POLO TRACE

THE PRESERVE

RULES AND REGULATIONS

OCTOBER 2023

13405 Whistler Mountain Road | Delray Beach, Florida 33446 | (561) 499-1992

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PART I: ALL CHANGES IN SECTIONS ONE, TWO AND THREE OF THIS DOCUMENT REQUIRE ARCHITECTURAL REVIEW COMMTTEE APPROVAL

Procedure for Homeowner

Only deeded Homeowners may request changes to the exterior of their home and/or property.

No work may be started until written or verbal approval is received from the Architectural Review Committee (ARC).

No changes to the original approved request may be made without prior approval of the ARC.

All calls and inquiries should be directed to the Property Management Office, not to any Committee Members or their residences.

Step 1 All of the following elements of the Architectural Review Committee Application must be an original document and must be submitted for approval in its entirety or it will be denied:

a. Accurate Lot Survey indicating location and dimensions of change is required for all projects (except hurricane shutters).
b. Drawing(s), blueprints, or if landscaping – a design in which you must list plant selections and include pictures of plants, rocks, stones, mulch, etc. The following plants are not permitted: Thalia, Birds of Paradise, Agaves (with the exception of the False Agave) and Ficus.
c. Color samples, product samples, photos or brochures must accompany Application where applicable.
d. Include name of contractor (if applicable), current business license, valid liability insurance certificate. The valid liability insurance must have the following:
    1. Effective policy dates which cannot be expired.
    2. Within the Certificate Holder section, The Preserve at Polo Trace, 13405 Whistler Mountain Rd., Delray Beach, FL 33446 must be included.
e. All materials to be used must be indicated and must comply with Palm Beach County Codes.

Step 2 Submit the signed Preserve at Polo Trace Indemnification and Hold Harmless Agreement with the contractor's signature (if applicable).

Step 3 Submit completed application, related forms, and pertinent information to Property Management Office. All requests will be answered within 30 days after the ARC meets.

Step 4 Upon completion of work, Homeowners must submit the Homeowner's completion form to Property Management Office within 10 days of project completion. If this form is not submitted, the Homeowner may be subject to a fine.

Step 5 The ARC will inspect the completed work to ensure compliance with the original request. Homeowners will be notified of any non-compliance from the approved plans through Property Management Office. Homeowners are then required to correct the deficiencies within 30 days or be subject to a fine.

BUILDING PERMITS:

The Contractor or homeowner is responsible to obtain all necessary building permits and other approvals stipulated by Government requirements. No work can begin until an approved County permit has been issued (if applicable). The Palm Beach Country website is: https://discover.pbcgov.org/pzb/building/Pages Permit-Center.aspx.

SIGNAGE:

No signs shall be placed by the homeowner or contractor on any part of your property including the lawn unless it is to hold a County Permit. No signs shall be placed in or upon any unit that is visible from the exterior of the unit without written approval from the Property Management Office. Please be sure to advise your contractor of this as well.

APPLICATION EXPIRATION DATES:

All approved landscaping applications expire within six (6) months of receiving the ARC approval letter to proceed.

All other applications expire one (1) year from receiving the ARC approval letter to proceed. ARC may extend the application based on County permitted extensions.

SECTION ONE: LANDSCAPE AND ARCHITECTURAL CHANGES (REQUIRED ARC APPROVAL)

A. Landscaping: Shrubbery and Ground Plantings

1. Homeowners may replace with like and kind shrubbery plantings within the original builder's configuration. Thalia, Bird of Paradise, Agaves and Ficus, are not permitted.

2. Any material change from the original design must be approved by the ARC through the Application process.

3. Proposed changes to landscape design must fall within the Homeowner's lot boundary lines. Residents are not permitted to plant on common grounds without the approval of the Board of Directors.

4. Any landscaping changes involving irrigation systems, sprinklers or valves must be approved and overseen by the Property Management Office. The existing sprinklers must be marked by the Polo Trace Staff. The Homeowner is responsible to hand-water additional/new landscaping once installed for at least two weeks.

5. The care and maintenance of shrubs and ground plantings approved by the ARC and planted by the Homeowner are the responsibility of the Homeowner.

6. Perimeter landscaping cannot exceed 4ft in Height. No landscaping is permitted that obstructs neighboring lake views.

7. The HOA will be responsible for lawn maintenance between the houses providing four feet of land is clear from front to rear of the home.

8. Any plantings on the non-zero lot line side (Homeowner) must be kept from encroaching within one foot of neighbor's home, for maintenance purposes.

