

RULES & REGULATIONS
Old Palm Foundation, Inc.

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RULES & REGULATIONS Old Palm Foundation, Inc.

These Rules and Regulations are an overview of the Old Palm Foundation, Inc. (the "Foundation") Documents and are intended to assist your understanding of the Declaration of Covenants, Conditions and Restrictions for Old Palm Golf Club (the "Community"), dated November 13, 2003, and subsequent Amendments to the Declaration (collectively, the "Declaration"). All initially capitalized terms, unless otherwise defined herein, shall have the meanings assigned to such terms in the Declaration.

I. COMPLIANCE WITH THE RULES AND REGULATIONS

Each Owner is responsible to fully comply with the Declaration and the Rules and Regulations of the Community as are all family members, guests, visitors, lessees, vendors and other persons during the time they are on or using the Community Property. By acceptance of title to a Lot or by the occupancy of a Home, each owner agrees to hold the Foundation harmless and indemnify it from and against any liabilities, loss or damages incurred by the Foundation as a result of any violations by any person he/she allows on the Community Property.

II. RULE COMPLIANCE COMMITTEE

The Board will appoint a "Rule Compliance Committee" of three (3) Owners of its choosing to make recommendations to the Board regarding violations of the Foundation Rules. The Board will have the authority to levy fines, including the amount of a fine in accordance with the Foundation Bylaws and the Declaration. Pursuant to the Declaration, unpaid fines will be levied as Individual Assessments and will become liens on property in accordance with Florida Statutes. See Article XIX of these Rules and Regulations for Complaint Procedures.

III. GENERAL REGULATIONS

- a. **Commercial Activity.** The Community is a residential and recreational community. Homes shall be used solely as single family residences. Commercial Activity is not permitted, except as specifically outlined in Article 6.12 of the Declaration.
- b. **Nuisances.** No nuisance or any use or practice that is the source of unreasonable annoyance to others or which interferes with the peaceful possession and proper use of the Community is permitted. No firearms shall be discharged within the Community. Nothing shall be done or kept within the Community Property, Limited Community Property or a Home or Lot which will increase the rate of insurance to be paid by the Foundation.
- c. **Soliciting.** No door-to-door soliciting is permitted within the community.

- d. **Flags and Flagpoles (Florida Statutes § 720.304).** Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4½ feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.

Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4½ feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag. The flagpole and display are subject to all building codes, zoning setbacks, and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances in the county or municipality in which the flagpole is erected and all setback and locational criteria contained in the governing documents.

The size of flag, flagpole design and height, and location must first be approved in writing by the ARC so as to assure compliance with this Rule and the Florida Statutes. The flag must at all times be maintained in excellent condition. An approved flagpole shall not be used as an antenna.

- e. **Firearms/Fireworks.** The brandishing, public display or discharge of firearms (unless the elements of Florida Statute, Chapter 776, Justifiable Use of Force, are met), including BB/pellets, tasers, paintball guns, fireworks and all incendiary devices is strictly prohibited.
- f. **Attire while on Community Property.** All Owners and guests must wear appropriate attire covering their upper and lower body at all times while on Community Property, including but not limited to while walking, running or jogging.
- g. **Abusive Language/Conduct.** Abusive language or any inappropriate conduct involving or directed to residents, guests, Safety and Security Officers and the Foundation Management Staff is prohibited and shall be subject to action by the Rule Compliance Committee.

- h. **Employee Policies.** The Foundation employees and employees of the Foundation's vendors are not permitted to accept personal gifts or gratuities from residents or vendors. Employee policies do not permit Foundation employees to fraternize with the Community's residents. This would include, but not be limited to, establishing personal relationships, leasing of Homes to Foundation employees, agreeing to personal obligations for services, working for residents, or accepting invitations as guests to Old Palm Golf Club's sponsored events or functions. Violations are subject to action by the Rule Compliance Committee.
- i. **Common Area Damage.** Damage to the grounds or Community Property shall be paid for by the person causing the damage. Please report any damage to Management or Security immediately.

IV. UNOCCUPIED HOMES

Owners shall observe the requirements of Article 6.20 of the Declaration governing extended vacation and absences from the Community. Additionally, when leaving your home for an extended period of time, it is strongly recommended that you leave a key to your home with the Safety and Security Department. The following must also be observed:

- a. Residents must suspend all newspaper and mail deliveries.
- b. Residents must maintain telephone service, wired or wireless, to ensure that their alarm system can communicate the status of the alarm system. Alarm systems should be activated when you are not in residence for security precautions.

