

SUNSET TRACE HOMEOWNERS ASSOCIATION
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SCHEDULE OF FINES

Noncompliance with any of the Rules and Regulations will be subject to the schedule of fines listed below. All fines are the same for each violation unless otherwise documented within this Rules and Regulations Handbook. Owners are accountable for unpaid fines incurred by tenants or guests.

1 st Offense	Warning (Includes MDPOA visit and STHOA written violation)
2 nd Offense	\$50.00
Each Subsequent Offense	\$100.00 (To a maximum of \$1,000)

DEFINITIONS

STHOA = Sunset Trace Home Owners Association

MDPOA = Martin Downs Property Owners Association

ARB = Architectural Review Board

HOA = Home Owners Association

BOD = Board of Directors

USEFUL NUMBERS

Martin County Sheriff (non-emergency)	220-7170
Fire-Rescue (non-emergency)	287-1117
STHOA Office	283-6868
STHOA Fax	223-0801
MDPOA Office	283-4746
MDPOA Fax	283-9894
STHOA Gate	286-6197
Martin County Utilities	221-1434
Comcast	1-800-COMCAST
Animal Control	287-1656
Waste Management	546-7700
Post Office.....	283-1974
Florida Power & Light	1-800-375-2434

SECTION 2-1.0: RULES AND REGULATIONS

2-1.1 INTRODUCTION:

The following sections present the Rules and Regulations that are the most common in the course of managing the affairs of Sunset Trace. There are, of course, other rules in other governing documents, e.g., the Covenants and Restrictions for Sunset Trace, the By-Laws of Sunset Trace, Florida Not For Profit Corporation Act #617.301, and Statue 720 of the State of Florida. The Minutes of the meetings of the Board of Directors provide the authorization for the rules by which Sunset Trace is governed.

2-1.2 GENERAL RULES FOR RESIDENTIAL USE:

- a) All residents are responsible for any damage caused by themselves or their guests to common property.
- b) All parcels must be kept in a clean and sanitary condition. No rubbish, refuse, or garbage shall be allowed to accumulate or any fire hazard to exist.
- c) Bicycles and toys are NOT allowed to be stored outside.
- d) Business may not be conducted and commercial buildings may not be erected on any lot or on any part thereof.
- e) Structures or objects of a temporary nature such as, but not limited to, house trailers, van-tents, shacks or temporary accessory buildings or structures shall not be erected, kept, or maintained on the property.
- f) Any type of material alteration to the parcel must be submitted to the ARB for review.
- g) Only six (6) persons or less (except for limited term guests, not to exceed 30 days) may occupy a unit. All people who occupy a unit must be registered with STHOA.
- h) When a resident has a guest using Sunset Trace amenities who is not residing with the homeowner, the resident must accompany the guest at all times. The Sunset Trace amenities include but are not limited to the two pools, tennis courts, handball courts, basketball court, playground and picnic areas.

2-1.3 POOLS AND COURTS:

- a) Hours for the small and large pools are sunrise to 10:00 PM.
- b) Food and drink are permitted at the designated areas only. (Signs are posted at each pool). **NO GLASS CONTAINERS ARE ALLOWED AT EITHER POOL.**
- c) Outdoor picnic tables are available at the east end outside the Olympic pool area. Garbage must be removed and discarded immediately.
- d) Sporting activities such as football, throwing Frisbees, skate boards, bikes, scooters, rollerblades, etc. are not allowed within the pool areas.
- e) Children who are not yet toilet trained must wear rubber pants over diapers in the pools.
- f) One pool key and one tennis key will be provided for each unit. The cost to replace a pool key is \$35.00 and the cost to replace a tennis key is \$75.00. Tennis court and pool keys are available at the office.
- g) Hours for the tennis courts are sunrise to sunset.
- h) Hours for basketball courts are sunrise to 9PM.
- i) Children under age 16 must be accompanied by an adult at least 18 yrs. of age.