9. Artificial grass and plants cannot be placed on any lot.

10. Bird feeders and bird baths are not permitted. Fountains require an Application to ARC.

11. Furniture can only be placed in front of the home with ARC approval.
    a. (table(s), chair(s), bench(s), etc.).

B. Landscaping: Trees

1. Homeowners are not permitted to remove any live trees from their property without the approval of the BOD and must pay for their removal. Homeowners must submit a Tree Removal Form from the Property Management Office.

2. Royal Palms are the responsibility of the Homeowner.

3. Planting fruit trees, Washingtonian Palms, Queen Palms, and Coconut Palms is prohibited.

4. Existing tree borne coconuts must be removed from trees by June 1st, and throughout hurricane season (June 1 – Nov. 30). The cost of removing the coconuts is the responsibility of the Homeowner.

5. The care and maintenance of trees approved by the ARC and planted by the Homeowner, are the responsibility of the Homeowner, not the HOA, as a condition of approval.

6. The HOA is responsible for the removal of dead trees that were planted by the builder.

C. Architectural

The following need ARC approval:

1. Building or changing the size of the patio(s).

2. Adding, replacing, or removing fences, gates, awnings, or screen enclosures.

3. All aluminum enclosure structures shall be White or Antique Bronze. The associated screening can be either Black or Charcoal Gray.

4. Constructing pergolas and gazebos.

5. **Front Doors:**
   Replacement of front door(s) or painting of existing front doors must be submitted to the ARC for approval along with the specifications including color, photo of the old door and photo of the new proposed door and hardware when submitting to ARC prior to the installation. When replacing exterior doors/and or windows, replacements must be hurricane proof and comply with Palm Beach County Code.

6. **Hurricane Shutters:**
Must be approved by ARC for materials, color, and style, and comply with the Palm Beach County Code.

7. **Driveways/Roofs:**
All or any changes to driveways, walkways or roofs including but not limited to painting, staining, changes of color or addition of solar panels must be submitted to the ARC for approval.

8. **Fence:**

    a. **Privacy Fence** (10 ft L by 6 ft H, attached to home in rear) The Homeowner must use vinyl or wood polymer, i.e., PVC when replacing the fence. Wood fences are not permitted. Fence height will be consistent with the original fence height provided by the builder, to meet all County codes.

    b. **Perimeter Fence** (pool, property) whether replacement or new installation, **must be open slatted,** surround rear and/or side of property, white, or antique bronze (black), aluminum construction, and must comply with Palm Beach County Code.

9. **Screen Enclosures:**

    a. **Patio:** Application must be submitted to the ARC for approval.
        i. A check made payable to the Polo Trace Preserve Homeowners Association for the required refundable security deposit of $1,000 must be submitted to the Property Management Office.

    b. **Front Cage (Screen Enclosure):** Application must be submitted to the ARC for approval for removal and/or adding a front cage.

SECTION TWO: Pool, Hot Tub and Slab Construction

A. Application Requirements:

1. A licensed and insured contractor must be used to install the Pool.

2. The make, model, and water capacity for the Pool.

3. The Polo Trace Preserve Indemnification and Hold Harmless Agreement signed by the Contractor.

4. A check made payable to the Polo Trace Preserve Homeowners Association for a required refundable security deposit of $1,000.

5. An accurate Lot Survey showing the placement of all components of the Pool System, including the 4' high landscaping surrounding the pool equipment and the distances between the components and the lot of the Homeowner adjacent to the side where the Pool will be installed.

6. All documents required by Palm Beach County, including a Palm Beach County work permit must be submitted.

B. Sprinklers:

1. If the sprinkler lines are presently in the pathway of the new addition, a special application must be obtained from the Property Management Office prior to construction.

2. The existing sprinkler lines must be marked by Polo Trace Staff. They must also be placed far enough away from the Pool addition so that it does not interfere. In the event there is a sprinkler line break the repair is at Homeowner expense.

3. The sprinkler system cannot be shut down without written Property Management Office approval.

4. The Homeowners Association is only responsible for the maintenance and repair of sprinklers, not for the moving of sprinkler lines. Homeowners cannot add sprinkler heads without prior written authorization of Property Management Office.

SECTION THREE: GENERATORS

There are two types of generators. One is a gasoline fueled portable generator that is stored indoors when not in use. The other is a permanently installed Generator System (consisting of a propane generator, fuel tank and slab) fueled by propane gas from a tank that is buried underground.

A. <u>Portable Generator</u>: must comply with the Palm Beach County Fire Code and the Palm Beach County Building Code regulations. This is the responsibility of the Homeowner.

