

BANYAN TRACE MASTER ASSOCIATION

RULES AND REGULATIONS

Revised April 17, 2017

1. IDENTITY:

These Rules and Regulations hereinafter enumerated apply to the Common Area And the Facilities thereon, as described in the Declaration of Covenants, Conditions and Restrictions for Banyan Trace. These Rules and Regulations shall remain in effect until amended by the Board of Directors (BOD) of the Association and have all the powers provided for in the Declaration of Covenants, the Articles, the Bylaws (collectively, the Governing Documents), and any State of Florida Statutes.

2. VIOLATIONS OF RULES AND REGULATIONS:

- 2.1** If a violation is observed, any owner may bring this situation to the violator's attention and must do so in a respectful, polite and informative manner.
- 2.2** If a person refuses to obey at that time, do not engage in verbal or physical confrontations, and report to the Violations Committee, if appropriate.
- 2.3** If the violation poses an imminent threat of significant harm to person or property and the person refuses to stop the behavior, contact the police, if appropriate. The Master Association Board has authorized The Cape Coral Police Department to address issues on the property as necessary.
- 2.4** If the person continues with similar violations in the future, the issue should be brought to the attention of the Violation Committee. Violations can be raised with any member of the Violation Committee and can be submitted in person, via the telephone or email. The list of the names of the Violation Committee members and their contact information will be posted on bulletin boards.
- 2.5** After receipt of a notice of Violation, the Violations Committee will conduct a proper fact finding using an incident form to guide them. The process will involve gathering information from both the reporter and the alleged violator as notified of the potential violation.
- 2.6** Any notice of violation received directly by the board, the property manager, or other parties, will be forwarded to the Violation Committee for their review.
- 2.7** After the review by the Violation Committee, the Violation Committee will provide a response back to the person submitting the notice of violation within 15 days and if the violation is deemed to have occurred, the Violation Committee will take the appropriate action with the violator. Action can include verbal communication, email or a formal letter.

- 2.8** If continued violations occur after the Violations Committee action, the Violation Committee will then turn the matter over to the Board of Directors for further action which can include, among other things, suspension of certain privileges (including deactivating of key fobs) or processing a fine through the Fining Committee.
- 2.9** These Rules and Regulations shall apply to all owners, their families, guests and tenants. Owners shall be responsible for all violations by persons on the Association Property by permission or invitation of the owner and all damages resulting from such violation. Owners will provide a copy of the welcome brochure and the Rules and Regulations for the Master Association and their specific building to all tenants and other visitors using their unit when the owner is not staying there.

3. FACILITIES:

- 3.1** Facilities are described as the pool, pool deck, the fenced area around the pool, spa, spa deck, wet deck (the 4 foot area around the edge of any pool), fitness center and bathrooms, tennis courts, bocce courts and the gazebo to include bathrooms, spa, spa deck, drinking fountain, grills and utility sink. Facilities enclosures are the fenced areas or building structures that encompass the facilities named above. The pool deck and fitness center are open from 5:00 AM to 9:00 PM. The gazebo spa is open from ½ hour after sunrise till 9:00 PM.
- 3.2** Facilities are for the exclusive use of the owners, their guests and tenants. Any damage to the facilities, buildings or equipment, caused by an owner, their guests or tenants shall be repaired at the expense of the owner responsible for such person(s) described above.
- 3.3** Parents must use swim diapers on babies/children.
- 3.4** Lounge and chairs must remain clear of the “wet deck” (4 foot area around the edge of any pool) of the pool and spas. Food and beverages (except water) is prohibited from the area 20 feet from the edge of the pool or spas. Animals and glass containers are prohibited within the fenced pool and spa areas. Unless at an Association function, no food or beverages are permitted in the fitness center, except bottled water in plastic containers . No food or drink is allowed in the pool or spas.
- 3.5** Do not block facility rules signs, outside showers and pool emergency lifesaving equipment.
- 3.6** **NO GLASS OF ANY KIND IS PERMITTED IN THE FACILITY ENCLOSURES.** Broken glass in the pool requires that the pool is shut down, emptied, cleaned, refilled, new chemicals and tested before reuse.