V. TRAFFIC AND VEHICLE SAFETY (For specific regulations regarding Golf Carts, please see Article X of these Rules and Regulations):

- a. All Owners and their guests must comply with the traffic control devices (i.e. stop signs, yield signs, etc.) of the State of Florida and the traffic regulations posted throughout the Community. Notices of violations **MAY** be issued by the Safety and Security Department and copies will be submitted to the Rule Compliance Committee for appropriate action. (See also, Article 14.1.10 of the Declaration)
- b. Speeding and other uniform traffic code violations may be enforced by the Palm Beach Gardens Police Department, the Safety and Security Department or by anyone authorized by the Foundation.
- c. All Foundation and/or Golf Club authorized vendors and contractors in carts or on maintenance equipment shall utilize the main roadways as a means of traveling to and from their work destination.
- d. All bicycles ridden by persons 16 years of age or older, who are not challenged, must be operated only on the street, with the flow of

traffic, and not on the pedestrian paths. These riders must comply with all the rules of the road. Helmets are strongly recommended for all bikers, but must be worn, according to Florida law, by children up to age 16.

- e. Violations/warnings associated with these rules shall be issued by the Safety or Security Officers or the Foundation Management Staff, and all vehicle operators shall acknowledge the authority vested in the Safety or Security Officers and the Foundation Management Staff. Failure of the driver to stop his/her vehicle when requested or failure to cooperate with any Safety or Security Officer or the Foundation Management Staff may result in additional fines and/or suspension of privileges. Should the offense be particularly egregious, the Rule Compliance Committee may suspend a resident's transponder privilege or, in the case of a non-resident, the right to use the Community's roadways. Video surveillance will be utilized from time to time within the Community to monitor vehicles, and violations/warnings can be issued from images captured by the video surveillance.

VI. PARKING

Parking and vehicle regulations are governed by Articles 6.36 and 14.1.11 of the Declaration. In addition to the regulations set forth in the Declaration, the following shall also apply:

- a. Vehicles may not be parked facing oncoming traffic.
- b. Parking in any manner that blocks any of the following is prohibited: mailboxes, fire hydrants, portion of sidewalk that intersects residential driveway, residential driveways or intersections.
- c. Parking on both sides of some streets is a fire, rescue, and safety hazard. The Board is authorized to mark streets permitting parking on only one side of street. It is prohibited to park on the side of a street so marked.
- d. Vehicles shall not be left anywhere on the property in a non-operative condition. All vehicles must have valid license tags.
- e. Any vehicle licensed for roadway use must be operated on the roadways.
- f. No vehicles with fabric or plastic storage covers over them shall be permitted within view at any time.
- g. All golf carts, boats, recreational vehicles and panel trucks must be parked in a garage. Automobiles, SUVs, and minivans should be parked in a garage or may be parked in the owner's driveway overnight. No commercial vehicle of any type may be parked in any driveway between the hours of 5:30 pm and 7:30 am the following morning.

- h. Following the date of adoption of these Rules and Regulations, the number of commercial vehicles (defined by the Declaration to mean, “a vehicle which is not designed and used exclusively for customary, personal/family purposes.”) permitted to be parked along the street and/or on a Lot, which are temporarily present and necessary in the actual construction, maintenance or repair of a Home, shall be limited to 3. The foregoing limitation shall not apply to those Homes having a valid permit for construction which remains open as of the time of adoption of these Rules and Regulations (the “existing permit”), but shall apply to any future permits and/or construction, maintenance or repair that is outside of the scope of the existing permit.
- i. Any exception to any of the above parking rules, requires prior written approval of the Foundation.

VII. SAFETY AND SECURITY DEPARTMENT – VENDORS AND GUEST ACCESS

It is the intent of the Safety and Security Department to regulate and monitor the persons entering the Community; however, Security cannot ensure access will be properly regulated.

The Foundation’s two gatehouses are equipped with a computerized gate access system designed to assist in efficiently handling all authorized traffic coming into the Community.

- a. **AUTHORIZING GUESTS AND VENDORS:** There are several methods to maintaining your Permanent and Temporary Guests/Vendors List:
 1. Old Palm’s CapSure Community web site enables each Owner to manage their Permanent and Temporary Guests/Vendors Lists. Contact the Foundation office at (561) 493-7180 for assistance in logging on to <https://oldpalm.capsure.com/>.
In addition, you may call the main PGA Gate (561) 627-6001.
 2. Residents can complete a General Resident Information (GRI) Form (enclosed in the new resident's orientation package). This form may also be obtained from the Foundation office. The GRI form will ask for a Permanent Guest List. This list should include only two classifications of individuals or companies - close family members and friends who frequently visit, and routine periodic service providers who care for you or your home. Residents can use any of the above methods to update your Permanent Guest List.
 3. **HOUSE GUEST PASS.** The Board has the authority to authorize the usage of House Guest Passes.