1. When in use, the generator must be placed outside the home, preferably on the driveway.

2. Due to the noise of operation, the generator cannot be operated between the hours of 11 PM and 6 AM.

3. Homeowners are urged to exercise caution when storing containers of gasoline for the generator. When there is a threat of a hurricane, up to 25

gallons of gasoline may be stored on Homeowner's property. Gasoline must be removed within seven (7) days after the hurricane threat has passed.

B. <u>Generator System</u>: (Propane Generator, Fuel Tank, Slab) and Landscaping

Note: It is the responsibility of the Homeowner to confirm their Lot can accommodate a Generator System prior to submitting Application to the Property Management Office/ARC. Due to government requirements, applicable setback requirements, location of easements, Lot configuration and/or other variables, not all Lots in the Community may be able to have a Generator System installed.

1. **Application Requirements:** In addition to other standard information, all Applications for a Generator System shall include:

    a. A licensed and insured LP gas contractor must be used to install any underground propane tank and necessary plumbing.

    b. The make, model, and propane capacity for all components of the Generator System.

    c. The Polo Trace Preserve Indemnification and Hold Harmless. Agreement signed by the Contractor.

    d. An accurate Lot Survey showing:
        i. The placement of all components of the Generator System, including underground propane storage tank.
        ii. The distances between the components and the lot of the Homeowner (s) adjacent to the side where the Generator System will be installed.

        iii. The size and placement of the slab on which the generator will be installed.

        iv. The location of all easements and applicable setbacks affecting the lot to show that no portion of the Generator System encroaches beyond their property.

        v. The location, species, and size (minimum of four feet height) of all landscape shrubs to be installed in order to screen the above-ground components of the Generator System as required.

        vi. A check made payable to the Polo Trace Preserve Homeowners Association for the required refundable security deposit of $1,000.

2. **Location:** Above-ground portions of a Generator System shall not be permitted to be installed within any portion of the front yard of a Lot. No portion of a Generator System shall encroach onto:

    a. Any Association Property.

    b. Any other Lot in the Community.

    c. Any easements benefiting or burdening the Lot including utility easements, drainage easements, lake maintenance access or easements, zero lot line maintenance and/or roof overhang and encroachment easements.

    d. Drainage swales on the Lot.

    e. All portions of a Generator System must be located within a minimum of 4' from the front corner of the house exterior wall so that adequate side yard drainage can be maintained. (The proposed above-ground equipment must also be 10' (front to rear) from any existing mechanical equipment on an adjacent Lot.).

3. **Drainage:** The addition of mechanical equipment on the side of a home may require the installation of roof gutters to properly direct drainage consistent with the original design plans for the community. An accurate Lot Survey and detailed drainage plan must be submitted with the Application showing the location of all mechanical equipment on the Lot with complete measurements.

C. Compliance with Governmental Requirements:

1. Homeowner(s) shall always be responsible for complying with all Governmental Requirements relating to the installation of a Generator System including, without limitation, applicable setback requirements and maximum sound level restrictions.

2. All approvals of the Generator System require the Homeowner to obtain all necessary building permits and other approvals stipulated by Government Requirements.

3. Every effort shall be made to site generators at the furthest possible distance from the adjacent dwelling's doors and windows.

4. All Systems shall have user preselected test times limited to the hours of 11:00am to 5:00pm.

D. Landscaping/Screening:

1. Generator and Slab must be completely concealed (screened) by shrubbery approved by ARC. Shrubbery shall be a minimum of 4 feet high at the time of installation and shall screen/hide the generator from the view of adjacent Homeowners, from the street, and from any lake.

2. Homeowner(s) shall be required to submit a landscaping plan to show proper screening of the generator and slab and shall be responsible for maintaining and/or replacing any hedges/landscaping approved as part of the screening requirements for the Generator System.

E. Sprinklers:

1. If the sprinkler lines are in the pathway of the new Generator System, the Property Management Office must be notified prior to ARC Approval.

2. The existing sprinklers must be marked by the Polo Trace Staff.

3. Any cost incurred in relocating, repairing, or replacing sprinklers will be at the expense of the Homeowner.

F. Maintenance and/or Removal:

All Generator Systems must be regularly and properly maintained, repaired, and replaced as necessary by the Homeowner(s) on whose Lot the Generator System is installed. If, for any reason, the Generator System must be removed, it shall be the responsibility and expense of the Homeowner(s).

Note: All requirements must be met before any portion of the security deposit can be returned.

PART II: EXTERIOR MAINTENANCE AND APPEARANCE

A. Homeowners are required to maintain their property in a manner that duplicates its original condition as follows:

1. Exterior walls, doors including garage doors and trim must be repaired when necessary, utilizing the color palette approved by the Board of Directors.