2.1.4 CLUBHOUSE:

The Sunset Trace Clubhouse (located at the Stamford pool) is available to residents in good standing with the Association for their personal use (subject to availability). A cash fee of \$75.00 is required. A cash security deposit of \$100.00 is required at the time of use application. The \$75.00 is a non-refundable fee. The \$100 deposit will be returned to the resident after confirmation of no damage to clubhouse. The following rules apply:

- a) The clubhouse is available to STHOA residents and their guests only (applying resident must be present).
- b) There is no liquor/alcohol or glass containers allowed in the pool area or clubhouse.
- c) The clubhouse will not be used for business, political, religious, or profit making purposes.
- d) There is no smoking allowed within the clubhouse.
- e) Residents are permitted to organize weekly events at the clubhouse, e.g., mahjong, bridge, quilting, etc. at no charge to the resident.
- f) The clubhouse is available also for activities such as: birthday parties, anniversary parties, retirement parties, etc.
- g) The Board of Directors may set additional rules for use from time to time.
- h) **All residents using the clubhouse do so at their own risk.**

2-1.5 TRAFFIC RULES:

For the safety of our residents, the speed limit on the main road in Sunset Trace is 25 mph. and the side roads speed limit is 15mph. Stop signs are also located throughout the property.

Safety in the community is of primary concern. All traffic regulations are strictly enforced. Violations will result in the following fines:

FAILURE TO STOP AT A STOP SIGN:

Warning

Second Offense	\$ 50.00
Third Offense	\$ 100.00

EXCEEDING THE SPEED LIMIT:

Warning

Second Offense	\$ 50.00
Third Offense.....	\$100.00
Reckless driving causing property damage.....	\$500.00

2-1.6 VEHICLE STORAGE AND PARKING:

- a) All motor vehicles of residents must be registered with STHOA and decalated by MDPOA and parked in their own designated parking space(s) or driveway. There are two designated parking spaces per unit. Vehicles may not be placed, parked or stored on the lawn of any parcel.
- b) The STHOA will allow three (3) stickered vehicles per unit. The 3rd stickered car must be parked in designated parking spaces marked "Reserved" located in one of the two pool parking lots and on the East side in the Wellesley's.
- c) Guest lists/frequent visitors list or passes will be allowed at the visitor side of the front gate. Guest list application is available at the STHOA or MDPOA office. Guests must park in designated "guest spots".
- d) STHOA stickered vehicles may not park in the "guest spots" overnight. Overnight will be defined as anytime between 2:00am – 6:00am. If a vehicle is parked in the street or in the guest spots overnight they will be subject to being towed at owner's expense as well as a \$50.00 fine.
- e) In the Villas, parking on the street will be allowed on one side of the street only. Parking on the "odd" side will be during "odd" numbered months; parking on the "even" side will be during the "even" numbered months. Vehicles when parked on the street must be facing the correct way, and no part of the vehicle may be on the grass. All above violations are subject to an **immediate** fine.
- f) Examples of Villa Street Parking: January = 1... February = 2... March = 3... etc...
- g) Parking in another resident's designated space is prohibited without the expressed written permission from the unit owner. Written permission must be submitted to the STHOA office.
- h) All vehicles driven, parked or otherwise stored within the property must be currently licensed, registered and insured. Upon request of the Association, an owner will provide

proof of licensing, registration, and insurance for **any vehicle owned by the Owner, his tenants, guests or invitees**. Approved on July, 19, 2017

2-1.7 ANNUAL STICKER AND BAR CODE ACCESS:

- a) Barcode stickers will be issued only to an Owner/resident with their account in good standing.
- b) All permanent residents are permitted to have up to three (3) barcode labels for access through the resident gate. All residents requiring access through the resident gate must have valid barcode labels as well as MDPOA decals on each vehicle. Decals must be installed by MDPOA after the appropriate forms have been completed by the resident and returned to the STHOA office.
- c) Under no circumstances can an owner/resident remove their bar code and affix it to another vehicle. This is considered a major breach of security and will result in a fine of no less than \$50.00.
- d) Residents' access bar code labels will be turned off if said unit is in arrears with the Association dues or fines. The vehicle must use the "guard" side of the gate until such time as their balance is paid in full.
- e) Residents who fail to register or keep their vehicle(s) current with MDPOA and **use the guard lane for access will be fined after three consecutive access attempts.**
- f) Annual year stickers must be updated by February 15th of each year at which time the bar codes of those in non-compliance will be deactivated. Fines will be issued to residents who repeatedly (three or more times) use the guest lane to avoid updating the annual sticker.
- g) Temporary passes for guests are available at the STHOA office. The maximum period that a pass will be issued is for thirty days. A valid driver's license must be presented before the pass will be issued. When the office is closed, passes may be obtained at the gatehouse that will cover the period of time until the office is open for business.
- h) The Association, at the owner's expense, may tow any vehicle. (under Florida Statute 715.07,) that is not properly decaled, or does not have proper identification.
- i) Inappropriate interaction, threatening, or abusive language to gate attendants is not allowed and is subject to an immediate fine.
- j) There are no permanent guest passes allowed.

