

RULES & REGULATIONS



Arborgate **Patio Homes**
at Kendall Lakes East

INTRODUCTION

The rules and regulations enacted and enforced according to the covenant and bylaws of Arborgate Patio Homes at Kendall Lakes East are designed to ensure the beauty of the community and the safety of its residents. Article XII of the Arborgate Patio Homes Bylaws covers the community's Rules and Regulations, including actions taken in the event of a violation. If you have any questions or concerns about the rules and regulations, please write to arborgatepatiohomes@gmail.com.

SALE OR LEASE OF HOMES

Notification: Unit owners must notify Arborgate Patio Homes HOA in writing of their intention to sell or lease their home, and at the time of notification provide the Association with a copy of the contract for purchase and sale or a copy for the lease, whichever is applicable. Notifications, contracts, and lease agreements should be sent to arborgatepatiohomes@gmail.com and Rolando Cerit at Exclusive Management (see contact information below).

Screening Procedure: In order to help ensure the safety of the community, homeowners must have any prospective buyer or renter complete a screening application for approval prior to taking up residence in the community. Occupancy prior to application approval is strictly prohibited. Homeowners that do not follow the screening procedure will be fined \$500 and their tenants will be evicted.

Screening applications can be obtained from, and submitted to:

Rolando Cerit
Exclusive Management
5201 Blue Lagoon Dr, 8 Floor
Miami FL 33126
T. 305.274.5244 • F.305.256.9996
Rolando@exclusivemanagementgroup.com

Lease Agreement Terms: Any and all lease agreements between an owner and a lessee of must be in writing, shall provide for a term of not less than six (6) months, and must provide that the lessee shall be subject in all respects to the terms and provisions of the governing documents of Arborgate Patio Homes. Any failure by the lessee to comply with the terms and conditions of such lease shall be a material default and breach of the lease agreement.

The lease agreement must state the the party responsible for monthly Association assessments. Unless provided to the contrary in the lease agreement, a unit owner, by leasing his or her unit, automatically delegates his or her right of use and enjoyment of the Common Areas and facilities to his lessee; and in so doing, said owner relinquishes said rights during the term of the lease agreement. Unit owners must provide Arborgate Patio Homes HOA with a copy of said written agreement prior to the lessee occupying the premises.

Delinquent Unit Owners: Notwithstanding the provisions above, in the event that a unit owner is delinquent in paying any assessment or fine, or the owner or his buyer, family, guest, agents, licensees or invitees are not in compliance with any provisions of the governing documents of Arborgate Patio Homes, the Association has the right to disapprove of any sale; and in the case of a lease, the right to disapprove of and to void any lease at any time prior to or during the leasehold tenancy until any delinquent assessment or fines is paid and/or until any violation of the Association's governing documents is corrected.

PARKING

Parking of any vehicle must be in approved spaces only. Vehicles parked in unauthorized areas, such as on the grass, or blocking a neighbor's parking space, etc. will be towed away at the owner's expense. Homeowners and renters with more vehicles than they are able to park in front of their homes may use visitor parking spaces for a period not to exceed 24 consecutive hours. Both visitors and residents that occupy a visitor parking space for more than 24 consecutive hours are subject to towing at the owner's expense without prior notice.

No large vehicles (curb weight in excess of 6000 lbs), boats, trailers, buses, campers, motor homes, or any other recreational vehicles may park or occupy any space within the community. No vehicle with images, lettering or advertising of any kind may park or occupy any space within the community. Violators are subject to towing at the owner's expense without prior notice.

Non-operational, unlicensed, and derelict vehicles, as well as those with an expired tag, are subject to towing at the owner's expense.

SPEED LIMIT

The maximum allowed speed within the community is 10 MPH and must be observed. Slower speeds are highly recommended for safety reasons. REMEMBER: There are often adults out walking and children playing in the street.

Contractors, vendors, and visitors who violate speed limits and/or traffic control signs may be banned from the premises and if found on the premises be subject to arrest for trespass after warning. Residents who violate speed limits and/or traffic control signs may be subject to a fine.

POOL AREA

The Pool area is solely for the use of community residents and their guests. Guests must be accompanied by a homeowner when using the pool. Minors must be accompanied by their parents or an adult (person over the age of 18). Any person that uses the pool does so at their own risk and holds the Arborgate Patio Homes Homeowner Association harmless.