2. Driveways must be regularly cleaned, and their appearance maintained. Driveways that are dirty, cracked, peeling, and have sinking pavers must be repaired or replaced.

3. Vegetation between pavers must be eliminated.

4. Gutters and down spouts must be functional and in good condition. All vegetation must be removed.

5. Exterior lighting must have white or yellow bulbs.

6. Changes of house numbers require the approval of the ARC. There is a minimum of 4" and maximum of 7" in height; no more than 3/4" in width for house numbers. Illuminated house numbers should have soft white lights, and lettering contrast to base color. No neon or framed illuminated house numbers are allowed.

7. Hurricane shutters must remain open or be removed between December 1st and May 31st.

8. The cost of repairing or replacing any mailbox damaged by a homeowner and/or vendor employed by a homeowner is the responsibility of that homeowner.

B. Homeowners are required to help maintain the appearance of the neighborhood by:

1. Ensuring all filtration systems, pool heaters, air conditioners and bottled gas/oil tanks are concealed by shrubbery, privacy walls or fences or are buried.

2. Window Treatments: "Window treatments shall consist of drapery, blinds, decorative panels, or other tasteful window covering. No newspaper, aluminum foil, sheets or other temporary window coverings are permitted. The homeowner or tenant has one week after moving in to install the window coverings, especially those windows that are visible from the street" (including the garage window).

3. Promptly repairing any damage to property caused by wind, rain, fire, theft, etc.

4. Not installing window or wall air conditioners.

5. Installing only approved TV reception dishes or devices at the rear of the house or on the homeowner's property (non-zero lot) side.

6. Displaying of decorative items including statues must be no more than 24" in height and maximum of 5 in number. Holiday decorations are allowed for a reasonable time frame.

7. Understanding any request by a Homeowner submitted for approval to ARC may be denied due to aesthetic considerations.

C. Display of Flag (F.S. 720.304):

1. "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 respectful manner, not larger than 4 ½ feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, by laws, rules, or requirements of the association".

2. "Any Homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the Homeowner's real property…" and must apply to ARC before installation.

D. Outside Storage

No storage units including temporary sheds, accessory buildings, structures, or tents shall be erected, constructed, or placed upon any lot for any purpose.

E. Lakes, Canals, and Water Management

1. Neither swimming nor the use of boats is permitted.

2. No animal waste, chemicals, pesticides, or similar foreign substances shall be deposited in any lake or canal or storm drain.

3. No owner shall make any alteration to his/her residence or property that will affect the surface water management and drainage.

4. Residents are not permitted within the littoral boundaries of the lakes, or other bodies of water bordering the community.

5. Residents are not permitted to dig wells, connect a private pump to any lake or canal, turn on the sprinkler system on any property, nor connect their own sprinkler system to the central system.

6. The feeding of wildlife is not permitted.

7. Children must not be left unsupervised around lakes or canals.

F. Post Hurricane:

Palm Beach County Code requires that barriers be installed around all swimming pools when either the fencing or screen enclosures have collapsed. Failure to comply could result in a county fine of up to $1,000.00 per day. For more information, please contact Code Enforcement. Any pool that is exposed due to loss of a fence or screening must have a temporary security enclosure installed immediately.

G. Vehicles and Parking:

Homeowners must notify their tenants and guests of all vehicle and parking requirements. Concern for the safety of the residents makes it essential for Homeowners and their tenants/guests to follow these rules:

1. Follow the community speed limit throughout the community of 25 miles/ hour.

2. Observe Florida traffic rules and posted regulation signage.

3. Use turn signals when entering a driveway.

4. Park only on the side of the street with odd number addresses. This ensures that emergency vehicles can pass.

5. Vehicles cannot be parked on the street overnight without prior written approval of the Property Management Office.

6. Any vehicles parked in a driveway must not block the sidewalk.

7. Vehicles must not park on the grass strips (swales) adjacent to the streets.

8. Parking on the apron of a driveway is prohibited without prior approval of BOD or the Property Management Office.

9. No unlicensed or unregistered vehicles may be parked on the driveways or streets.

10. Any vehicle with commercial lettering, other than moving trucks, may not be parked on the driveway or on the streets after dusk, unless making a delivery, without prior approval of the Property Management Office.

11. Trucks, motorcycles, motorbikes, mopeds, all-terrain vehicles, golf carts and the like are not to be parked overnight outside of the enclosed garage.

12. No boats may be kept or stored outside any home.

13. All motorized vehicles must be licensed and equipped with appropriate noise muffling equipment.

14. All vehicles (including golf carts) must be driven by a licensed driver.

15. Parking in cul-de-sac areas is allowed at curbside only and must not block driveways or vehicles.

16. Vehicles may never park in the middle of a cul-de-sac.

17. Moving trucks/commercial and self-rentals cannot obstruct traffic or block sidewalks or other common areas and must park parallel to sidewalk.

