

Waterways at Delray HOA Rules & Regulations

In an effort to keep harmony in the community the following are rules and regulations adopted by the Board of Directors of the Waterways at Delray Homeowners Association. These rules and regulations are in addition to the Declaration of Covenants, Restrictions, Easements, the By-Laws, and any other Document pertaining to the establishment and operation of the community. They do not supersede the governing documents or provisions but supplement them. All *documents are available on the community website Waterwaysatdelray.com*. Homeowners and/or residents are requested to make these Rules and Regulations available to their guests since they will be bound by them as well.

A. Trash Collection

- 1) The household trash and garbage **must** be stored in plastic bags and placed in garbage bins provided by Waste Management and will be collected Mondays and Thursdays. **These containers should be placed curbside by 8 PM the night before the collection days; and must be placed out of sight by the end of the pick-up day.**
- 2) The yard debris should be placed in sealed plastic bags and placed curbside on **Wednesday evening**, along with bulk items and loose branches or items too large for bags for Thursday pickup.
- 3) The recycling containers should be placed curbside on **Sunday evening** by 8 pm for Monday pickup.
 - a) Blue - Plastic trays, bottles, glass, aluminum, cartons, hangers, etc.
 - b) Yellow - Paper, magazines, cardboard (broken down)
- 4) **Failure to comply with the above rules will result in a violation and/or a fine.**
Contact the Waste Management Company to obtain the blue and yellow bins, if needed.

B. Parking and Driving Information

- 1) **Posted traffic regulations and signs must be observed at all times.**
- 2) **Emergency vehicles always have the right of way. THERE IS NO STREET PARKING.**
- 3) Community parking is limited. Homeowners and/or residents must use their driveway and garage.
- 4) a. **Visitor Parking** spots are for use by guests and/or outside vendors on a first come first served basis only. Homeowners and/or residents must not park in these areas. Violators are subject to a violation fee and their vehicles may be booted or towed at the violator's expense.
- b. **Clubhouse Parking** – Anyone who parks in the clubhouse parking lot does so at their own risk. **If a homeowner and/or resident is having a party or large gathering, visitor(s) must use the clubhouse parking lot for the overflow. Vehicles parked overnight must be authorized by the Management Company. Violators are subject to a violation fee and their vehicles may be booted or towed at the violator's expense.**
- 5) As per Article XII (use of property) section (m) of the Declaration, the following vehicles shall not be allowed to park at any time within the confines of the Community except if completely hidden within the homeowner's garage with the door closed:
 - a) Commercial vehicles, which are defined as any vehicle with written commercial advertising or vehicles without advertisement such as vehicles:

- b) Used to carry tools, goods, equipment, or materials in connection with a business.
- c) Which is otherwise primarily used in connection with operating a business.
- d) Motorcycles, boats, trailers, fifth wheel trailers, motor homes, campers, recreational vehicles, jet skis, wave runners, and personal watercraft and/or a vehicle which is unable to operate under its own power and/or unlicensed vehicles.
- 6) Mopeds and motorized bicycles must be parked on a homeowner's and/ or resident's property outside of the view of the public.
- 7) No parking is allowed on any grass common or low depression (swale) areas.
- 8) **There is no parking allowed within fifteen feet (15') of a mailbox.**
- 9) **Do not block driveways or fire hydrants.**
- 10) If the driveway is damaged due to dripping oil from a motor vehicle, the Management Company will have the area repaired. The repair cost will be borne by the homeowner.
- 11) **Parking is not permitted in the turnarounds. The vehicle may be booted or towed at the violator's expense.**

C. Occupancy and Use Restrictions

- 1) **All new residents, whether leasing or purchasing, shall be provided with copies of the governing documents by the Management Company.**
- 2) New owners must provide the Management Company with a copy of the recorded warranty deed, as well as proof of homeowner's insurance.
- 3) No industry, business, trade, profession, or occupation of any kind shall be conducted, maintained or permitted in any unit, or in any part of the community.
- 4) Homeowners are allowed to rent or lease their unit after two (2) years of ownership. **All potential tenants must submit an application with \$100 fee to the Management Company for background screening 30 days prior to occupancy.** The application must be complete, and a copy of the signed lease provided to the Management Company. Orientation with the Board are required prior to occupancy.
- 5) No separate part of a residence may be rented, and no transient tenants may be accommodated.
- 6) **One rental per year per unit is allowed with a minimum 6-month lease required. Lease renewals must be authorized by the Management Company.**
No Air B&B allowed.
- 7) **Any homeowner and/or resident that has anyone staying over thirty (30) consecutive days must submit an application for residency with \$100 fee for background screening to the Management Company prior to occupancy.**

D. Nuisances and Harassment

- 1) Homeowners, residents, and guests must respect all other homeowners' property line i.e., walking dogs, unsupervised children, etc. Failure to comply may result in a violation and/or fine.
- 2) Homeowners, residents, and guests are not to make any noise that would disturb their neighbor(s). Homeowners, residents, and guests must not play a radio or television or stereo

or loudspeaker or play any musical instrument beyond the legal decibel limits of Palm Beach County. This is especially true after 10:00 p m or before 7:00 a m. Failure to do may result in violation and/or a fine.