POOL RULES

- Swimming is only permitted during daylight hours
- Only community residents and their guests may use the pool
- Residents must accompany their guests to the pool
- Residents can bring a maximum of 5 guests to the pool at one time
- Children under the age of 12 must be accompanied by an adult and adult is responsible for child behavior
- You must have your issued pool gate key with you to be on the pool premises
- **- DO NOT climb over gates or walls -**
- Shower before entering the pool
- No running, rough play or dancing in or around the pool area
- Diaper age children must wear plastic pants or swim diapers
- No BBQ grills or cooking apparatus of any kind are permitted in the pool area
- No glass bottles or glass objects in or around the pool area
- No pets, bicycles, skateboards, or recreational vehicles
- No diving
- No food or drink in the pool
- No profane language
- No smoking or use of tobacco
- No littering in or around pool area
- No excessive noise or loud radios
- Do not touch life rings or hooks except in a lifesaving emergency

NOTE: Management reserves the right to deny use to any individual or group. Anyone climbing over gates or walls will lose pool privilege for 30 days. You must have your issued pool gate key with you to be on the pool premises.

Non-compliance with the Pool Rules and Regulations will result in one or more of the following:

- Immediate dismissal from the premises
- Loss of pool privileges for 30 or more days
- Payment of a fine
- Payment for damages
- Prosecution under Florida law

Residents are liable for any damages to the pool area caused by themselves, their guests, their children, and their children's guests. This includes but is not limited to restrooms, patio furniture, landscaping, pavers, or lighting.

TRASH COLLECTION

All garbage must be placed in the green bins provided for by the county. Bins should be placed outside after 6 p.m. on the evening prior to collection days (Tuesday and Friday) and removed before midnight on the day trash is collected.

Residents must dispose of trash and tree trimmings that originate in their yards or patios. Residents will be charged a minimum of \$50 (the cost is proportionate to the amount of waste and may be substantially higher) for trash or trimmings deposited outside their homes and not within the green county containers.

ARCHITECTURAL GUIDELINES

Maintenance: The exterior of all homes must be kept free of garbage. Roofs must be clean, walls must be free of peeling or faded paint, and fences must be well kept and painted. Violators will receive a 30-day notice to comply. Failure to comply will result in a fine. Repeated failure to comply will result in legal action.

Paint: The exterior of all homes must be maintained and painted in compliance with the approved color scheme. Please visit arborgatepatiohomes.com for the approved paint colors.

Alterations: Alterations visible from the exterior of homes are strictly limited and governed by Article VIII, Section 2 of the Arborgate Patio Homes Bylaws. Homeowners must describe all proposed alterations in the Arborgate Architectural Form and submit it to Arborgate Patio Homes HOA for approval. The Architectural Form can be downloaded at arborgatepatiohomes.com and sent to arborgatepatiohomes@gmail.com. Storm shutters, security bars, and driveway expansions are permitted according to the guidelines set forth below.

Storm Shutters: Permanent retractable storm shutters may be installed on homes. The color of the shutters must be white or beige. Homeowners must obtain a Miami-Dade County permit and submit an Arborgate Architectural Form for approval prior to installation.

Security Bars: Security bars may be installed on the outside of windows and doors at the rear of the home. They must be installed on the inside of windows and doors facing the sides or front of the home. Homeowners must obtain a Miami-Dade County permit and submit an Arborgate Architectural Form for approval prior to installation.

Driveways: Driveways may be expanded to provide space for additional vehicles. Homeowners must obtain a Miami-Dade County permit and submit an Arborgate Architectural Form for approval prior to installation.

Satellite Dishes: A mini-dish may be installed on the side or back of a home, but not on the roof. Homeowners must submit an Arborgate Architectural Form for approval prior to installation.

Clotheslines: No visible laundry or clothes may be hung on clotheslines, fences, walls, etc. in backyards or in front of homes.

Canopies and Gazebos: Canopies and gazebos are not permitted in the driveway nor the front yard of a home.

Basketball Goals: Basketball goals must not be permanent nor remain in front of the house overnight.

