

Rules and Regulations

Effective March 30, 2022

A. Introduction

The basic documents governing Porpoise Bay Condominium Association are the Declaration of Condominium, The Articles of Incorporation and the By-Laws. The Board of Directors has adopted these Rules and Regulations for the more effective implementation of these basic documents, and for the protection of the condominium property and of the community interests of the members of the Association.

Certain provisions contained in the Declaration and Articles are included in the Regulations for more convenient reference. However, it is not intended that these Regulations supersede the Declaration, Articles, or By-laws; and it is recommended that the owners familiarize themselves with their obligation as set forth in those documents as well as these regulations. All suggestions or complaints from owners pertaining to these Regulations or the management and operation of Porpoise Bay Villas Condominium Association should be directed in writing, and signed, to the President of the Association. Final interpretation of these Rules and Regulations shall rest with the Board of Directors.

B. General

1. Owners and/or tenants should politely report any violation of these rules to Elliott Merrill (or Board) so that appropriate action can be explored to ensure our Association rules and standards are preserved.
2. Owners and/or tenants are responsible for any damage or defacing of property which they or their guests have caused. They will not cause anything to be hung, displayed or placed on exterior walls, doors, windows, balcony railings or carports. (i.e., Balcony railings may not be used for a clothesline.) The foregoing shall not apply to Christmas lights, ornaments or decorations. Subject to prior Board approval, decorative or white Christmas lighting on the shrubbery or trees (and a Christmas wreath on the front door or on the building only), is permitted in season. All Christmas decorations must be removed by January 15th.
3. **OPEN HOUSES Are Prohibited in Porpoise Bay.** Real estate agents however can escort individual prospects to view condos which are listed for possible sale.

("For Rent", "For Sale", or "Open House" signs are not allowed.)

4. No nuisances will be allowed on the common property or limited common property nor any uses or practices that are a source of annoyance to residents. No on-site auctions of property, real or personal nor house/garage/yard sales are allowed.

5. Various outside furniture may only be placed outside according to the following unit types:

a. Townhouse units A, B, E and F may use an outside chair(s) as long as it/they are taken inside each evening. These units do NOT have a patio or any area treated as one. Small outside grills are allowed as long as they are stored in an inconspicuous manner.

b. Townhouse units C & D may have patio furniture on their patio along with a few plants that are not obstructing neighboring units' views. The Limited Common element of the C&D patios (the area extending beyond the patio walls) may not have objects placed upon them which obstruct anyone's view. Small outside grills are allowed as long as they are stored in an inconspicuous manner on their patio.

c. Cottages may have a chair(s), small table and a few plants on the front door stoop. They also may have a small grill placed in the front of the kitchen window.

6. The common property shall not be used as a playground or a dog walking area.

7. Garage doors must be closed to within twelve inches (12") for ventilation, except during periods of normal usage.

8. The feeding of birds and wild animals is prohibited.

9. Members of the Board of Directors may serve three successive two-year terms in office.

10. The Porpoise Bay office shall, at all times, have a key to each unit. No owner shall alter any lock or install any new lock on any doors leading to his/her condominium unit without the knowledge of Elliott Merrill. If the lock is changed, or a new screen door is installed, the office shall be provided with a duplicate key.

C. Construction, Renovation and Work on a Unit

1. Porpoise Bay has a three-step process for construction or renovation:

a. **In order to begin the construction or renovation, please review Porpoise Bay's Rules & Regulations and By-Laws and then complete a Construction & Renovation Request Form. All projects must be submitted to Elliott Merrill with written approval received before work begins.**

b. Once the work is approved via the review process outlined in the Request Form, a written (email) confirmation will be returned to you from Elliott

Merrill. You may then begin the construction or renovation as outlined in your Request Form.

- c. In order to conclude the construction or renovation, supply pictures to document the completion and attest in writing via the Completion Form that the work was completed as described in the Request Form and in accordance with Porpoise Bay's Rules & Regulations and By-Laws.
- d. The Construction & Renovation Request Form and Completion Form are available in the Owner Portal (the website address for the Portal is <https://frontsteps.cloud/CaliberWeb2_ElliottMerrill>).
- e. Contact Elliott Merrill at jonnas@elliottmerrill.com with any questions.

2. Each owner has the responsibility to ensure that any construction or renovation work is properly approved before work begins. Examples of this work include but are not limited to: patios, windows, doors, shutters, gutters, etc.; plumbing, electricity, heating, air conditioning, etc.; demolition, remodeling; any projects involving building permits; any projects that affect the exterior of the building in any way.

3. The Owner is responsible for ensuring that the contractor is aware of our association rules and requirements prior to commencement of work and confirm that the appropriate work permits have been obtained.