These are a special visitor's pass available, as the Board directs, for a house guests who will be coming in and out for a stated period of time, which must then be renewed. If permitted, they

may also be available to residents, for example, with rental cars or new vehicles that do not have a transponder until they receive one from Security.

- b. **UNANNOUNCED GUESTS/VISITORS:** In the unlikely event a guest arrives unannounced at the gate an officer will call the resident's listed home phone number only for direction (access authorization). If the resident cannot be reached, the unannounced guest will not be allowed admittance. If a service vendor is not on the authorized list, the vendor will be advised to call the resident and advise the resident to call Security to authorize them. Vendors not called in to Security will be denied access.
- c. **QUICK ACCESS CARDS:** Residents may authorize their domestic employees and service vendors the issuance of a Quick Access Card. Applications may be obtained at the PGA or Central Gates.
- d. **MOVING VANS:** Moving vans/trucks are allowed on the property Monday through Saturday from 8:00 a.m. to 8:00 p.m. Moving vans and trucks must obey all traffic control devices (i.e. stop signs, yield signs, etc.) within the Community.
- e. **VENDORS/CONTRACTORS:** No workers are permitted in the Community before 8:00 am on weekdays and Saturdays or after 5:30 pm on weekdays. All workers, including landscape maintenance contractors, must vacate the property by 1:00 pm on Saturdays. Saturday work performed after 1:00 pm is permitted, subject to advance approval by the Foundation Management Staff.

No workers are permitted on the property on Sundays or Holidays, except for emergency purposes. The holidays are: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

VIII. TRANSPONDERS

Transponders provide entrance to the Community Owners' gate.

Security will install and attach a Transponder to a resident's automobile(s). The Transponder system provides the means of raising the gate arms in the "resident" lanes at each of the entrances.

The Transponder also identifies you if you enter the visitor's lane but will not automatically raise the gate arm. The gate officer will open the gate after identifying the Transponder read on the computer screen.

Transponders are a privilege for residents, lessees, non-residential club members, and personnel authorized by the Board. Transponders may not be issued to relatives, guests, housekeepers, nurses, or anyone that does not permanently reside in the home. Vehicle registration information shall be used to verify that the individual is a resident/lessee. Residents may

authorize their employees and service vendors to be issued a Quick Access Card. Applications may be obtained at the PGA or Central Gates.

Residents who sell or trade their vehicles must inform the Security Help Desk so that the Transponder code may be deactivated. It is the resident's responsibility to notify the Safety and Security Department of any changes in vehicles and/or license plate numbers.

Residents driving rental cars for five days or more may call the Security Help Desk to have a temporary Transponder affixed behind the rear-view mirror. The Transponder will automatically be deactivated on the departure date.

Transponders are issued seven days a week. Please call (561) 627-6001 and an officer will come to your home as time permits.

IX. ACTIVATING FOUNDATION MEMBERSHIP AND TRANSFERRING MEMBERSHIP BY SALE OR RENTAL

- a. **MEMBERSHIP PROCEDURES:** Any new Owner shall complete a General Resident Information form for the Foundation's records. All correspondence will be directed to a resident's last known address. Residents, whether seasonal or permanent, are responsible to notify the Foundation office of any address changes.
- b. **RESALE OF HOMES:**
 - i. Any Owner offering their Home for sale shall inform the Foundation of the salesperson's or other designated agent's name and company affiliation in order to allow those agents or prospects access to the Community, or shall inform the Foundation of their intent to sell without the assistance of a third party (i.e., for sale by owner). This information shall be conveyed to the Foundation on an "INTENT TO SELL" form which shall be delivered to the Foundation office prior to initiating any listing, advertising, or marketing efforts to sell the Home.
 - ii. Owners are expected to apprise and to ensure their salesperson complies with the following:
 1. The Foundation shall require that the Owner or salesperson/agent accompany or escort all visitors to the specific home(s) that they may wish to see.
 2. There shall be no signs or other visible means of promotion of any kind placed on or about the home site or other Community Property.
 - iii. Pursuant to Article 11.2 of the Declaration, the Owner shall give the Board at least fourteen (14) days prior notice of the name and address of any proposed purchaser or transferee,

the date upon which the transfer is to take place and such other information as the Board may reasonably require.