LANDSCAPING AND TREES

Residents are responsible for the green areas in their backyards. Residents may install plants and shrubs in the front of their homes beyond the wall that encloses their front yard. However, no trees may be planted beyond the confines of the front yard without permission from the Homeowner's Association. The lawn, plants, shrubs and trees located beyond the front yard of our homes are maintained by the Homeowner's Association.

The Arborgate HOA supports Miami-Dade County's efforts to preserve the tree canopy in South Florida. Trees improve air quality, reduce flooding and cut air conditioning costs by up to 40%. Moreover, the aesthetic qualities of trees can increase property values by up to 15%.

The trees in common areas cannot be trimmed, cut, or removed for any reason. This includes the trees in front of homes beyond the wall that encloses the front yard, and the trees along the outside perimeter of the community. This policy is strictly enforced to protect our natural environment and property values.

PETS

Each resident may keep domestic household pets within the home, provided they are kept reasonably quiet and are not kept for commercial purposes. All dogs, cats, reptiles and other pets must comply with Florida law and the licensing and vaccination requirements of Miami-Dade County.

Pets cannot be permanently housed or maintained in any public portion of the community. Pets must be kept on a leash when not on the owner's property. Pet droppings must be picked up and removed from the common areas or other owner's property by the owner of the pet. Pet droppings on owner's property must be cleaned up daily so as not to create a malodorous nuisance to adjoining lots.

Pet owners cannot permit any animal to make noises which constitute a continual annoyance to other residents. If a pet attacks a person or another pet, or otherwise demonstrates a danger to public safety, the owner of the pet or the unit owner must have the pet removed from the community.

PARTIES AND NOISE

Residents cannot create any conditions of noise or disturbance, or allow any condition of noise or disturbance to emanate from their premises or vehicles in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. This includes, but is not limited to, barking dogs, stereo, radio, musical instruments, and maintenance or construction and repair equipment.

Sound levels cannot exceed what is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber, or space in which such machine or device is operated and who are voluntary listeners thereto.

The operation of any such set, instrument, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this regulation.

COMMON AREAS

All community property, including but not limited to, buildings, pool, paths, green spaces, fences, roads, and signs cannot be obstructed, littered, defaced or misused. Violators may be fined according to Article XII of the Arborgate Patio Homes Bylaws and prosecuted to the full extent of the law.

THE LAKE

All types of boats and vehicles, including but not limited to jet skis, motor boats, sail boats, canoes, and row boats are prohibited. Persons may not swim in the lake nor enter the lake upon any type of floating device. Catch and release fishing is permitted. However, intentional catching or feeding turtles, ducks, or other birds is prohibited.

WILDLIFE

Feeding of ducks or any other wildlife is strictly prohibited. Violators are subject to fines according to Arborgate Patio Homes Bylaws.

ENFORCEMENT OF RULES AND REGULATIONS

Homeowners and residents that do not comply with the rules and regulations of Arborgate Patio Homes may have their voting rights and their right to use common areas suspended. Violators are also subject to legal action, including but not limited to actions to recover sums due for damages and injunctive relief. In addition to all other remedies the Arborgate HOA may impose one or more fines upon an owner if the owner, his family, guests, invitees, or employees fail to comply with any rule or regulation.

Fines are subject to the following procedure:

1. The Association will notify the owner of the infraction or infractions.
2. The owner will then have the opportunity to contact the community's property manager and give reasons why penalties should not be imposed.
3. The Association will consider the owner's appeal and decide whether to enforce or withhold the fine.

Fines are levied as follows:

1. The Association may levy a fine of up to \$100 per violation, against any Owner or any Owner's tenant, guest, or invitee for the failure of the Owner of the parcel or its occupant, licensee, or invitee to comply with any provision of this Declaration, the Association Bylaws, or the Rules and Regulations of the Association.
2. A fine may be levied for each day of a continuing violation, with a single notice and opportunity for hearing.
3. The continuing fine may be assessed until the violation ceases and may exceed \$1,000 in the aggregate.

Fines must be paid not later than thirty (30) days after notice of the imposition or assessment of the penalties. The collection of fines are subject to the provisions in Article VI and VII of the Arborgate Patio Homes Declaration of Restrictions and Protective Covenants. Fines that are not paid within thirty (30) days may incur interest and prompt legal action, including but not limited to recording a claim of lien against the property on which the fine is unpaid.