2-1.8 VEHICLE APPEARANCE:

- a) Vehicles cannot have non-conventional lighting, off-road equipment, non-stock tires/equipment (except for enclosed storage boxes immediately behind the cab), and no roll bars (except for passenger convertibles).
- b) All vehicles must be kept in presentable condition and may not leak fluids onto the pavement. all vehicles entering the community must follow the Governing Documents/Rules and Regulations; describing vehicle appearance this includes guest vehicles.
- c) No commercial signs are allowed on any vehicle.
- d) **Damaged or inoperative vehicles are not allowed in the community.**

2-1.9 PICK-UP TRUCKS AND VANS:

Sport utility vehicles and family passenger vans (excluding campers) which are built on truck frames, not in excess of 7,500 lbs. gross vehicle weight, and are used solely for family or personal transportation are permitted. Other two-axle vans and trucks (excluding campers) not in excess of 6000 lbs. gross vehicle weight and used solely for family or personal transportation are also permitted. See vehicle form on application for further detail.

2-1.10 COMMERCIAL VEHICLES:

- a) Commercial vehicles **will not** be allowed entry into the community on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas, and Sundays. Only emergency repairs will be allowed on these days.

- b) Commercial vehicles are allowed between the hours of 7:00 A.M. and 7:00 P.M. Monday through Saturday.
- c) Commercial vehicles are not allowed overnight.

2-1.11 NOTICE OF SALE:

- a) The Association must be notified of any changes in occupancy to ensure that the financial obligations of the owner, including payment of all assessments, are met.
- b) The purchase application cost is \$300.00. Applications are available at the STHOA office and must be completed by the owner and the prospective lessee and submitted to the Property Manager at the HOA office to initiate the approval process no less than fourteen (14) days in advance of the lease date or closing date.
- c) New owners are required to meet with the Property Manager prior to closing, to review the Rules and Regulations of Sunset Trace. Please call the office for available meeting dates.
- d) Re-Sale, Lease, and Intent to Sell/Lease applications are available in the STHOA office or on our website at sunsettracehoa.com.

2-1.12 LEASE APPROVAL:

- a) A Sunset Trace owner may lease his/her unit for a period of **no less than three (3) months.**
- b) Leases require the approval of the STHOA.
- c) The lease application cost is \$300.00. Applications are available at the STHOA office and must be completed by the owner and the prospective lessee and submitted to the Property Manager at the HOA office to initiate the approval process no less than fourteen (14) days in advance of the lease date.
- d) STHOA approval must be secured before any commitment is made to the prospective lessee.
- e) New lessees are required to meet with the Property Manager *prior to move-in* to review the Rules and Regulations of Sunset Trace. Please call the office for available meeting dates.
- f) There is a \$75.00 renewal or extension fee of each lease.

2-1.13 MOVING:

Moving is allowed Monday through Saturday (excluding holidays) between 7:00 am and 7:00 pm. Moving vans including U-Haul types, pods and trailers must be off the premises by 7:00 pm. On Sundays, absolutely no moving vans or trucks or trailers are permitted; however, moving is acceptable with personal automobiles. Refer to section 9.1.5 in your STHOA Master Documents.

2-1.14 ARCHITECTURAL REVIEW:

- a) The exterior surfaces of all units, including all colors, materials and finishes on all exterior areas of a dwelling shall not be modified or changed in any manner without prior written approval of the Architectural Review Board (ARB).
- b) The ARB must approve the required written request for improvements of any type or nature on any parcel including, but not limited to, patios, screen doors, storm shutters, landscaping, benches, or any exterior modification to any parcel.