- iv. Pursuant to Article 15.12 of the Declaration, a Community Enhancement Fee shall be collected from the Buyer at the closing of any Home in the Community. The Community Enhancement Fee shall be established by Resolution of the Board and may be amended from time to time. The amount of the Community Enhancement Fee as well as any fees associated with providing estoppel information (amount and status of assessments due to the Foundation) to closing agents is available by contacting the Foundation office at the number noted below. A current copy of the Declaration should be given to the new owners by the residents selling their home. These are available for a fee at the Management office by contacting (561) 625-8588 ext. 106, or may be obtained from the Management's website, www.unitedcommunity.net.

c. **HOME RENTAL/LEASING**

An Owner may lease his/her Home, subject to the requirements of Article 6.30 of the Declaration which requires, among other things, that no Home may be rented for a period of less than three (3) months and may not be subject to more than one (1) lease in any twelve (12) month period. Additionally, the lease must provide that the Foundation shall have the right to: (i) terminate the lease upon default of by the tenant in observing any of the provisions of the Declaration, the Articles of Incorporation or Bylaws, the Rules and Regulations of the Association or any other applicable provisions of any agreement, document or instrument governing the Community or administered by the Association, and (ii) collect all rental payments due to the Owner and to apply same against unpaid Assessments if, and to the extent that, the Owner is in default in the payment of Assessments.

In addition to the requirements of the Declaration, Owners leasing their Home shall observe and comply with the following:

- i. The right of the Foundation to collect rent and apply same against unpaid Assessments includes the right to collect any interest, late fees and attorney's fees and costs incurred by the Foundation.
- ii. Owners must inform the Foundation, on the appropriate form, along with the applicable application/administrative processing fee, whenever they lease/rent their Home. The Board reserves the right to perform background checks in considering prospective lessees.

- iii. The Owner must provide a copy of the rental agreement information each time the Home is leased/rented, including any extension or renewal with an existing renter. The Board reserves the right to approve or disapprove the submitted lease agreement. The Board's disapproval is final. The Board has the authority to deny a request to approve a proposed lease if the Owner is in violation of any of the duties and obligations imposed by the Declaration or these Rules and Regulations. Leasing without Board approval is strictly prohibited and subject to enforcement by the Rule Compliance Committee.
- iv. The lease shall be subordinate and subject to the provisions of the Foundation Documents and these Rules and Regulations. An Owner is responsible for educating his/her tenant regarding the requirements of the Declaration and the Rules and Regulations. It is the owner's responsibility to supply a current copy of the Foundation's documents and Rules and Regulations to his/her tenant and to ensure that all occupants comply with the documents and Rules and Regulations. These are available for a fee in the Foundation office or may be obtained from the Foundation's website. Any violation of the Declaration or the Rules by a tenant is also a violation by the Owner and will be subject to enforcement by the Foundation.
- v. A person residing in a home for longer than 30 days where the Owner is not present shall be deemed to be leasing the Unit (regardless of whether a lease exists or rent is paid) and therefore subject to the Foundation requirements and procedures regarding leasing.
- vi. An Owner may permit members of the Owner's family (meaning related to the Owner by blood, adoption or marriage) to reside in the Owner's Unit without the Owner being present, on a guest basis. If the Owner is not leasing the Unit to the family member, such occupancy by a family member as a guest is not restricted as a lease. However, the Owner is in all events responsible for all conduct of occupants.

X. GOLF CARTS

Only Owners who are members of the Old Palm Golf Club (the "Club") are permitted to own golf carts in the Community. The ownership and operation of golf carts in the Community is generally governed by Article 6.24 of the Declaration and shall also be subject to these Rules and Regulations as well as the Club Rules. Golf carts are motorized vehicles and must follow all vehicular

traffic laws. All golf carts and usage thereof must comply with the following rules and regulations:

- a. Owners are permitted to own and/or operate private golf carts in compliance with the Foundation and Club Rules. The Rule Compliance Committee is authorized to issue fines and restrict golf cart usage for any violation of the requirements of the Declaration and/or the Foundation Rules and Regulations relating to golf cart ownership and usage.
- b. The Club maintains the standards required for all golf carts brought into the community (purchased or used), and all Owners must comply with those standards.
- c. Every golf cart operator must be at least sixteen years of age and have a valid automobile driver's license.
- d. All golf carts must have head lights and brake lights if driven at night.
- e. Golf cart operators must comply with manufacturer's maximum seating capacity.
- f. Golf carts are never to be driven on private home lots or the Foundation's exclusive common landscaped areas.
- g. Golf carts must be driven at a safe speed as conditions warrant. At no time may the cart be driven in excess of 19 mph. Golf cart operators must comply with all stop signs by coming to a complete stop, and other traffic signs. Common courtesy should be used at all times when operating a golf cart, and cart speed must be reduced when approaching (or being approached by) pedestrians, bicyclists (under 16 years of age or challenged), joggers, skaters, etc. Golf cart operators must yield to, or if necessary, stop for pedestrians, joggers, skaters, etc. along the pedestrian paths. Pedestrians always have the right of way. Golf cart safety is the responsibility of the owner and not of the Foundation. Please be responsible and ensure the safety of all our residents and visitors.
- h. Golf carts must be stored in the owner's garage. No golf carts with fabric or plastic storage covers over them shall be permitted within view at any time. No golf cart is to be left unattended anywhere on the Community Property overnight.
- i. In the event that a golf cart operator is involved in an accident resulting in injury or property damage in any amount, or if there is any question of whether there is injury or damage, then the operator, by the quickest means of communication available, shall notify immediately the appropriate law enforcement agency and any required emergency medical response units. Additionally, the operator shall report such incident to the Safety and Security Department.

- j. In the event the Club or the Foundation revokes a resident member's private golf cart privileges, such resident member may not be allowed to operate a golf cart on any of the property or on any of the Foundation's common areas.
- k. **INDEMNIFICATION** - Every owner and operator of a privately owned golf cart within the Community agrees, by virtue of, and as a condition to, owning or operating said golf cart within the Community, to indemnify and hold Old Palm Golf Club Country Club, Inc., a Florida Not for Profit Corporation, the Old Palm Golf Club Foundation, Inc., a Florida Not for Profit Corporation and their directors, officers, employees, affiliates, and agents harmless as a result of any loss, liability, damages, costs and expenses related to or arising out of personal injury or property damage relating to the ownership, operation or maintenance of the golf cart by the resident member, the resident member's family any guest of the resident member and/or any other third party.
- l. **GOLF CART INFRACTIONS/COMPLIANCE** – The following incidents, and such other incidents that the Foundation Board of Directors determines from time to time, shall constitute an infraction of the rules:
 - 1. Failure to stop at posted stop signs, or comply with other posted traffic signs.
 - 2. Failure to yield the right of way to pedestrians, bicyclists, skaters, joggers, strollers, etc.
 - 3. Speeding in excess of 19 mph, or a lesser speed if the conditions warrant.
 - 4. Careless or reckless driving or driving in an impaired state.
 - 5. Operating a golf cart under 16 years of age and without a valid driver's license.
 - 6. Operating a golf cart with more than two people.
 - 7. Operating a golf cart while under suspension from Old Palm Golf Club, Inc. or the Foundation.
 - 8. Operating a golf cart at night without headlights and brake lights.
 - 9. Any other incident deemed to be a violation of the Rules and Regulations of the Foundation.

The violations/warnings shall be issued by the Traffic Safety/Security officers and all golf cart operators shall acknowledge the authority vested in the Traffic Safety/Security officers. Failure of the driver to stop his/her cart when requested or failure to cooperate with any Traffic Safety/Security officer may result in additional fines and/or suspension of privileges by the Rule Compliance

Committee. Should the offense be particularly egregious, the Rule Compliance Committee may suspend a resident's right to use a golf cart in the Community.

XI. CHILDREN

- a. Residents are solely responsible for their children's and their guests' children's behavior, welfare and safety while on Community Property.
- b. The Foundation, Old Palm Golf Club Country Club, Inc., their officers, directors, shareholders, employees, members and agents are to be held harmless in any action or occurrence involving any aspect of the property which may create a hazard for children.

XII. PETS and ANIMALS

Community regulations concerning pets and animals are governed by Article 6.38 of the Declaration. In addition to the regulations set forth in the Declaration, the following additional rules shall apply:

a. **GENERAL PET REGULATIONS**

- i. Dog runs, pens or doghouses outside the home are not permitted.
- ii. Pets must be on a handheld leash and in the control of their owners at all times when outside of the home, except when being exercised within the confines of the rear fenced area and attended by pet's owner. No pet or animal shall be kept on the exterior of the Home or in the Community Property, or left unattended in a yard or on a balcony, porch, patio or lanai.
- iii. Pets are not allowed on the golf course.
- iv. Excepting their own property, pet owners may not allow their pet(s) the usage of other residential unit properties.
- v. No pet shall be permitted to leave its excrement on any portion of the Community Property, and the owner of such pet shall immediately remove the same. In addition, all pet Owners must comply with any and all applicable rules, ordinances or regulations of the City of Palm Beach Gardens as amended from time to time.
- vi. Pet owners are responsible for reimbursing the Foundation or other offended parties for damage to landscaping and/or buildings or private property caused by their pet.
- vii. Any disturbance by a pet, such as noise, odor or threatening or nuisance activity, may be cause for action by the Board to have the offending pet removed from the Community. Any pet

that is considered dangerous or shows dangerous prospects, at the sole discretion of the Board, may be removed from the Community. When notice of removal of any pet is given by the Board, the pet shall be removed within forty-eight (48) hours of the giving of the written notice.