- 3.7** Shower before entering the pool and hot tubs. The maximum limit is 63 persons in the pool, five persons in the pool area spa and 11 persons in the gazebo spa at any one time. Pool maximum water temperature is 85 degrees and 104 degrees in the spa. Pool depths are measured in feet.
SWIM/BATHE AT YOUR OWN RISK. There are NO LIFE GAUARDS or other permanent rescue persons stations in or around the facilities. Children under 16 years of age must be accompanied by a parent/adult while inside facility enclosures. Emergency phones are located in the Fitness Center and Gazebo. Phones are not for personal use.
- 3.8** The pool and the adjacent spa may ONLY be used from ½ hour after sunrise until ½ hour before sunset. The official hours of sunrise and sunset are published in the News Press daily and are broadcast on most local TV stations.
- 3.9** Smoking is not allowed at any time inside the fenced area or within 60' beyond the fence. No electrical cords are allowed inside the pool/spa fenced area.
- 3.10** Chairs, tables, lounges and grills may not be reserved or removed. There is a limited amount of chairs, tables and overall space in the facilities enclosures.
- 3.11** Clean-up trash, wipe down machines, turn off TV's, remove all personal items and straighten chairs before leaving the facilities enclosures.
- 3.12** No diving, running, throwing objects, wrestling, skate boarding, roller skates, ball playing, rafts, Frisbees, bicycles, scooters, pets, electric cords or horse play is permitted in the pool, pool deck, spa and fitness center. This includes gazebo area and spa at gazebo. No climbing or jumping on the spa rocks, fence, tables, chairs or any other structure. Do not put chairs or lounge chairs in the pool.
- 3.13** Noise must be kept to a minimum. This includes radios, iPods, cell phones and conversations.
- 3.14** Banyan Trace Associations may reserve the Gazebo and Fitness Center by placing a notice on the official bulletin board. No unit owners, guest or tenant may reserve any facility or facility enclosure.
- 3.15** Parties with more than 20 guests are not allowed within any facility without prior Master Board approval.

4. ROADS, PARKING AND COMMON AREA:

- 4.1** The speed limit for the main road is 15 mph and 10 mph in the parking lots. When entering or leaving your designated parking area, do not drive through parking lots of buildings. Use the main road at all times.
- 4.2** No vehicle/motorcycle shall be parked in such a manner as to impede or prevent access to any other parking space. Only owners or tenants may park in assigned numbered parking spaces. All others must park in un-numbered spaces. Permits are required for handicap spaces.
- 4.3** No vehicle/motorcycle which cannot operate on its own power shall remain within the Association common property for more than 12 hours. No repair of any vehicles shall be made on the common property. Vehicles or motorcycles shall operate in a quiet and safe manner.

- 4.4** The sidewalks and entrances to parking areas of the facilities must not be obstructed or encumbered.
- 4.5** NO LITTERING. Littering of any kind, including cigarette butts, cans, bottles, paper or food is prohibited.
- 4.6** NO commercial vehicles, storage pods, boats, trailers or RV's shall be parked on the Association common property for more than 12 hours. Moving vans and moving trailers may be parked in spaces located on the outer fringes of the parking lots, near the road, for not more than 48 hours.
- 4.7** NO skateboarding is permitted in Banyan Trace. Bicycling is permitted on the roads and parking lots, AT YOUR OWN RISK. No bicycling on the sidewalks.
- 4.8** Personal grills are not permitted in Banyan Trace. Use the gas grills provided by the Association at the gazebo and the pool. Clean the grills, grill area and sink. Put trash in the appropriate containers. Turn off the gas to the grills.
- 4.9** Banyan Trace owners may not store any vehicle for more than 9 months. Vehicles with expired tags or no tags will be towed at the owner(s) expense. A warning will be issued.
- 4.10** Absolutely no ball playing in the parking lot or on the main roads.

5. SOLICITATION:

- 5.1** There shall be no solicitation by any person(s) anywhere on/in the Association common property unless authorized by the Banyan Trace Master Association.
- 5.2** No business shall operate on the association common property unless authorized by the Banyan Trace master Association.
- 5.3** No signs shall be placed on common property, unless authorized by Banyan Trace Master Association.

6. SECURITY:

- 6.1** Persons found stealing, damaging or altering Association common property, including the entrance gate, tennis courts, pool gates, fitness center equipment, pool or spa equipment, chairs, lounges, tables and spa gates will be prosecuted to the fullest extent of the law.
- 6.2** Banyan Trace is a gated community and is reserved for the exclusive use of its owners, guests, and tenants. When the gate is closed, entrance into the complex shall be gained by using the owner(s) remote control OR by pressing the * button and entering the owner(s) four digit code. The gate will open. For anyone else, such as visitors, vendors, or delivery persons, press the three digit number next to the owner(s) name without using the * button. This will ring the owner's phone. The owner answers the phone and presses 9 to open the gate. This will keep individuals from having a full time entry code. Questions should be directed to the Property Manager.