2-1.15 STORM SHUTTERS:

- a) The Architectural Review Board (ARB) must approve storm shutters.
- b) Permanently installed shutters require Miami / Dade approval and may be white or beige.
- c) Temporary protection may include metal, clear panels or plywood as examples.
- d) The use of b) and c) is allowed while in residence only when the National Weather Bureau has issued a tropical storm warning or worse for our area. Once the danger has passed, permanent and temporary protection must be opened or removed, respectively, within one week.
- e) For owners who are out of residence for an extended period, only protection may be deployed prior to departure. Notification in writing must be provided to the Association with departure and return dates.

- f) Plywood may not be used for anything other than storm protection. **Any homeowner using plywood will be responsible to patch and repair any holes or damage caused by the installation and removal of plywood.**

2-1.16 LANDSCAPING:

- a) The ARB must approve any type of planting, plant replacement, plant removal, or any exterior landscape modification. Forms are available at the STHOA Office.
- b) The owner will assume responsibility for any and all landscape modifications including pruning. If the STHOA is required to maintain owner-modified landscaping, then the owner may be responsible to pay for any expenses incurred.
- c) No plants or trees may be planted or allowed to grow against any building or fence. The cost to prune and/or repair damages caused by these conditions will be the sole responsibility of the owner.
- d) Perennials and trees may be planted only with the written approval of the ARB. Annuals may be planted without written approval of the ARB; however, all plantings should be Florida friendly.

2-1.17 PETS:

- a) Pets are limited to no more than two (2) pets per unit.
- b) The owner is responsible for cleaning up and proper disposal of all solid waste from his/her pet(s). Solid waste should be placed in sanitary containers on the residents' property or in designated receptacles provided in the common areas by the Association.
- c) Pets must be leashed and cannot be allowed to run free. All pets must be restrained (i.e., kept on a leash under the control of a responsible person at all times) when outside a dwelling.
- d) During a resident's absence, pets must be kept inside the unit.
- e) Pets may not be left unattended on the patio.
- f) All pets must be licensed and annual immunizations, proof if license is required.
- g) Pets outside of the units shall not be aggressive or a nuisance to any other resident.
- h) STHOA and Martin County require that all pets including cats must be leashed while outside their residence. If a pet is seen unleashed, Animal Control will be called and the animal will be removed. The owner of the animal will be required to go to Animal Control to retrieve the pet.

2-1.18 TRASH:

- a) Trash containers may be placed for pickup after sunset the day before collection, and shall be removed on the day of refuse collection by sunset.
- b) Garbage must be in a plastic bag to avoid creating a health hazard then placed in a covered trash receptacle.
- c) Trash containers must be marked with the number of the residence. Garbage containers not properly labeled or removed on a timely basis may be removed by the staff of the STHOA. If this occurs, please call the office for retrieval information.

2-1.19 EXCESSIVE NOISE:

- a) Any activity or practice which is either an annoyance to residents or an interference with the peaceful enjoyment and proper use of the property is not permitted. (refer to Covenants and Restrictions Section 9.1.7).
- b) Examples are, but not limited to, loud music heard through walls or outside patio areas, loud late night parties which disturb neighbors, playing of musical instruments loudly, domestic arguments which are heard other than inside the home, loud gatherings, hanging out in the parking lots, etc.
- c) The Martin County Noise Abatement Law is in effect from 9:00 pm – 7:00 am.
- d) Steps for seeking compliance:
 1. Call MDPOA Security 772-286-6161
 2. Call Martin County Sheriff at 772-220-7170
 3. If problem persists, again call Martin County Sheriff.

2-1.20 PARENTAL RESPONSIBILITY:

- a) Children must be supervised at all times. Parents are responsible for any damage to common property caused by their children.
- b) Children under the age of sixteen (16) are not permitted in the recreational areas of the community without direct supervision of an adult at least 18 years old.

2-1.21 VANDALISM/ MALICIOUS MISCHIEF

Any person found to have committed an act of vandalism shall be required to pay a \$100.00 fine plus any damages. Sunset Trace will seek full restitution and maximum legal penalties and fees from anyone found guilty of vandalism or malicious mischief.

