

# **Bayou Club Community Association, Inc.**



## **Rules & Regulations**

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### **Rules and Regulations**

January 15, 2020

#### **Bayou Club Community Association, Inc**

The Bayou Club Community Association, Inc. (BCCA) is a homeowners association incorporated under Florida Statutes Chapter 617, which is responsible for the operation of the Bayou Club Community, a private gated community. Property in the Bayou Club Community is subject to certain restrictions as defined in the Master Declaration of Covenants, Conditions and Restrictions. The BCCA is also subject to Florida Statutes Chapter 720.

The BCCA is governed by an elected Board of Directors. The Board of Directors is responsible for the day to day operations of the BCCA, project control, ownership and maintenance of all common areas and the promulgation and enforcement of the BCCA Rules and Regulations and Master Declaration restrictions.

The BCCA reserves the right to revise and update the BCCA Rules and Regulations to respond to future changes.

Noncompliance with the BCCA Rules and Regulations shall result in sanctions to the Owner including fines and legal action.

#### **BCCA Rules and Regulations**

An Owner is responsible for the conduct and actions of all persons authorized by them for admittance to the community. Violations of the BCCA Rules and Regulations by companies or individuals approved or authorized by an Owner for admittance to the community shall be charged against the Owner. Sanctions for violations include but are not limited to fines and/or loss of bar code access privileges.

#### **Notice of Violation/Fines**

When a violation of the BCCA Rules and Regulations or the use restrictions contained in the Master Declaration occurs, the BCCA Association Manager shall prepare a written notice to the Owner. The notice shall be mailed to the Owner via first class mail and shall detail the date the violation was observed or occurred and shall cite the specific authority for the violation.

If applicable, a "corrective period" or "curative period" will be noted in the written notice. The BCCA is hopeful the Owner will make the necessary corrections during this period. If the corrections are not made within the period specified in the notice, the BCCA shall initiate the appropriate actions that include but are not limited to legal action and/or fines.

Unless noted elsewhere in the BCCA Rules and Regulations the "corrective or curative" period shall be no more than 30 days from the receipt of the notice and the fine for noncompliance shall be no more than \$10.00 per day until the violation is corrected up to the maximum amount for continuous violations authorized by Florida Statutes Chapter 720.

In some instances, the violation cannot be corrected, e.g. the parking of a vehicle on the turf areas or speeding. For this type of "non-correctable violation" the Owner shall be given one warning notice. Recurrence of the violation shall result in sanctions and/or fines against the Owner.

Unless noted elsewhere in the BCCA Rules and Regulations, the fine for a non-correctable violation shall be no more than \$100.00 per violation.

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#### **I. Parking**

1. Parking, storing, or keeping any commercial truck, camper, commercial van, boat, mobile home, recreational vehicle, trailer or aircraft, or any other vehicle other than a private passenger vehicle, on a parking driveway or property is prohibited between Midnight and 7:00am, except for a period not to exceed two (2) hours.
2. Parking, storing or keeping any truck larger than a 1/2 ton non-commercial pickup truck or standard passenger size van on a parking driveway or property is prohibited between Midnight and 7:00am, except for a period not to exceed two (2) hours.
3. Parking, storing or keeping a motorcycle, scooter, moped, jet ski, dirt bike, golf cart or dune buggy on a parking driveway or property is prohibited between Midnight and 7:00am, except for a period not to exceed two (2) hours.
4. Parking, at any time, so as to impede or prevent ready access to streets or common areas is prohibited.
5. Parking, at any time, so as to impede, restrict or prevent ready access to another resident's driveway is prohibited.
6. Parking a vehicle on a parking driveway so that any time the vehicle or anything attached thereto extends into the street is prohibited.
7. Parking on the street is prohibited between Midnight and 6:00am, except by allowed vehicles for a period not to exceed two (2) hours.
8. Parking off road or on unpaved common ground area at any time is prohibited.
9. Blocking a sidewalk is prohibited between 6:00am and 11:00pm.
10. Parking violations by family members, guests, employees, servants, lessees, contractors, friends or invitees will be charged to a vehicle registered to the address that either authorized or approved the admission to the Bayou Club.
11. Residents may apply for a special, limited term permit to park on the street overnight for specific reasons. The Association Manager is authorized to issue such permits for up to 4 days. No long-term permits will be issued.