3) No animals, livestock, reptiles or poultry or exotic of any kind shall be raised on the property.

4) Homeowners, residents and guests should refrain from feeding all wildlife at

Waterways since it causes the wildlife to be dependent on what a person feeds them instead of the natural vegetation and insects. **Failure to do may result in a violation and/or fine.**

5) Harassment occurs when a person(s) engages in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serve no legitimate purpose. Verbal comments (making offensive or derogatory remarks), threats of violence (in-person, via email or letters), sexual advances, (offensive physical touching), physical harm, property damage, and other related behaviors could constitute harassing behavior.

The HOA may levy fines or revoke privileges or access to the community's amenities, when homeowners and/or residents continue engaging in harassing behaviors.

E. Signs, Advertisements, Notices or Graphics

No signs, advertisements, notices, or graphics are permitted to be exhibited, inscribed, painted or affixed on any of the exterior property of a residence (except as permitted in the governing documents). Failure to comply may result in a fine.

F. Insurance

Each homeowner and/or resident is required to carry insurance on their home. Proof of insurance must be submitted to the Management Company once a year upon renewal. Failure to comply will result in a fine.

G. Pets

1) Homeowners and/or residents are allowed one (1) household pet, like dog, cat, etc.

2) All animals must be registered, and proof of registration must be provided to the Management Company.

3) No aggressive dog breeds are allowed as per the AKC list.

4) Pets must be leashed or in a carrier while outside of the home. This is a Palm Beach County Ordinance.

5) Dog Park - an area next to the tennis court has been set aside for the use of dog owners who can let their dogs exercise without restraint.

Homeowners and/or residents must pick up waste after their pet and dispose of the waste in the provided park's waste can.

6) Homeowners and/or residents must pick up pet waste while walking their pet.

7) At no time are any pets allowed to swim in the lakes throughout the community.

8) Failure to comply with the above rules will result in a violation and /or a fine.

H. Security & Gate Access

- 1) Each homeowner and/or resident is allowed a vehicle decal to enter the community on the resident side. The vehicle(s) must be registered to the homeowner(s) and/or resident(s) living in the community. Decals are obtained through the management company. Homeowners and/or residents must fill out an information sheet providing vehicle make, model, tag number. Copy of driver license and vehicle registration must be provided.
- 2) Call box - the visitor call box is for Homeowners and/or residents to grant access to visitors. Up to two numbers per unit are allowed in the call box. Homeowners and/or residents are listed by last name, first name or initial and will be assigned a 3-digit code that their guest can enter to call them. Guests can scroll and find the homeowner and/or resident by name or enter the code number. The system will dial their number and they can grant access by hitting 9.
- 3) Absolutely no tailgating is allowed into the community. The gate arm closes after each vehicle. Any damage to the gate system caused by a homeowner and/or resident or their guest(s) will be billed to the homeowner.
- 4) Please note the Association has installed cameras around the gate entry system, the clubhouse and pool areas. These cameras will record license plates and any activity.
If a homeowner and/or resident or their guest(s) cause any damage to the community property, the homeowner's account will be charged.
- 5) **If a homeowner has a delinquent account for non-payment of Association maintenance, please be advised this will result in a temporary suspension of access through the RESIDENT gate. Access will only be permitted through the VISITOR gate.**

I. Pool Access:

- 1) **Pool Rules and Regulations are posted at the pool and must be followed.**
Homeowners, residents, and guests will be responsible to oversee and actively monitor minor children (under 18 years) that are in the pool.
NO PETS ARE ALLOWED IN THE POOL AREA.
- 2) There is to be no use of the pool during a thunderstorm or when it is raining.
- 3) Persons with skin infections, eye or ear infections, fungus infections as well as persons with colds or flu like symptoms etc. are prohibited from using the pool.
- 4) Persons using suntan lotions or oils must shower before using the pool.
- 5) Chairs and lounges must not be placed within six (6) feet of the pool at any time. All chairs or lounges must be returned to their original position when leaving the area.
- 6) When using the restrooms on the North side of the building, these doors must remain locked at all times and are not to be propped open or left open. It is recommended that shoes be worn when using these facilities.
- 7) Homeowners are given one key per homeowner for access to the pool and clubhouse. If the key is lost there is a \$10 charge for a new key.