2-1.22 IMPROPER CONDUCT:

No person shall engage in loud, abusive, or indecent language or disorderly conduct. Violators will be subject to a fine of \$50.00.

2-1.23 TRESPASSING:

Unauthorized presence in the pool areas or other recreational areas at any time will be considered trespassing (**which includes climbing the fence to enter**) and will be subject to a fine of \$50.00. All residents are required to have a key card to enter the pools.

2.1.24 TREE CLIMBING:

Tree climbing is not allowed within the property of Sunset Trace.

2-1.25 ROLLER SKATES/ROLLER BLADES/SKATEBOARDING:

- a) There are to be no ramps, jumps or any other "device" used anywhere in Sunset Trace.
- b) Pedestrians and vehicles will have the right of way at all times.
- c) Anyone using roller skates, roller blades, skateboards, scooters or any other such equipment does so at his/her own risk. Refer to section 9.1.30 in your STHOA Master Documents.

2-1.26 SIGNAGE:

- a) Signs, advertisements, or notices of any kind including "For Sale" or "For Rent / Lease" may not be displayed on any exterior portion of units, interior windows, patios or vehicles.
- b) Solicitation and commercial advertisement are prohibited.
- c) Sunset Trace has a bulletin board at each pool where personal "For Sale" or "For Rent" notices may be posted. Size limitation is 5 1/2 x 8 1/2 per article

2-1.27 BOATS:

Boats or watercraft of any kind shall not be kept on the property or used upon any lake or waterway within the community.

2-1.28 PLAYING BALL/ SOCCER:

Playing ball is allowed in the grassy area located adjacent to the tennis courts. For safety reasons, no ball playing is allowed in the streets or parking areas.

2-1.29 VILLA GARAGE DOORS:

The doors of all garages shall be closed at all times except as needed for ingress and egress.

2-1.30 AIR CONDITIONERS:

Window and wall air conditioning units are prohibited.

2-1.31 OUTDOOR ORNAMENTS:

- a) Decorative flags are permitted provided they do not become tattered or faded.
- b) Seasonal holiday decorations must be removed within 5 days following the given holiday.
- c) Plant hangers must be secure and not present safety hazards.

- d) Planters must be positioned so they do not interfere with lawn or weed maintenance. All items must be secured in extreme weather conditions.

2-1.32 WHEELED VEHICLES AND SPORTS EQUIPMENT:

Bicycles, tricycles, scooters, baby carriages, skateboards, basketball nets, etc. must be stored within the buildings.

2-1.33 LAUNDRY:

Laundry may not be dried or hung from any portion of any parcel unless such laundry is adequately screened from public view.

2-1.34 GRILLS / FIRE PITS/CHIMNEA'S:

- a) In the Villas only, grills may be stored outside of the unit with a cover, or inside the patio area.
- b) In the Stamford, Sandalwood, and Wellesley units, grills must be stored on the patio.
- c) If a fire pit or chiminea becomes a nuisance to any resident, security or staff may request the resident with the fire pit or chiminea to extinguish said fire.

2-1.35 FISHING and SWIMMING IN THE LAKES: Prohibited in all lakes within Sunset Trace as of APRIL 1, 2015 BY THE MDPOA, the lakes are maintained and insured by MDPOA.

2-1.36 WILDLIFE: Please do not feed the wildlife within the community; they become a nuisance to other residents in the community.

2.1.37 Air Rifles: Air rifles and bee- bee Guns are prohibited within the community. BOD approved May 16, 2012

SUNSET TRACE VIOLATION PROCEDURE:

2-2.1 VIOLATIONS OF THE RULES AND REGULATIONS

If a resident or MDPOA observes a Covenant or rule violation, the property manager after review, will take the appropriate action as outlined in our Covenants, By Laws, or Rules and Regulations.