#### **Fining Schedule for Parking Violations**

##### **All Parking Violations**

- a) First Violation within a consecutive six-month period:
  - 1) Warning Letter issued.
- b) Second violation within a consecutive six-month period:
  - 1) Warning Letter issued.
- c) Third violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for fifteen (15) days.
  - 2) A \$50.00 fine is imposed.
- d) Each additional violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for an additional thirty (30) days per violation.
  - 2) A \$50.00 fine is imposed per violation.

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#### **II. Traffic**

1. Operation of a motorized unlicensed vehicle or a motorized vehicle with an expired license is prohibited.
2. Exceeding the community posted speed limit is prohibited.
3. All vehicles must come to a full and complete stop at Stop Signs.
4. Operation of a motorized vehicle by other than a driver possessing a valid, current driver's license issued by the State of Florida or by another state in the United States is prohibited.
5. Operation of a motorized vehicle on other than the paved roads or surfaces is prohibited.
6. Traffic violations by family members, guests, employees, servants, lessees, contractors, friends or invitees who have been authorized or approved admission to the Bayou Club will be charged to a vehicle registered to the Bayou Club property address authorizing or approving the admission.

#### **Fining Schedule for Traffic Violations**

##### **Speeding in excess of 35 MPH:**

- a) First Violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for fifteen (15) days
  - 2) A \$100.00 fine is imposed.
- b) Second Violation within a six-month period:
  - 1) The violating vehicle barcode is deactivated for an additional thirty (30) days.
  - 2) An additional \$100.00 fine is imposed.
- c) Third Violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for an additional forty-five (45) days.
  - 2) An additional \$100.00 fine is imposed.
- d) Each additional violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for an additional sixty (60) days per violation.
  - 2) An additional \$100.00 fine is imposed.

##### **Speeding (under 35 MPH) and All Other Traffic Violations:**

- a) First violation within a consecutive six-month period:
  - 1) Warning letter issued.
- b) Second Violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for fifteen (15) days.
  - 2) A \$50.00 fine is imposed.
- c) Third violation within a consecutive six-month period.
  - 1) The violating vehicle barcode is deactivated for an additional thirty (30) days.
  - 2) An additional \$50.00 fine is imposed.
- D) Each additional violation within a consecutive six-month period:
  - 1) The violating vehicle barcode is deactivated for an additional forty-five (45) days per violation.
  - 2) An additional \$50.00 fine is imposed per violation.

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### III. Property Use

1. "Garage" sales are prohibited.

*Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.*

2. No business, professional or commercial enterprise of any nature whatsoever shall be conducted or allowed upon the property under the jurisdiction of the Bayou Club Community Association.

*Failure to comply with the Rule within 30 days after notice by the Association shall result in a \$100.00 per week fine, up to the maximum allowed by Florida Statutes chapter 720, for each week the property remains in noncompliance.*

3. Boarding houses are prohibited. Notwithstanding the foregoing, Residential Units may be leased, provided, however, only the entire Residential Unit shall be leased, and only one family, consisting of the head of a household, his or her spouse or one other adult, and their respective children, shall occupy a Residential Unit at any one time pursuant to such lease.

*Failure to comply with this Rule within 30 days after notice by the Association shall result in a \$100.00 per week fine, up to the maximum allowed by Florida Statutes Chapter 720, for each week the property remains in noncompliance.*

4. No animals, livestock or poultry of any kind shall be raised, bred or kept on the Property; however, dogs, cats and other customarily kept house pets may be kept within Residential Units, so long as they are not kept, bred or maintained for commercial or business purposes, and, provided no more than a total of two such animals shall be kept on or within any Residential Unit.

*Failure to comply with this Rule within 30 days after notice by the Association shall result in a \$100.00 per week fine, up to the maximum allowed by Florida Statutes Chapter 720, for each week the property remains in noncompliance.*

5. Burning of trash or other materials is prohibited.

*Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.*

6. No dog or cat shall run at large within the Bayou Club Community. *At large* means any dog or cat on the Owner's premises which is not within the unobstructed sight and in the control of the Owner, or any dog or cat not confined by sufficient means to assure that it is maintained on the property of the Owner; or any dog or cat off the Owner's premises which is not controlled by an adequate leash or tether, or otherwise under the Owner's physical control (as defined by County Code Chapter 14, Section 14-26).

*Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.*

7. The Owner of any public nuisance animal shall be deemed to be in violation of the BCCA Rules and Regulations. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- a. Is repeatedly found at large;
- b. Damages the property of anyone other than its owner;
- c. Chases vehicles, bicycles, persons, or other animals;
- d. Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining or other utterances;
- e. Repeatedly defecates on the property of another or on common area.

*Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.*

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8. Each Unit shall be used for residential purposes only. (*Master Declaration Article IV Section 1.A*)
- a. Failure to comply with this rule shall result in one written warning to the **Owner**.
  - b. Continuing and subsequent violations shall result in:
    - (1). A \$100 fine to the **Owner** per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720;
    - (2). The deactivation of automated gate access for all registered **Lessee** vehicles for 30 days; and
    - (3). A \$50.00 fee per vehicle is required for reactivation of automated gate access.
9. A Unit shall not be leased for a period of less than one (1) year unless the Unit is owned by the Association. (*Master Declaration Article IV Section 1.Y.1.*)

Failure to comply with this Rule within 15 days after notice by the Association shall result in:

- a. A \$100.00 per day fine to the Owner, up to the maximum allowed by Florida Statutes Chapter 720, for each day the property remains in noncompliance;
  - b. The deactivation of automated gate access for all Lessee vehicles while the property remains in noncompliance;
  - c. A \$50.00 fee per vehicle is required for reactivation of automated gate access; and
  - d. The removal of all approved visitors/vendors etc. from the Lessee account on Dwelling Live or similar system.
10. The vacation rental or other short-term use or occupancy of a Unit for a period of less than one (1) year is prohibited. (*Master Declaration Article IV Section 1.Y.2.*)

Failure to comply with this rule shall result in:

- a. A \$100.00 per day fine to the Owner for each day the property is non-compliant, up to the maximum allowed by Florida Statutes Chapter 720;
  - b. The automated gate access will be deactivated for 30 days for each registered Owner vehicle; and
  - c. A \$50.00 fee per vehicle is required for reactivation of automated gate access.
11. The use or occupancy of a Unit by exchange or swap for a period of less than one (1) year is prohibited. (*Master Declaration Article IV Section 1.Y.2.*)

Failure to comply with this Rule shall result in:

- a. A \$100.00 per day fine to the Owner, up to the maximum allowed by Florida Statutes Chapter 720, for each day the property remains in noncompliance;
- b. The deactivation of automated gate access for all vehicles while the property remains in noncompliance;
- c. A \$50.00 fee per vehicle is required for reactivation of automated gate access; and
- d. The removal of all approved visitors/vendors etc. from the Lessee account on Dwelling Live or similar system.

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12. A Unit shall not be subleased by a lessee or tenant. (*Master Declaration Article IV Section 1.Y.*)

Failure to comply with this Rule shall result in:

- a. A \$100.00 per day fine to the Owner, up to the maximum allowed by Florida Statutes Chapter 720, for each day the property remains in noncompliance;
- b. The deactivation of automated gate access for all Lessee vehicles while the property remains in noncompliance;
- c. A \$50.00 fee per vehicle is required for reactivation of automated gate access; and
- d. The removal of all approved visitors/vendors etc. from the Lessee account on Dwelling Live or similar system.

13. An Owner or Owner's leasing agent shall provide a copy of the fully signed lease agreement to the Association at least 7 days prior to commencement of the lease term. (*Master Declaration Article IV Section 1.Y.*)

Failure to comply with this Rule shall result in a \$25.00 per day fine, up to the maximum allowed by Florida Statutes Chapter 720, for each day the property remains in noncompliance.

14. Automated gate access will not be provided to Lessees without a valid lease on file with the BCCA Office and written acknowledgement by Lessee of receipt and agreement to obey BCCA Rules and Regulations.