18. Commercial moving trucks must exit Polo Trace by 8:00 PM.

H. Exterior House Painting:

Homes are painted every 8 years by the HOA. Homeowners are permitted to request a change of color for their home and must submit an application accompanied with a check to the Property Management Office.

1. The Property Management Office must inspect the home to ensure that the color selected is from the specified Polo Trace palette and that it is not the same as either neighbor. Color selection must be approved.

2. The color selection cannot clash with the roof and/or driveway.

3. Homeowners can choose whether they want their garage door and or front door(s) painted the same color as the trim or the color of the main body of their home.

4. Homeowners who want to repaint their homes outside of the painting cycle must apply to ARC and submit to the Property Management Office.

I. Pets and Animals:

Residents with pets have an obligation to control their pet's behavior. Each home is limited to a total of 2 dogs or 2 cats or a combination of 1 dog and 1 cat. No American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, or any other dogs that substantially conforms to any of these breeds' characteristics are not permitted without the consent of the Board of Directors. These regulations relate to the keeping of pets:

1. Dogs and cats must always be fenced in or on short leashes when outside.

2. Pets shall not be permitted to enter on any property other than the Homeowner's lot without the express permission of the property owner.

3. Pet owners are responsible for immediately removing solid waste.

4. Animal solid waste must be picked up by their homeowner and returned to their home for proper disposal.

5. Animals must not be an unreasonable nuisance or annoyance to any resident.

6. Residents may not keep any type of livestock.

7. The feeding of any type of wildlife is prohibited.

J. Garbage and Trash:

Residents are responsible for keeping their property free from trash, refuse and garbage. These regulations apply:

1. Trash or recyclables must be placed curbside no earlier than 5:00pm on the day before pick up.

2. All trash and refuse must be placed at the end of the driveway in covered trash receptacles as per Waste Management Regulations. Plastic bags containing refuse are not permitted.

3. Remove empty containers from the street by the end of the day of pickup.

4. Separate garbage, trash and recycle containers must be kept **inside** the garage except when left for pick-up.

5. Vegetation may be left at curbside all day Saturday & Sunday for Monday pick-up.

6. Please check with the Property Management Office for any changes in pick-up dates/times and requirements.

K. Nuisances:

Residents are not permitted to create nuisances within Polo Trace which shall include, but not be limited to:

1. Loud playing of radios, TVs, stereos, etc.

2. Continuous barking of dogs.

3. Discharge of fireworks.

4. Outside construction/repairs beginning prior to 7 am or continuing past 6 pm.

5. Discharge of firearms.

6. Noisy pool or outdoor parties beyond 11:00 pm.

L. Signs:

1. No signs shall be placed by any Homeowner/ lessee on any part of their property including the lawn. No sign shall be placed on or upon any unit that is visible from the exterior of the unit without prior written approval by the Property Management Office unless it is to hold a County Permit.

2. Residents are obliged to advise real estate agents and other contractors that no signs are permitted.

3. The Homeowner is to notify the guardhouse when they are hosting an open house, providing the home address, the hours, the phone number to be called announcing the guest, and the name of the realtor involved. When prospective purchasers arrive, they give the address of the open house to the guard. The guard will record the driver's license and license plate number of the vehicle for the Homeowner.

M. Outside Businesses and Trade:

No trade, business, profession or commercial activity or any other nonresidential use shall be conducted on any portion of the property or within any unit.

N. Solicitation: No solicitation by any vendor is permitted.

PART III: HOMEOWNERS ARE REQUIRED TO FILE APPLICATIONS WITH THE PROPERTY MANAGEMENT OFFICE FOR THE FOLLOWING:

A. Temporary Portable Storage Units/PODs:

1. A resident (moving out - seller/lessee or moving in - buyer/lessee) must request written approval of the Board of Directors at least 30 days prior to bringing a temporary storage unit into the community.

2. Application for a POD/Temporary Portable Storage Unit must be submitted to the Property Management office along with the signed Polo Trace Preserve Indemnification and Hold Harmless Agreement. A refundable security deposit of $500 made payable to the Polo Trace Preserve Homeowners Association must accompany the Application.

3. The POD/Temporary Portable Storage unit may remain on the Homeowner's property for **two weeks**. It must be stored on the Homeowner's driveway but cannot block the sidewalk.

4. The $500 deposit will be returned if the POD/Temporary Portable Storage Unit is removed within the time period and no damages are incurred.