- a. The Association reserves the right to meet with the owner and his/her contractor(s) from time to time to review our Porpoise Bay requirements or simply observe the progress throughout the project.
- b. The owner's contractor must be properly licensed/insured, obtain all the necessary building permits, and meet any other county requirements to ensure your project is being built with the full compliance of all existing building codes.
- c. Cosmetically, the outside doors, sliders, windows and shutters must be consistent in appearance with existing Porpoise Bay standards. (For outside screen/storm doors, please refer to Elliott Merrill for approved options.) If outside shutters are replaced, they will be at owner's expense and must be made out of aluminum (or another acceptable material) and easily closed during hurricane season. Please see the Request Form for more details.
- d. Skylights, outside awnings and satellite dishes are prohibited.
- e. The owner must obtain a licensed engineer's approval to guarantee that any changes to the roof supports/trusses or other wall/ceiling work will not in any way weaken or damage the structural integrity of the roof, interior

walls or ceiling of your or any adjacent unit(s).

- f. If rules are not followed, work may be required to cease and/or be altered at the owner's expense.

4. Work hours are restricted to:

- a. 8:00 AM to 5:00 PM Monday through Friday.
- b. No improvement work is to be done on Saturdays, Sundays or Holidays though minor repairs or replacements on Saturdays are permitted if the indoor work is not disturbing to owners of nearby units.
- c. Contractor vehicles must be parked in the owner's place, a guest place, or another owner's place for which explicit permission has been given.

5. Extensive construction and renovation will not be permitted during the period from January 1st thru April 30th. This includes but is not limited to any work that generates intrusive noise. This also includes work such as moving interior walls, flooring, wall board and ceiling installation, tiling, cabinet work, plumbing, electrical, windows and doors.

6. All year long we will allow quiet "decorative work" such as painting, wallpapering, wallboard taping and ceiling texture ("popcorn") removal using a quiet method (not a compressor).

7. We will always allow emergency repair of electrical, plumbing and other critical services. Owners are not allowed to personally do plumbing or electrical work. All such work must be done by a licensed contractor.

8. Contractors must clean up walkways and work areas, as well as any debris on a daily basis. Contractors must remove all construction debris. Debris must not be thrown in an association dumpster.

9. The Owner assumes full responsibility for all actions of the contractor, its agents and employees including but not limited to the responsibility of all repairs to the common elements of the Association resulting from actions or non-actions of the contractor.

10. Contact Elliott Merrill at jonnas@elliottmerrill.com with any questions.

D. Storm/Hurricane Shutters

1. Shutters must be approved prior to installation (see Construction and Renovation

Process)

2. Shutters must match the existing color, constructed by a qualified manufacturer and installed by a qualified contractor.
3. Shutters may be closed only during the hurricane season from June 1st to November 30th. Unit owners are encouraged to use their discretion to shutter their unit only when needed.
4. According to the By-Laws, owners have the responsibility for closing and opening shutters.

E. Patios (pertains to A, B, E & F Townhouse and Villa units) and Grills

Patio areas behind units (one patio per unit) are limited to an area of 4ft. by 6ft. constructed of pavers of a color similar to the driveways and parking areas. No other pavers are allowed beyond those that are patio of the 4x6 patio. Please see the Request Form for more details. If there is a grill, this should be landscaped (with permission, and at the owner's expense) to make the grill as inconspicuous as possible. For Villas (cottages), small areas for grills should be limited to the area between the porch and the dividing fence and not extend further from the building than the line of the outside surface of the porch.

F. Condo Sales and Leases

1. No owner may sell or lease his unit to others without the approval of the Board. The Board shall notify the owner of its approval or disapproval of the sale within thirty days or lease within fifteen days of the application.
2. The Association will require an interview with the prospective purchaser or lessee prior to approval.
3. Application forms for approval of the lease or resale are available from Elliott Merrill.
4. The entire unit may be rented, provided occupancy is to be only by lessee and his family and/or guests accompanying the lessee. Sub-leases are prohibited.
5. The term of each lease shall be for a minimum of thirty (30) days and a maximum of three hundred sixty-five (365) days.
6. No individual rooms may be rented and no transients may be accommodated.
7. Lessees and their guests are NOT permitted to have pets in residence with them.
8. The new owner or lessee must sign a form showing they have received and read the set of Rules and Regulations for Porpoise Bay Villas.

