers shall submit an application, provide three character references AND proper legal documents (passport or green card) verifying legal status.

#### 5. Building Appearance and Maintenance

- The Association has irrevocable right of access to the units for the purpose of maintaining, repair and replacing the common elements or portions of a unit to be maintained by the Association, and as necessary to prevent damage to common elements or to one or more units. Residents are required to provide a working key to the unit and the unit's mailbox to the Management Office. All costs incurred to enter a unit and costs for damages to said unit caused by not submitting a key will be the responsibility of the resident and/or owner.
- Lanais shall not be obstructed, littered, defaced or misused in any manner and shall be used for the purpose they were intended, and not to be used for hanging or drying clothes or any other items, for storage of trash or garbage, bicycles, toys, or other personal items. Pets shall not be left unattended on the lanais.
- The covering and appearance of windows and doors, whether by draperies, shades, or other materials, shall be white or off-white in color. Installations of Hurricane Shutters require prior written approval by the Board of Directors.
- Hallways, stairwells, and common elements are to remain clear and free from obstructions and shall not be used for storage (trash or garbage, bicycles, toys, or any other items).
- Garbage and trash shall be securely bagged and placed in dumpsters and/or re-cycle containers; NO hazardous material. Dumpsters and Re-Cycle Containers shall not be left over-flowing; large items shall be broken down to fit inside the containers with the lids closed. Do not leave any items outside the containers.
- Signs are not allowed to be posted by residents anywhere on the property (including unit windows and doors).
- Satellite dishes are only permitted within the screened area of the lanai which serves a resident's unit, so long as the dish is not permanently affixed in any manner to the building; dish must be the type that is on a movable stand.
- Upon departing for extended periods (more than 24 hours), owners/ residents are required to secure the main water source to the unit (shut-off valve near the hot water heater) and ensure the unit's air conditioning system is fully operational and functioning. NO hazard material allowed to be stored on the property at any time.

#### 6. Pets

- Owners are permitted no more than two commonly accepted household pets (cat or dog; not to exceed 20 pounds in weight). Pets must be leashed or carried when outside the unit. Owners are responsible for cleaning up after their pets.
- Tenants and/or guests are not permitted to have pets on the property.
- Outdoor wildlife are not to be kept or fed.

#### 7. Vehicle Registration and Parking

- Residents are required to register all vehicles they intend to park on the property on a regular basis with the Management Office.
- Designated numbered parking spaces are restricted to use by resident(s) or their guests. One and two bedroom units are assigned one (1) marked/designated numbered parking space; two and three bedroom units are assigned two (2) marked/designated numbered parking spaces. Otherwise, all other vehicles shall be parked in designated guest parking spaces or a handicap parking space with handicap permit.
- Guests are required to report to the Management Office for a Temporary Parking Pass if they expect to park a vehicle on the property for more than 48 hours OR if they intend to park in their host's designated numbered parking space. Temporary Parking Passes are issued for up to two week periods only AND must be renewed prior to the expiration (issuance of Temporary Parking Passes are limited to no more than 60 days per calendar year for anyone individual). Guests may park in the designated numbered space indicated on the Temporary Parking Pass, a designated guest space, or a handicap parking space with handicap permit.<sup>4</sup>

<sup>3</sup> All provisions of the Condominium Act, the condominium documents and rules and regulations of the Association shall be applicable and enforceable against any person occupying a unit as a lessee or guest to the same extent as against an owner.

- No commercial vehicles, campers, mobile homes, motor homes, house trailers, or trailers of every other description, recreational vehicles, boats, boat trailers, or motorcycles, or abandoned, inoperable, or improperly registered (tags expired) vehicles shall be permitted to be parked or to be stored on the property, except in closed garages. This prohibition shall not apply to temporary parking of commercial vehicles providing service, pick-up and/or delivery to residents.
- No repairs, maintenance, washing, cleaning, or detailing of vehicles are allowed on the property. Exception: emergency repairs are allowed.

8. Nuisances

- No resident shall use his/her unit, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance to the occupant of another unit, nor permit it to be used in a disorderly or unlawful way.