- viii. Owners and occupants shall assume full responsibility for personal injury or property damage caused by any pet and shall hold harmless and indemnify the Foundation, its agents, officers, directors, and other owners and occupants, against loss, claims or liability of any kind arising out of any act of such pet.
- ix. No commercial breeding of any kind is permitted in the Community.
- x. All animal bites will be reported to the Police and animal control departments.

b. **ENFORCEMENT OF PET REGULATIONS**

The Rule Compliance Committee has final authority in decisions concerning pet violations under these regulations, to the extent of legally removing certain pets and/or fining the Owner for violations.

XIII. DECKS - POOL AREAS

The following are rules pertaining to the use of the patios and pool areas:

- a. Posting of signs or advertisements is prohibited.
- b. Storage of pool supplies should be out of view at all times.
- c. Pool Repairs - When draining of the water in pools for purposes other than lowering the level of water, the owner must inform his/her pool contractor and shall ensure that the waste water is directed to the valley curbing along the roadside in front of the home which will carry the water to the nearest storm drain. Any damaged plants, grass, etc., will have to be replaced at the expense of the owner if the water is allowed to freely drain onto any private property, common area or onto the golf course.

XIV. LANDSCAPE MAINTENANCE AND IRRIGATION

a. **GENERALLY**

Please refer to the ARC Residential Landscape Maintenance Standards. Copies are available at the Foundation office. Additionally, each Lot must comply with Article 6.49 of the Declaration, which specifies the number and type of Designated Street Trees.

b. **CUSTOM HOMES**

The yards and patio areas in all the neighborhoods containing custom homes are to be maintained by the owners. The Foundation has the authority to limit the days and hours when landscaping can be performed.

c. **NON-CUSTOM HOMES**

The Foundation shall manage exterior landscaping of these lots, including days and hours when landscaping can be performed. Manage means that the Foundation may hire and perform the services or contract with an outside vendor to perform the services.

d. **ALL COMMON AREAS**

The Foundation shall manage exterior landscaping of all common areas, including days and hours when landscaping can be performed. Manage means that The Foundation may hire and perform the services or contract with an outside vendor to perform the services.

In addition, the Foundation may employ staff to assist in maintaining home sites and common areas, and the Foundation has the authority to define the scope of such work, and the days and hours when such work is performed.

e. **PREPARATION for HURRICANE SEASON**

All Coconut Palms must have seed pods and coconuts removed no later than June 1st of each year.

f. **IRRIGATION SYSTEMS**

i. Individual lot irrigation systems are the responsibility of the Owner.

XV. **REFUSE DISPOSAL**

a. The Foundation is not responsible for and does not provide refuse disposal. Refuse pick-up is contracted by the City of Palm Beach Gardens Public Works Department at (561) 804-7000 with various sanitation companies and is paid through your annual ad valorem property taxes and not through your Foundation assessments. Refuse is picked up on Tuesday and Friday of each week and recycling is picked up on Tuesday only.

b. Normal service will be provided on all holidays EXCEPT Thanksgiving Day and Christmas Day. When pick-up falls on one of those holidays, service will be provided on the next regular pick-up day. Refuse shall be placed in an appropriate trash container, up to 50 gallons or 50 pounds, possessing a securely closed lid and shall be placed at the curb in front of your home no earlier than 4 pm the

day before. Plastic bags may be used but must be placed at the curb in front of your home after sunrise the morning of pick-up. Trash containers must be returned to a shielded area of the home as soon after pick-up as possible; but not later than the next morning after pick-up.

- c. Loose papers and boxes should be secured at the curb in the appropriate recycling container. Styrofoam peanuts used for packing must be placed in fastened trash bags and placed in the trash container.
- d. Any remaining debris left by the refuse contractor must be picked up and discarded.
- e. Landscape contractors, while performing landscaping services, must remove debris before the close of the day.
- f. The Owner or occupant shall arrange for pick-up of large items or packing cartons directly with the hauler at the owner's expense, if there is a charge. Palm Beach Gardens Public Works Department may be contacted at (561) 804-7000.
- g. In the event garbage and trash are stored outside the Home, storage facilities for garbage and trash containers which are fully screened from view shall be required for each Home and shall be integrated into the design of the Home.