5. Guards will not allow the POD/Temporary Portable Storage Unit into the community unless the proper permission papers have been signed by the Property Management Office and the guard notified.

B. Dumpsters:

1. Residents requesting a dumpster must request written approval from the Property Management Office at least 30 days prior to bringing it into the community.

2. The Application for dumpster must be submitted to the Property Management Office along with the signed Polo Trace Preserve Indemnification and Hold Harmless Agreement. A refundable security deposit of $500 made payable to the Polo Trace Preserve Homeowners Association must accompany the Application.

3. Dumpster must be located within the confines of Homeowner's driveway without interfering with pedestrian traffic, must be emptied at the property manager's direction, covered every evening, and be kept clean. Food waste cannot be deposited in dumpsters. Any damage caused by the dumpster is the responsibility of the Homeowner.

4. Dumpster dimensions must be attached to the Application provided by the Property Management Office.

5. Dumpsters may remain on the premises for **30 days**. The Homeowner may re-apply to the Property Management Office if additional time is required.

6. The deposit will be returned if the dumpster is removed within the time period noted above in #5 and no property damage incurred.

7. The guards will not permit the dumpster into the community unless the proper permission papers have been signed by the Property Management Office and the guard notified that permission has been granted before the dumpster arrives.

C. Recreational Vehicles/RVs:

1. Residents requesting to drive a Recreational Vehicle into the community must receive written approval from the Board of Directors at least 7 days prior to bringing it into the community.

2. The Application for RVs must be completed and submitted to the Property Management Office along with the signed Polo Trace Preserve Indemnification and Hold Harmless Agreement signed by the Homeowner(s).

3. RVs may not be parked on the driveway or on the streets except while loading or unloading, dawn to dusk. They must not block the sidewalk.

4. Overnight parking of RVs is not allowed within the community.

5. The guards will not allow the RV unit into the community unless the proper permission papers have been signed by the board and the guard notified that permission has been granted before the RV arrives.

D. Electric Vehicles/EVs:

1. Residents requesting to place an outlet to charge an electric vehicle outside of their garage must receive written approval from ARC.

2. The ARC Application for EVs must be completed and submitted to the Property Management Office.

3. Homeowners can install a charger inside their garage without approval from ARC.

4. When charging EVs outside, vehicles can only be parked in the homeowner's driveway and cannot block the sidewalk.

5. A licensed electrician must install the outlet/charger.

6. The outlet/charger must be weatherproof if outside of your garage.

7. If installing an outlet/charger outside of your garage, the electrical line must originate from the inside of the garage and not on the outside of the house. It must be the shortest distance from your garage and must not be placed in the front of the house.

E. Procedure for Leases:

Applications to lease a unit must be in writing and specifically be subject to the Declaration, the Articles and By Laws of the Polo Trace Preserve Homeowners Association.

1. Application for residency must be completed by the Homeowner and the lessee and submitted to the Property Management Office with a non-refundable Application fee a minimum of 30 days before intent to occupy the premises.

2. A signed copy of the lease must accompany the application package.

3. If the application is approved, prior to taking occupancy the lessee must schedule an appointment with the Property Management Office for orientation.

4. The Homeowner must furnish the prospective lessee with a copy of the Declaration, Articles, By-Laws and Rules and Regulations of the Association. If the Homeowner does not have a copy of such documentation, they will be required to obtain copies from the association for a reasonable cost at the time of making application.

5. The Homeowners Association may require a security deposit from the lessee if it is deemed necessary.

6. Homeowners who lease their property are responsible for the actions of their lessee. Any penalties/violations incurred by the lessee are ultimately the responsibility of the Homeowner.

7. If a Homeowner is going to be absent from his/her property for an extended period of time and permits family members or guests to occupy their dwelling, the homeowner must inform the Property Management Office.

F. Procedure for Resale:

All individuals buying or selling a home in Polo Trace must complete the Polo Trace Preserve Homeowners Association application for residency and submit it to the Property Management Office no less than 30 days prior to closing.

1. All applicants are required to pay a non-refundable registration fee. This fee applies toward the cost of furnishing the new resident with a complete set of "DOCS", which includes our Declaration of Covenants, By-Laws, and the Rules & Regulations; vehicle identification stickers, scan cards for common area access, as well as other costs associated with the process. In addition, the buyer is required to pay at closing, a one-time non-refundable working capital fund contribution.

2. The **seller** must submit their forwarding address, e-mail, and phone number to the office.

3. Please refer to Rules/Applications for Pods/Temporary Portable Storage Units, RVs and Dumpsters.

4. Before submitting to the Property Management office, a minimum of thirty (30) days prior to closing, the Polo Trace Preserve Homeowners Association Application must include: a fully completed HOA application, a registration fee, and a copy of the executed sale contract. They must also include any additional documents (vehicle registration, copy of driver's license, pet registration) as applicable.