9. Grills

- Grills are not permitted on lanais. Grills use is restricted to the sandy beach area near the pool only (no exceptions).

10. Clubhouse

- Clubhouse hours are from 5am until 9pm daily.
- Alcohol is strictly prohibited in the business side of the Clubhouse.
- Ages 17 years or younger must be accompanied by a parent or guardian.
- NO PETS IN THE CLUBHOUSE.
- Guests must be accompanied by a resident at all times while using the amenities
- UNLESS properly registered with the Management Office.

11. Pool and Spa<sup>5</sup>

- Pool/Spa hours are dawn until dusk.
- No lifeguard on duty; swim at your own risk.
- Ages 17 years or younger must be accompanied by a parent or guardian.
- Guests must be accompanied by a resident at all times while using the amenities UNLESS properly registered with the Management Office.
- NO PETS IN THE POOL/SPA AREA.
- NO GLASS.
- NO DIVING.
- NO WATER TOYS, RAFTS, FLOATS.
- Shower before using the pool or spa.
- Pool temperature will not exceed 88 degrees (when propane heated).
- Spa temperature will not exceed 102 degrees (when propane heated).
- SMOKING permitted in designated "smoking area" ONLY.

12. Tennis Court<sup>6</sup>

- Playing time is 8am until dusk; play at your own risk.
- Ages 17 years or younger must be accompanied by a parent or guardian.
- NO PETS ON THE TENNIS COURT.
- Guests must be accompanied by a resident at all times while using the amenities UNLESS properly registered with the Management Office.

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<sup>4</sup> "Guests" means any person (other than the unit owner and his/her family), who is physically present in, or occupies a unit on a temporary basis at the invitation of the owner or other legally permitted occupant, without the payment of consideration. Guests are permitted to stay no longer than 60 days in any calendar year. Otherwise, all residents are required to complete an application (applies to residents 18 years or older), and await Board of Directors approval prior to move-in.

<sup>5</sup> Residents and their guests are encouraged to consult a physician before beginning any exercise or diet program. Use all amenities properly and for the purpose they were intended; report damaged or inoperable equipment to the Manager. Dial 911 in case of an emergency.

<sup>6</sup> Residents and their guests are encouraged to consult a physician before beginning any exercise or diet program. Use all amenities properly and for the purpose they were intended; report damaged or inoperable equipment to the Manager. Dial 911 in case of an emergency.

- No food, beverages, or radios are permitted on the court; bottled water is allowed.

13. Racquet Ball Court<sup>7</sup>

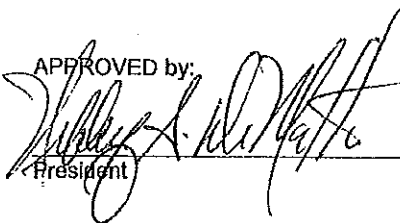
- Playing time is 8am until 9pm; play at your own risk.
- Ages 17 years or younger must be accompanied by a parent or guardian.
- Guests must be accompanied by a resident at all times while using the amenities UNLESS properly registered with the Management Office.
- NO PETS IN THE RACQUETBALL COURT.
- Proper racquetball attire must be worn at all times (goggles are mandatory).
- No food, beverages, or radios are permitted in the court; bottled water is allowed.

14. Fitness Center<sup>8</sup>

- Hours of operation are 5am until 9pm; exercise at your own risk.
- Ages 17 years or younger must be accompanied by a parent or guardian.
- Guests must be accompanied by a resident at all times while using the amenities UNLESS properly registered with the Management Office.
- NO PETS IN THE FITNESS CENTER.
- Proper exercise attire must be worn at all times.
- No food, beverages, or radios are permitted in the Center; bottled water is allowed.

15. Lake

- NO Swimming.
- NO Boating.
- Fishing ALLOWED; however, residents and guests are required to check State and Local licensing requirements before fishing; general fishing license and/or species specific license requirements may apply.

APPROVED by:   
President \_\_\_\_\_ Date 7-5-12

<sup>7</sup> Residents and their guests are encouraged to consult a physician before beginning any exercise or diet program. Use all amenities properly and for the purpose they were intended; report damaged or inoperable equipment to the Manager. Dial 911 in case of an emergency.

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