7. PETS:

- 7.1 Pet ownership is regulated by each building shall include such domestic animals as dogs, cats, and birds. Exotic animals are not allowed.
- 7.2 The pet owner shall indemnify the association and hold it harmless against any loss, liability or harm caused by their pet.
- 7.3 All pets must be restrained by leash or crate. Any animal(s) aggressiveness must be controlled by the owner.
- 7.4 No pets shall be allowed to be a nuisance at Banyan Trace. If your neighbor can hear your pet making noise, then the pet is too loud.
- 7.5 Pet owners are solely responsible to clean feces or other matter produced by their pets. Pet clean up stations are placed throughout association common property to assist pet owners.

8. HURRICANES:

- 8.1 Hurricane preparedness is the responsibility of all owners and tenants. Remove all loose or movable objects from the Association common property.
- 8.2 It is the responsibility of the Property Manager and the Pool Committee, working in conjunction, to secure all furniture and other movable objects from the association common grounds and facilities, 24 hours prior to the arrival of any storm with predicted wind speeds over 74 mph. Pool reclining chairs will be stacked one on top of each other, upright chairs will be stacked two high and tables will be staked two high, inside the fitness center. Gazebo reclining chairs and upright chairs will be stored in the two bathrooms and the gazebo storage room. Tables will be turned upside down, lashed together and secured to opposite roof supports, under the gazebo roof. Turn off all pool/spa pumps and heaters.
- 8.3 The pool, fitness center, bathrooms and spas will remain closed, with pumps and heaters off, after a hurricane forecast, until proper cleaning and treatment of the water can be performed.
- 8.4 Volunteers are essential to complete the above tasks. Help protect our valued assets.

9. CONTRACTORS AND/OR WORKERS:

- 9.1 Hire insured and licensed contractors/workers when having work done in Banyan Trace to minimize possible damage or litigation.
- 9.2 Any additions or alterations of any exterior of any building such as, but not limited to, replacement windows or storm shutters must be approved by the Board of Directors of the Master Association.

10. INFORMATION NETWORK:

- 10.1 All owners will be invited to send their Name, Building and Unit Number to an Email Address which will be managed by an operator approved by the Master Board Directors. This site will be used to communicate pertinent Banyan Trace Information. All information must be approved in advance by the Master Board before it is transmitted. All Emails will be posted using the Blind Copy method. Your Email address will not be shared.

11. CHANGE IN OWNERSHIP OR LEASEE:

- 11.1** All potential owners are required to fill out the attached information sheet and return to Management before Master approval is given for a sale. Copies are available by contacting the Building's or Master's Management Company.
- 11.2** Sellers are required to give fobs and gate remotes to the new owners at the time of sale. Owners of resale units must receive key fobs or gate remotes from the former owner (seller), or the new owner must pay for the replacement fobs or remotes. Gate codes will be changed upon notification by the closing company of a closing or the landlord if a renter is moving out of the unit.
- 11.3** Sellers are required to leave all cable television and internet service equipment provided by the Master in the unit. This would include the HD box, two small boxes and the modem. Any equipment taken will be the financial responsibility of the new unit owner to replace.

12. FOBS AND REMOTES:

- 12.1** Owners must sign a statement affirming that they have received a copy of the Rules and Regulations, the key fobs assigned to the unit and the gate remotes. The signed statement will be kept on file by the Master Association property manager.
- 12.2** It is the responsibility of the owners to inform guests, friends, visitors and tenants of the Rules and Regulations of Banyan Trace. The key fob number and the time are registered whenever it is used to unlock the gates to the pool, pool deck, spas and the fitness center door. Infractions of the Rules and Regulations may result in the key fob being deactivated, thereby denying access to the facilities.
- 12.3** Each unit is allowed two (2) key fobs and two gate remotes. Lost or stolen key fobs or remotes must be reported to the management company and can be replaced for a fee appropriate at the time (presently \$75 each). Owners of resale units must receive key fobs or gate remotes from the former owner (seller), or the new owner must pay for the replacement fobs or remotes.

BANYAN TRACE MASTER ASSOCIATION INC.

Please sign and return this portion to the Banyan Trace Association Property Manager at:

Banyan Trace Master Association, Inc.
C/o American Condo Management
4223 Del Prado Boulevard South
Cape Coral, FL 33904

I have received the key fob that is used to unlock the gates to the pool, pool deck, spa areas and the fitness center door. I have received the gate remotes used to open the main gate of the property and the gate code assigned to my unit. I have received a copy of the Rules and Regulations of Banyan Trace Master. I have received the CenturyLink Equipment for the cable television and internet service provided by the Master Association. My signed statement will be kept on file by the Master Association Property Manager.

Owner(s) Signature: _____

Owner(s) Telephone Number: _____
(Will be used in the gate directory unless otherwise notified)

Owner(s) Building and Unit # _____
(At Banyan Trace)

Contact Person(s) Telephone Number: _____
(If different from phone number above)

Date: _____