15. Automated gate access will not be provided to individuals who receive ownership rights in or a right to use or occupy the Unit for a period of time less than the full calendar year of every calendar year of said ownership period. (*Master Declaration Article IV, Section 1.Z*)

16. An Owner or Owner's leasing agent shall not advertise a Unit for lease or other rental arrangement for a period of less than one (1) year. (*Master Declaration Article IV Section 1.Y.1*)

Failure to comply with this Rule shall result in a \$100.00 per day fine, up to the maximum allowed by Florida Statutes Chapter 720, for each day the property remains in noncompliance.

In addition to the right of the Association to impose any or all of the fines set forth in these Rules and Regulations, the Association shall also be entitled, simultaneously while pursuing all other remedies available to it, to seek immediate injunctive relief against any person, partnership, lessor, lessee, limited liability company, corporation or other entity, violating or intending to violate these Rules and Regulations, in the form of a temporary restraining order as well as seeking a permanent injunction against such defendant or defendants, in order to prevent, or to halt any violation of the Association's Rules and Regulations. Venue for any such action shall be in the Circuit Court in Pinellas County, Florida.

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### IV. Common Areas

1. Anyone utilizing Common Areas shall see that such areas are left in the same condition as they were before such use.
2. Any and all use of the Common Areas will be in such a manner as to respect the rights of other members.
3. Nothing shall be altered in, constructed on or removed from the Common Areas except with the prior written consent of the Association.
4. The rights and responsibilities of landscaping, gardening and planting upon the Common Areas are vested solely in the Association. There shall be no planting or cultivating growing plants of any type upon the Common Areas unless prior written approval from the Board of Directors is received. If such approval is granted, the recipient of such approval shall then be responsible for the maintenance and upkeep, and, if necessary, removal of such plantings.
5. Common Areas shall be used only for the purpose intended and no articles of personal property or trash belonging to a member shall be kept in such areas temporarily or otherwise.
6. No activity of any kind which is obnoxious, illegal or offensive shall be conducted within or upon the Common Areas.
7. No one shall repair or restore any motor vehicle, boat, trailer, aircraft or other vehicle on any portion of the Common Area except for emergency repair, and then only to the extent necessary to enable movement thereof to a proper repair facility.  
Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.
8. "Garage" sales are prohibited within or upon the Common Areas.  
Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.
9. Burning of trash or other materials upon the Common Areas is prohibited.  
Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.
10. No rubbish, trash, garbage or other waste material shall be kept or permitted on the Common Areas.
11. No dog or cat shall run at large within the Bayou Club Community. *At large* means any dog or cat on the Owner's premises which is not within the unobstructed sight and in the control of the Owner, or any dog or cat not confined by sufficient means to assure that it is maintained on the property of the Owner; or any dog or cat off the Owner's premises which is not controlled by an adequate leash or tether, or otherwise under the Owner's physical control (as defined by County Code Chapter 14, Section 14-26).  
Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.
12. The Owner of any public nuisance animal shall be deemed to be in violation of the BCCA Rules and Regulations. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:
  - a. Is repeatedly found at large;
  - b. Damages the property of anyone other than its owner;
  - c. Chases vehicles, bicycles, persons, or other animals;
  - d. Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining or other utterances;
  - e. Repeatedly defecates on the property of another or on common area.Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.
13. The use of the gate operator touch key pads by anyone other than emergency services and/or law enforcement personnel for ingress or egress to the Bayou Club Community is prohibited.  
Failure to comply with this Rule shall result in one warning notice to the Owner. Subsequent violations shall result in a \$100.00 fine per reoccurrence, up to the maximum allowed by Florida Statutes Chapter 720.



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**V. Administrative**

1. Members are reminded that in addition to any fines or special assessments levied against a member for violation of the rules and regulations or any of the provisions of the declarations, the member shall also be responsible to the Association for any legal fees incurred by the Association in collecting such fines or special assessments.
2. Any proposed deviation from the above Rules and Regulations must be submitted in writing to the board of Directors for review and a determination of whether such deviation will be allowed. These Rules and Regulations may be modified, added to or repealed at any time by the Association as provided for in the Bylaws.
3. All official notices of the Association shall bear the signature of a member of the Board of Directors.
4. No member except a member of the Board of Directors or its' agent shall make or permit to be made any written, typed or printed notice of any kind which purports or represents to be an official act or notice of the Association, or shall post the same on the bulletin boards, mail or otherwise circulate the same to other members.