XVI. APPEARANCE AND ROUTINE MAINTENANCE OF HOMES

The Foundation requires Owners to perform preventive maintenance to their homes from time to time as may be necessary. The following rules are an indication of some that are in force at this time:

- a. Roofs and Pressure Treatment. Roofs and/or exterior surfaces and/or pavement, including, but not limited to, walks and drives, shall be pressure cleaned as often as appropriate but in any event within thirty (30) days of notice by the ARC.
- b. House Painting. Periodic house repainting must be completed to preserve a well-maintained appearance. Foundation Management performs periodic maintenance inspections.
- c. Color Changes. Color changes require approval before painting commences. The ARC must be notified to ensure that the color conforms to the approved color pallet.
- d. Garage Doors. For safety and security purposes, all garage doors are to remain closed at all times except as necessary for ingress or egress and must have a well-maintained appearance. Residents will be notified by Security if they observe open garage doors after 8:00 pm and before 6:00 am.

- e. Basketball Hoops/Backboards. Temporary or mobile basketball hoops shall be permitted with ARC approval provided that they are located such that the base and rim are entirely within the Lot and not in the road or hardscape adjacent to the Lot. Such hoops may be used between the hours of 9:00 a.m. and dusk. When not in use, such hoops must be stored in the Lot and must be concealed from view from the street or other Lots. Basketballs hoops and backboards shall be permitted by the ARC only if such items aesthetically compatible, if nuisances to adjoining Lots and properties are minimized, and if specifically approved by the ARC.
- f. Outdoor Lighting. Outdoor lighting, including seasonal holiday lighting, must not interfere with or create a nuisance to other residents. All new installations must be approved in advance by the ARC. Seasonal holiday lighting and/or seasonal decorations are allowed from Thanksgiving through January 10th of each year.
- g. Gas Lighting. Gas lighting on all homes shall be kept in good working condition and illuminated at all times. Maintenance of gas lights is the responsibility of the homeowner.
- h. Non-Domesticated Animals. Non-domesticated animals, i.e. raccoons, rodents, etc. may become a nuisance from time to time. Control and removal is the responsibility of the homeowner.

XVII. ARCHITECTURAL STANDARDS AND REVIEW PROCESS

The Foundation has developed architectural standards and a review process.

a. ARCHITECTURAL REVIEW COMMITTEE (ARC)

The ARC is appointed by the Board of Directors to ensure that any proposed modifications, alterations, etc. are in keeping with the Development Guidelines, which is available at the Foundation office and on the Foundation's website.

- i. All exterior additions, modifications, decorations or alterations must be reviewed and written approval given by the ARC, prior to the commencement of any work. If the work is already contracted and/or monies paid, the Foundation will not be responsible if an application is denied.
- ii. Whether work is done on the interior or exterior of the home, if a dumpster is required, an application must be completed and a fee will be charged. The dumpster must be covered when not in use.
- iii. All port-o-lets must be shielded from view at all times.

- iv. The ARC requires submission of plans and specifications showing the materials, color, structure, dimensions and location of the proposed alteration(s) in sufficient detail to assure compliance with the criteria established for approvals. Owners should contact Foundation Management for information regarding submission requirements prior to obtaining a building permit.
- v. The minimum criteria for approval shall include and require the following:
 - 1. uniformity of materials and design in relation to existing improvements;
 - 2. comparable or better quality of materials as used in existing improvements; and
 - 3. uniformity with respect to color, size and location in relation to existing improvements and topography.
- vi. Any material alteration of your landscape beds, plants or trees must first be reviewed by the Foundation Management Staff, who will determine if the changes require the approval of the ARC; in which case, may require landscape plans be prepared by a Landscape Architect or Landscape Designer and will be the homeowner's responsibility.
- vii. The ARC shall approve or disapprove the request within 30 days from receipt of all requested plans, materials and review fee. In the event the ARC fails to approve or disapprove said request in writing within 30 days after plans, materials and fees have been received, approval will be automatically granted.

b. **SATELLITE DISHES AND ANTENNAE**

No radio, CB, television or other antennae shall be installed anywhere on the property unless first approved by the ARC. The design, color, and proposed location of any new installations must accompany any submissions to the ARC. Said approval is required prior to commencement of the actual installation of the satellite dish.

XVIII. COMPLAINT PROCEDURES

The policy outlined below is an attempt to formalize the handling of various complaints addressed to the Foundation.

The Foundation and its Management Staff are under no obligation to settle disputes between neighbors.

Complaints regarding violations of the Foundation's rules will be accepted by the Foundation Management Staff, but it is requested that the party

filing the complaint first attempt to obtain voluntary compliance without the Foundation's intervention, if appropriate.