J. Clubhouse Access:

- 1) The clubhouse may be rented from time to time by homeowners in good standing having no active violations or debt owed to the community over 60 days. The homeowners must fill out a form from the website, pay a \$250.00 deposit to be refunded if no damage to the clubhouse is found as a result of the event, as well as a separate check payable to Waterways at Delray HOA in the amount of \$30.00 for the use of the clubhouse. Exercise classes for homeowners and/or residents shall be permitted only by approval of the Board.
No clubhouse parties are permitted from December 15th to January 15th.
- 2) Meetings and social events shall be scheduled with the approval of the Board.
- 3) No one shall tamper with or otherwise attempt to reset the thermostat.
- 4) When the kitchen facilities are used, the individual (s) using them shall be responsible for cleaning them when done. The Board may issue a violation to cover the cost of the cleaning if not done to the Board's satisfaction.
- 5) Persons using the clubhouse for any reason should leave the clubhouse in the same condition as they found it originally, i.e., chairs and tables to be stacked in original arrangements, lights and fans to be shut off when leaving the clubhouse.
- 6) Shoes or other footwear must always be worn by all persons while in the clubhouse.
- 7) Bulletin boards shall be used for official notices only, except for private notices which are limited to 3"x5" index card size. These are to be dated and will be permitted to remain on the boards for a limited period. Other notices relating to social activities may be displayed at the discretion of the Board.
- 8) Smoking is not permitted in any part of the clubhouse including the bathrooms.
- 9) Guests using the clubhouse must be accompanied by a homeowner and/or a resident.
- 10) If anyone is using the exercise room in the clubhouse, the person(s) using the exercise room must assume all risks and responsibility.

K. Safety and Disaster Preparedness

- 1) Hurricane season begins June 1 and ends on November 30. Each homeowner and resident must minimize the damage to their residence from natural disaster, whether it's a hurricane, flood, earthquake, tornado, fire, or some other unexpected event. This preparedness for all homeowners includes storing your outdoor patio furniture, grill, etc. If you are a snowbird, meaning if you are a homeowner who is in their residence only six months a year, you will be obligated to inform the HOA association when you plan to be away. The association would provide service for a fee to close shutters, etc. for homeowners on the Preparedness list. Hurricane shutters should remain open unless there is warning of a potential hurricane or tornado.
- 2) Homeowners should document the conditions of their residences. Take date-stamped photos of everything and store the photos on a memory device in a safe place.
- 3) Homeowners make sure your insurance policies and coverages are up to date.
- 4) Homeowners should have the following items for preparedness: Social Security card, passport, credit cards, proof of residency (electric bill or driver's license), prescriptions, water, food, gasoline, propane, candles, and an operational, well-maintained generator.

L. Maintenance and Architectural Review Guidelines

- 1) Each homeowner and/or resident shall be responsible for all interior maintenance and repair of their unit.
- 2) Each homeowner and/or resident shall keep their unit in a good state of preservation and cleanness.
- 3) Each homeowner and/or resident shall be liable for any damages that result from their neglect.
- 4) Each homeowner and/or resident is solely responsible for the proper care and maintenance of any addition to their unit, all trees, bushes, or other landscaping material. Prior to planting any trees, bushes, or shrubs the homeowner **MUST** have the Landscaper approve the plantings in order avoid breaks in the irrigation or electrical lines around the homeowner's property.

No fruit trees for example, banana, apple, mango, oranges, lemon, grapefruit, coconut, etc., are to be planted on any homeowner's property.

Any exterior modifications to a homeowner's property which includes any planting of bushes, trees, shrubs **MUST** be approved by the ARC Committee.

The ARC Committee will allow homeowners to remove bushes, etc. but not trees that were planted by the original Developer.

Homeowners digging and planting where sprinkler heads, water and sewer pipes as well as cable can cause growing and environmental issues. In addition, some plants, bushes, trees, and shrub are **NOT** allowed by the Florida State laws and regulations and can cause the HOA to be fined.

Failure to obtain approval from the ARC committee will result in a violation and/or fine by the Fining Committee. Such violators can have the plantings be removed by the HOA at the homeowner's expense.

- a) An ARC application must be completed before renovations. The form can be obtained on the Waterways at Delray website and at the clubhouse. The application must include the details of the project, license & insurance of the vendor, survey and/or drawings, usually supplied by the vendor. **Completed application must be submitted to the Management Company for review 30 days prior to the start of the project.** Projects include but are not limited to roofs (types and color of shingles), hurricane shutters, windows and doors, patio installation, screen doors, driveway modification, garage doors, solar panel installation, landscaping (correct types of trees and bushes).
- b) See the **Architectural Review Committee Guidelines** for the recommended specification for the specific home improvement item.

M. Board of Directors Policy and Procedures

- 1) **To serve as a member of the Board of Directors, a homeowner must not have a felony within 5 years of their Board application. The candidate must have gone through an extensive background check, by the Management Company, for felonies involving violence to persons, or a felony involving or concerning moral or ethical acts, a felony where the victim was a minor or a felony where such person has been convicted of the illegal manufacture or distribution of a controlled substance or has been convicted of any other kind of felony, before becoming a candidate for the Board.**
- 2) A member who is delinquent in the payment of any fee, fine, or any other monetary obligation to the HOA on the last day that he or she could nominate himself or herself or otherwise, be nominated for the Board, may not seek election to the Board. Such candidate's name will not be listed on the ballot.
- 3) If a member of the Board of Directors resigns from the Board, they must return any Board related material in their possession within 5 days.
Failure to comply with the above rule will result in a fine.
- 4) Any homeowner(s) appointed to the Board by the current Board of Directors are subject to the above rules and may be interviewed by the Board.