G. Pets of Owners

1. Pets shall not be allowed to run free. They must be kept on a leash, under proper control, and when walked off the condominium premises, comply with the Indian River County leash law. Owners must pick up and/or clean up after their pets and pets must be kept away from plants and landscaped areas.
2. The owner of any pet causing or creating a continuing nuisance or unreasonable disturbance will be given no more than two warnings. Should this disturbance continue, the offending pet must be permanently removed from the condominium premises upon three days of written notice from the Board of Directors.
3. **No pet weighing more than 20 pounds when fully grown will be allowed.** Pets will be limited to two.
4. Service animals and emotional support animals, complying with the laws of the State of Florida, are allowed. The owners of the service animal or emotional support animal shall submit to the Board all information required by the Emotional Support Animal Resolution enacted by the Board on March 30, 2022. The Owner shall update said information annually.
5. Owner's guests, persons renting units, or their guests are NOT allowed to have any pets on the premises.

H. Pools

1. All persons using the pools do so at their own risk.
2. All persons must use the pool shower to remove suntan oil before entering the pool.
3. Children under the age of thirteen (13) years using the pool must be accompanied and supervised by an adult. Toddlers who are not toilet-trained are not permitted in the pools.
4. No flippers, or scuba equipment are permitted in or around the pool area.
5. Running, noisy or boisterous conduct, unnecessary splashing and ball throwing are not permitted in or around the pool area.
6. Glass or breakable containers of any kind are not permitted in the pool area with the exception of Porpoise Bay Association social activities.
7. To maintain our Association's private legal status, and avoid problems with our Association's insurance coverage, owners and renters must refrain from inviting guests, other than house guests, to use the pool.
8. Pets are not allowed in any of the Porpoise Bay pool areas.
9. "Cut-offs", or other clothing, in lieu of bathing trunks, are not permitted.
10. The pools are for the private use of condominium owners, their families and

their guests only. Management reserves the right to deny use of the pools to anyone at any time.

11. The playing of radios in the pool area is prohibited, except for those being listened to by earphones.

12. The pool hours are from 7:00 a.m. until sunset.

13. Bathing load: 19 persons per pool.

I. Vehicles - Parking

1. Automobiles, mopeds, and bicycles may be parked in the parking areas of the Condominium property in accordance with regulations promulgated by the Board of Directors of the Association. No other vehicles or objects, including, but not limited to, commercial trucks, commercial vans, recreational vehicles, motor homes, motorcycles, trailers, golf carts and boats will be parked or placed upon Condominium property overnight without the written permission from Elliott Merrill. Mini-vans not designed with living quarters, licensed as a passenger unit, that fit in a garage or carport will be allowed but kept in the carport or garage when not in use.

2. Parking or car washing on the grass is not permitted for environmental reasons.

3. Owners and lessees must park in their assigned places.

4. Bicycles/mopeds must be parked so not to create a hazard or a nuisance.

5. No more than two cars per unit shall be parked by residents on the Condominium premises, unless arrangements have been made with another unit owner to occupy one of their assigned, unused spaces. Such an arrangement, when made, shall be filed with Elliott Merrill.

6. Vehicles with protective covers may not be stored in carports or driveways.

7. Golf Carts are not permitted on the roads or pathways of Porpoise Bay, except by written request and approval by the Board of Directors. Permits will only be granted to those with bona fide medical or physical needs who have obtained a handicapped sticker from the Florida Motor Vehicle Department. In such cases, carts must be stored and charged in an area not readily visible to neighbors and passersby, **not in carports**, and can be charged only with owner's electricity. Children, or those without a valid driver's license, may not operate such a vehicle, even when accompanied by an adult. Golf carts are not recreational vehicles and, when in motion, must have on board the medically challenged owner. The owner shall carry necessary liability insurance, proof of which must accompany a permit request.

J. Landscaping - Annuals

1. The planting of annual flowers in suitable planters and containers placed on front or back porches is permitted, provided they are removed before the owner leaves for the summer season.
2. Moderate planting of annuals in the ground immediately outside an owner's unit is also permitted, provided they are maintained by the owner and do not encroach on lawns, neighbor's views or permanent planting.
3. Plants unsuitable for outdoor decorative purposes (as determined by the Landscaping Committee) may not be planted in the ground or kept in pots outside owners' units.

K. Shrubs and Trees

1. The planting of trees and shrubs, even if it is at the expense of the unit owner, must have prior approval of the Landscape Committee. Such requests must be submitted in writing and include a sketch and a description of the material to be used. Any trees or shrubs or plants on common property become the property of the Association and will be maintained at the Association's discretion.
2. Vines on trellises that could grow onto the stucco walls or be tall enough to grow into the gutters or roof areas, are not permitted.
3. Trimming or removal of any bushes, shrubs, trees on condominium common property is strictly prohibited. Any changes to existing landscaping must be approved by the Landscaping Committee.

Any existing "Grandfathered" exceptions for individual condominiums, to the above rules exist only while owned by the original owner under whose domain the exception was allowed.

At the time of sale of the Porpoise Bay condo, the issue must be corrected to be in compliance with the present rules.

Any violations of the association rules should be reported to Elliott Merrill for corrective action.