- a. Complaints regarding rules' violations by Owners/Occupants must be submitted in writing to the Foundation Management Staff. The party filing the complaint is asked to discuss his/her complaint with the offending party and indicate what response he/she received. Anonymous complaints will not be accepted. Complaint forms may be obtained from the Foundation Management Office. Traffic violation complaints will be referred to the Traffic Safety Officer for follow-up. Complaints of a criminal nature such as assault, threats, intimidation, etc. should be reported to the Police Department for investigation.
- b. Complaints will be investigated by the Foundation Management Staff, and if warranted, a letter will be sent to the offending party which will include the name of the person filing the complaint. If not corrected, and if the Foundation seeks to impose a fine or suspend rights to use common areas and facilities, the offending party has the right to be heard by the Rule Compliance Committee.
- c. Action on Complaints. The Rule Compliance Committee may recommend fines and/or use restrictions, which may include suspension of transponder and/or other privileges.

XIX. DECORUM FOR BOARD MEETINGS/MEMBERSHIP MEETINGS

All Board meetings and meetings of the Foundation membership shall be conducted in accordance with the requirements of the Declaration, the Bylaws and these Rules and Regulations. The following shall also apply:

- a. Member Participation. Members shall have the right to participate in meetings of the Members with reference to all designated agenda items. If a Home or Lot has multiple Owners, one Owner shall be designated to speak on behalf of the Owners. Speakers will be limited to two (2) minutes; however, the President of the Board or the presiding officer of the meeting shall have the discretion to adjust speaking time limits as he or she deems appropriate and necessary. Any person failing to observe speaking time limits or who makes impertinent or slanderous remarks or becomes boisterous while addressing the Board shall be barred from further audience before the Board by the presiding officer. The Board shall also have the authority, by majority vote of the Board members present, to carry out the following:
 - i. Grant anyone permission to continue or again address the Board after the presiding officer has barred such individual from speaking.

- ii. Remove anyone violating these rules from the meeting, and if necessary, security and/or police may be utilized to remove any disruptive individual(s).
- iii. Refer the violation to the Rule Compliance Committee for a determination as to whether the Member's right to participate in a future meeting should be suspended.

XX. THE ASSESSMENT AND BUDGET PROCESS

Assessments are collected by the Foundation to pay for the operation and maintenance of the community. These areas include the common areas (such as Old Palm Golf Club Drive), exclusive common areas (neighborhood water features and associated landscape areas, etc.).

- a. There are four types of assessments applicable to owners in the Old Palm Golf Club Community. These are:
 - i. Foundation Assessments: which are levied equally on all units. These assessments are used to pay for expenses benefiting all owners in the Community and may include maintenance of the common areas; administration expenses, access controlled entries; CDD maintenance expenses; bulk purchase of cable TV, internet, security monitoring; and any other expenses that the Foundation deems to be a common expense.
 - ii. Neighborhood Assessments: which are levied equally on those owners within a neighborhood which receives services that benefit only those owners within that neighborhood. These expenses may include: neighborhood water features and such other expenses that are applicable to that neighborhood.
 - iii. Special Assessments: which are levied on all owners, against an individual owner or an individual neighborhood, if applicable. If the purpose of the special assessment is for the benefit of the entire community, then all owners will pay their equal share of the special assessment.
 - iv. Individual Assessments: which occur when an owner receives a service at his/her request for specific services relating to the home or may be incurred by the Foundation pursuant to the enforcement of the requirements of the Foundation documents.
- b. The Foundations Board of Directors will adopt the fiscal year operating budget no later than December 1st for the ensuing fiscal year (January 1 to December 31). Payment of the assessments is quarterly.

- i. **Automatic Debit:** The Foundation offers residents the opportunity to pay quarterly assessments by an automatic payment withdrawn from personal checking accounts. Authorization forms may be requested from the **Management** office by calling (561) **625-8588 ext. 106**. The process is as follows:

On the fifth day of January, April, July and October, the Foundation will initiate an electronic payment from the specified account. The total amount processed will be the total due for the applicable quarter as well as any outstanding balance.

- ii. **Payment by Checks:** Residents may also pay assessments by personal bank check.
- iii. **Late Payment Policy:** Assessments are paid in quarterly installments made in advance and due on the first day of each calendar quarter.

Fees not received by the fifteenth will incur a late fee and interest. If a payment continues to be delinquent or if an owner has continued delinquencies, the matter will be submitted to the Foundation's attorney for collection. All legal fees incurred while attempting collection will be paid by the owner.