2-2.2 VIOLATIONS AND FINES:

- a) Violators of any of the rules and restrictions that are reflective of the Sunset Trace Association Documents will be subject to a fine.
- b) After a fine has been issued, an opportunity to appeal to the Appeals Board will be granted. All requests must be made in writing including reasons for the appeal.
- c) A fine, if unpaid, is added to the owner's account. Payments received on account are applied first to interest, late fees, costs, legal fees, and fines. The balance of the payment is applied toward the monthly assessment.
- d) **An account in such arrears will continue to accrue late fees.**

2-2.3 DELIQUENCY CONSEQUENCES:

If a homeowner is in arrears to the Association, they are subject to the following ramifications until such time as the outstanding balance is paid in full:

- a) All privileges of the Association will be revoked, including but not limited to:
- b) Voting - No homeowner will be allowed to vote if over 90 days in arrears with the Association.
- c) Vehicle Bar Code - Bar codes will be de-activated until the balance is paid.
- d) STHOA Amenities - No resident will be able to utilize the STHOA amenities until such time as the account is current.

2-3.0 RIGHT TO APPEAL:

2-3.1 RIGHT TO APPEAL

- a) Florida Statute 720.305 requires that each property owner association establish an Appeals Committee.
- b) Upon receipt of a notice of fine, the recipient has the right to appeal the fine. A letter requesting a hearing before the Appeals Committee must be delivered to the STHOA Property Manager within 15 days of receipt of violation. The chairman of the Appeals Committee will notify the person requesting the hearing of the date and time of the hearing.
- c) The STHOA shall operate under the following rules, procedures and process:

2-3.2 APPEALS COMMITTEE MEMBERSHIP

- a) The Appeals Committee shall have a minimum of three (3) members as required by statute and shall preferably have five (5) members.
- b) Appeals Committee members shall be Sunset Trace owners or spouses of owners. No officer, director, employee or member of the ARB of the STHOA may serve on the Appeals Committee. Additionally, no spouse, parent, child, brother, sister or dependent of any officer, director, employee, or ARB member may serve on the Appeals Committee.
- c) Appeals Committee members shall be appointed by the STHOA Board of Directors.
- d) Appeals Committee members shall serve at the discretion of the Board of Directors, as is standard for other committees.
- e) No Board member shall attempt to influence an Appeals Committee member in his/her decision

2-3.3 APPEALS COMMITTEE RESPONSIBILITIES

- a) The Appeals Committee shall set a reasonable, fixed meeting schedule or may elect to meet on an "as required" basis. The Committee shall provide written notification to the Board of Directors and the Property Management Agent of their fixed schedule or "as required" meeting system. The Appeals Committee shall select a Chairperson or Team Leader.
- b) The Appeals Committee may approve or disapprove an appealed fine by majority vote. The Appeals Committee rules on whether or not a fine has been properly imposed in accordance with the relevant rule, procedure, article, covenant or bylaw.
- c) The Committee does not rule on whether a guideline, procedure, article, covenant or bylaw is good, bad, right or wrong.
- d) The Board of Directors or Property Management shall suspend collection of appealed fines through the date the appeal is scheduled to be heard by the Appeals Committee. However, if the fine is upheld, the fine suspension period shall terminate no later than three (3) working days following the Appeals Committee decision.
- e) Notification of the Appeals Committee decision shall be given in writing to the recipient within the 3 day extended suspension period.

2-3.4 Appeals Process

- a) The Appeals Committee meeting is not an open process. Only the individual requesting an appeal and designated representatives Board of Directors, Architectural Review Board or Security Committee are required to be notified of the appeal. Only the requesting individual is allowed to attend.
- b) The STHOA Management shall provide a complete set of data for each participating member of the Appeals Committee at least 72 hours prior to such meeting. Property

Management shall make appropriate arrangements with the Appeals Committee for delivery of such documents during the normal workday of the office staff.

- c) Any recipient who plans to be represented by an attorney must notify STHOA office in writing, no less than six (6) working days prior to the scheduled Appeals Committee meeting.
- d) The Appeals Committee shall comply with relevant sections of Florida Statutes 720.305 as it relates to any recipient's fines and appeals. The Committee shall also comply with the STHOA Standards, Covenants, Articles of Incorporation, Bylaws and procedures established by the Board of Directors and all legal agreements binding on the STHOA.
- e) The Appeals Committee, by majority vote, may reschedule a scheduled or in-progress appeal hearing if they require advice from the Sunset Trace legal counsel for interpretation of documents or procedures. The Property Manager shall review the matter with the Homeowners Association President or designated Board Member before consulting the attorney.
- f) Legally constituted decisions of the Appeals Committee shall be final.