5. The buyer must schedule an orientation with the Property Management office to gain security access and submit the following items to the office upon closing:

    a. Warranty Deed

    b. Closing Statement

    c. Lot Survey

PART IV: OBLIGATIONS OF HOMEOWNERS TO POLO TRACE PRESERVE HOMEOWNERS ASSOCIATION:

A. Quarterly Assessments/Late Fees: Monetary Defaults and Collection of Assessments (Late Fees and Interest)

1. The due date for the quarterly assessment is the first of the month.

2. If payment is not received by the designated institution by the tenth day of the month, the Homeowner will be required to pay a late fee of 5% of the amount of the quarterly assessment, plus interest from the due date until paid.

3. If the Homeowner does not pay the above amounts within thirty (30) days after written demands by the Association, the Association may require that the defaulting Homeowner pay to the Association the entire assessment for the next twelve (12) month period in one lump sum. In addition, if an increase were to occur in the annual assessment, the Homeowner would be liable for the additional payment.

4. If the Homeowner is still in default for unpaid assessments, the Association will levy a lien on the unit. The lien is in effect until all sums secured by it have been fully paid or until the lien is barred by law.

5. If the lien is not satisfied, the Association can bring an action of foreclosure. The Homeowner will be liable to the Association for all costs and expenses incurred by the Association in connection with the collection of any unpaid assessments. This includes the filing, enforcement and/or foreclosure of the Association's lien, including attorney's fees and all sums paid by the Association for taxes and on account of any other mortgage, lien or encumbrance in order to preserve and protect the Association's lien.

B. Suspension of Use Rights:

1. An association may suspend, for a reasonable period of time, the right of a member, or a member’s tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the Declaration, the Association Bylaws, or Rules and Regulations of the Association. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

2. A fine or suspension may not be imposed without at least 14 days' notice to the person sought to be fined or suspended and an opportunity for a hearing before a committee of at least three members appointed by the Board of Directors who are not officers, directors, or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. If the committee, by majority vote, does not approve a proposed fine or suspension, it may not be imposed. If the Association imposes a fine or suspension, the Association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any tenant, licensee, or invitee of the parcel owner.

3. If a member is more than 90 days delinquent in paying a monetary obligation due to the Association, the Association may suspend the rights of the member, or the member's tenant, guest, or invitee, to use common areas and facilities until the monetary obligation is paid in full. This subsection does not apply to that portion of common areas used to provide access or utility services to the parcel. Suspension does not impair the right of an owner or tenant of a parcel to have vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection.

4. The Association may suspend the voting rights of a parcel or member for the nonpayment of any monetary obligation due to the Association that is more than 90 days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the Association may not be counted towards the total number of voting interests for any purpose, including, but not limited to, the number of voting interests necessary to constitute a quorum, the number of voting interests required to conduct an election, or the number of voting interests required to approve an action under this chapter or pursuant to the governing documents. The notice and hearing requirements under subsection (2) do not apply to a suspension imposed under this subsection. The suspension ends upon full payment of all obligations currently due or overdue to the Association.

C. Appeals/Fines

1. Authorization: Florida Statute 720.305 allows an Association to levy reasonable fines. The Declaration of Covenants and Restrictions of Polo Trace, Section 8.3 also allows the association to levy reasonable fines. Both Statute and Declaration require that the Homeowner/lessee be given the opportunity to appear before a committee appointed by the Board of Directors. If the Appeals Committee decides, by majority vote, not to impose a fine, it may not be imposed. In as much as this is a Committee required by Statute and appointed by the Board, each committee volunteer is required

to sign an Appeals Committee Guidelines and Acceptance letter to be confirmed by the Board of Directors as a committee member.

2. Procedure**:**

   a. The Board, through Property Management, will notify the Homeowner/lessee of the infraction and their rights under the DOCS.

   b. A fine may not be assessed without notice of at least 14 days to the Homeowner/lessee. The Homeowner/lessee has an opportunity for a hearing before the Appeals Committee with a minimum of three members present.

   c. The notice will include the date, time and place of the hearing and a statement of the provision of the Declaration, By-Laws or Rules and Regulations which have allegedly been violated. The proposed fine and a statement that failure to appear at the hearing will be deemed to be an admission and agreement to the amount of the fine unless the Homeowner/lessee and the Appeals Committee have agreed to an alternate hearing date.

   d. At the Appeals Hearing, the Homeowner/lessee has a right to respond, to present evidence, to present witnesses, and to present oral and written arguments on all issues.

   e. At the Appeals Hearing, the Homeowner/lessee has a right to review, challenge and respond to any material considered by the Association and the amount of the fine. A reasonable inquiry shall be conducted into the alleged violation.

   f. If the Homeowner/lessee fails to attend the hearing, the proposed fine shall be upheld automatically.

   g. The findings of fact by the Appeals Committee are final and not subject to further appeal.

3. Fines: The amount of the fine to be determined by the BOD may not exceed the following schedule: (Plus postage)

   A. First Offense $ 25.00

   B. Second Offense $ 50.00

   C. Third and Subsequent Offenses $100.00

D. Fines are due and payable within five (5) days after written notice of the Appeals Committee decision to uphold the fine. A fine may be levied on the basis of each day of a continuing violation with a single notice and an opportunity for a hearing. No individual fine may exceed $1,000.00.

D. Security

1. Residents should maintain current and accurate guest lists for use by the Guardhouse**.**

2. Homeowners/Residents are required to leave their coach lights on from dusk to dawn. Exterior lighting must have white or yellow bulbs.

3. Residents who witness a crime being committed are urged to contact the Sheriff's Dept directly, then the Guardhouse and the Property Management office.

E. Advisory Committees

1. Committee members, Chairpersons and Vice Chairpersons shall be nominated and approved by the Board. No more than one person per unit may serve on the same committee.

2. All committees are advisory to the Board. All proposals must be submitted to the Board for approval. All proposals must be submitted to the Board the Friday before a Board Meeting, copies to be distributed to Board members, and placed on the agenda for their consideration.

3. Committee Meetings: All committee members must be notified by the committee Chairperson or Vice Chairperson of meeting schedule unless extenuating circumstances dictate otherwise. All committee meetings must be POSTED. It should include day, date, time, and location. All committee meetings are open to Homeowners to attend. The only committee meeting that is closed to observers is the Appeals Hearing.

4. Committees are to follow the agenda and minutes format passed by the Board. Committee attendance and approved minutes of meetings, signed and dated, must be submitted to the Board.

5. The responsibility of the Board liaison or vice liaison is only to attend Committee Meetings, observe, answer any questions that may occur, and report back to the Board on the Minutes.

6. Directors are prohibited from serving as Liaison to a committee in which a relative or spouse is a member.

7. Ad Hoc and Appeals Committees are not advisory Committees as defined here.

F. Requesting Official Records:

In accordance with Florida Statutes 720.303(5) the Association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected and manner of inspections, but may not impose a requirement that a parcel owner demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less one 8-hour business day per month.

1. The Association may charge for copies made on the Association's copier. If copies are over 25 pages, copies may be made by an outside vendor, and the Association may charge the actual cost of copying.

2. Note: The rebuttable presumption that associations willfully failed to provide access to records applies only if the request for records is submitted by certified mail, return receipt requested.

3. The request must state one of the following: (a) Review only, (b) Copies only, (c) Review and copies. The Association has 10 business days to provide requested documents either for review or for copies to be taken. If for on–site review only, a member of the Board or the property management company must be present during the entire review procedure.

4. The Association may charge the petitioner administrative costs to comply with the request. Administrative costs include: collection and review of requested records, presence of personnel at inspection, and costs of copying.

5. The Association shall allow the use of a portable device by the petitioner to copy records. The association will not charge a fee for the use of the device.

6. Homeowners shall not harass the Association, the Board, management, or its designee about the records provided, or the contents therein. No questions relating to the contents of the records will be entertained.

7. Official records, or any reproduction thereof, may only be disseminated to homeowners of record, the lawful spouse of a homeowner of record, or the attorney of a record homeowner.

8. Official records, or the reproduction thereof, shall not be posted on social media websites or blogs, personal websites, or any other electronic or public medium whatsoever.

G. Flyer Distribution: Flyers cannot be distributed to any Homeowner's property at any time. Federal Law prohibits any placement other than U.S. Mail in the mailboxes.

1. The posting and/or distributing of signs, notices, or photos of personal, political, or commercial nature is prohibited in any common area or on Homeowner Property.

H. Video and Audio Recording: If a Homeowner is going to video or audio record a Board of Directors' meeting and/or a committee meeting, the Board of Directors must be notified in writing 24 hours before the scheduled meeting and adhere to the following:

1. At the beginning of the meeting the Board President or Committee Chairperson will make an announcement that the meeting is being video, or audio recorded.

2. Recording device(s) must be in plain view.

3. Appeals Committee meetings because of confidentiality cannot be video or audio recorded.