

THE HERON AT PELICAN BAY CONDOMINIUM ASSOCIATION



RULES AND REGULATIONS

September 28, 2022

INTRODUCTION

The Heron, a high-rise condominium in Pelican Bay, has a unique blend of elegant, yet understated and timeless architecture. Combined with low-density residential living, this creates an environment that is private, friendly, and community-oriented.

The purpose of this document is to provide all residents and their guests with the necessary information to ensure that The Heron is a comfortable, safe, and enjoyable place in which to reside in a mutually beneficial manner.

We appreciate you and your guests taking the time to become familiar with our Rules and Regulations in order to help to keep The Heron the special place that it is.

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ADDENDUM

AUTOMOBILES

Each Heron condo is assigned a single parking place. Penthouses are assigned two parking places. Any additional cars and all guest cars should be parked on the deck.

- If a resident wants to use another resident's parking space, that is permitted if the owner of the space agrees; however, building management must be informed.
- Except when washing your car, do not park in the vendor parking area.
- It is the resident's responsibility to keep their parking space clean and clear of all material; it is not to be used as a storage space.
- Trucks, boats, trailers, or other vehicles such as RVs, motor homes, and commercial vehicles shall not be parked in the garage or on the parking deck.
- A duplicate set of keys shall be left in the Manager's office during the owner's absence for any vehicle normally parked in the garage or on the parking deck.
- No major repair or maintenance of vehicles is permitted in the garage or anywhere on the property.

BICYCLES AND SCOOTERS

All bicycles and scooters must be registered in order to be stored in the Heron garage. Registration tags are available in the Heron office.

- Bicycles and scooters are to be parked only in those areas provided for them.
- Owners of tagged vehicles in disrepair will be notified to restore their vehicles or remove them. After a second warning, the building management will dispose of or donate the bicycle or scooter.
- The Heron has established a loaner pool of bicycles, which are tagged as such. Use of these bicycles will be solely at the risk of the individual borrower without any liability to the Association or its members.

BUILDING APPEARANCE AND MAINTENANCE

EXTERIOR:

The Heron's bylaws point out the importance of preserving the building's uniform exterior appearance.

- All components of the building's exterior for which owners are responsible shall be maintained with the utmost care, e.g., windows, screening and aluminum frames, roll shades, balconies, and lanais.
- Screening and aluminum frames must be replaced should they become badly worn, ripped, faded, or pitted. All screening and aluminum frames must conform to Heron standards; the manager must be consulted before screens and aluminum frames are replaced.
- Any change to the exterior of the building, e.g., painting, decorating, or installing fixtures, is generally prohibited and shall require approval from the Building Committee and the Board of Directors.
- Laundry lines of any kind are not permitted anywhere outside a resident's condo.

INTERIOR:

See also the section on Construction.

- **Alterations that specifically involve the operations of private contractors must follow the Construction Rules, which are available from the Building Manager.** In addition, when considering alterations within the condo, owners should be aware of the following:
 - Contractors must be licensed and insured.
 - Renovation plans must be approved by the Building Committee and Board of Directors prior to commencement.
 - When replacing any floor covering in any part of the condo, it is incumbent upon the owner to install a layer of approved material between the subfloor and the new floor covering.
- No barbeque and/or outdoor cooking shall be permitted on balconies, lanais, or in the common areas.
- Furniture and equipment located in the common areas shall not be removed or relocated from their areas of original intended use.
- Owners may furnish and decorate their side of the elevator lobby. Furnishing and decorating the lobby area immediately in front of the elevators on the owner's floor should be done in a mutually agreeable manner between the owners on both sides of the floor.
- No resident shall permit anything to be done or kept in a condo that will increase the rate of insurance on the common elements.

OWNER MAINTENANCE RESPONSIBILITIES:

- Residents must turn off the water to their condo, using the main shutoff valve, whenever they will be away from the condo overnight or longer.
- Each owner must maintain an annual heating and cooling system service contract for their condo. These contracts must include preventive maintenance to be provided a minimum of two times per contract year. Upon request, each owner must provide the name and contact information for their heating and cooling system service provider to the Manager.
- To minimize noise, any replacement air-conditioning units must meet the decibel rating specified by the Heron Building Committee.
- Residents shall not flush or sweep any water, including rain water or cleaning water, through the scuppers of open lanais or balconies, but must mop up excess water to avoid dirtying exterior building walls and windows on floors below.
- Washing machine hoses must be of the metal-clad type.
- Disposition of garbage and trash shall be by the use of garbage disposal units, the trash chute, or other receptacles provided by the Association. All trash should be placed in securely tied plastic bags before dropping into the trash chute. Heavy and/or large objects are to be hand-carried to the trash room on the garage parking level.
- Use of garbage disposals should be done with prudence as certain food waste materials create build up on the inner walls of the waste pipes, leading to very expensive maintenance and repair expenses to the Association. A list of food waste materials that should not be placed in garbage disposals is included in the Addendum.
- Recycling is encouraged in the Heron. Please follow posted rules. A list of recyclable materials is included in the Addendum.

CHILDREN

Children are welcome at the Heron. Adults are expected to monitor them and are responsible for their behavior.

- Shouting and/or loud conversations in the building's entrance area, common hallways, and pool area are discouraged.
- Children are encouraged to play on the beach, in their hosts' condos, in the pool (subject to pool regulations), and on the shuffleboard and tennis courts. The front lobby, Club Room, fitness room, garage, and parking areas are not areas for play, nor are elevator lobbies, stairways, or elevators.

CLUB ROOM

The Club Room is designed for the use of Heron residents. Use of the Club Room is allowed during the hours of 8:00 a.m. to 11:00 p.m.

HERON EVENTS:

- No cooking is allowed in the kitchen. The stove and microwave are for warming and reheating.
- Events to which all members of the Heron are invited, e.g., CPR classes and Book Club, must have a Heron sponsor who is responsible for reserving the room and cleaning up afterwards.
- After any event everything in the kitchen and living room area must be in the same position and condition as originally found.
- Occupants of the guest suites shall not use the Club Room as a lounge or dining area.
- Shoes and shirts are required; bathing attire is not permitted.

PRIVATE EVENTS:

- The Board recognizes that occasionally exclusive use of the Club Room may be beneficial to one or more of the Heron residents. In order to provide this flexibility, the following rules apply:
 - The event must have a Heron sponsor.
 - Reservations should be made at least one week in advance.
 - No cooking is allowed in the kitchen, but foods and liquids may be warmed and/or chilled.
- After any event everything in the kitchen and living room area must be in the same position and condition as originally found.
 - The Heron sponsor is financially responsible for clean up if required.
 - The Heron sponsor is financially responsible for any repairs due to damage caused during the event.

CONSTRUCTION AND RENOVATIONS

Owners considering remodeling or redecorating their units must begin the process by meeting with the building managers. This includes projects classified as both major and minor construction.

- All projects must conform to Collier County building, health, fire, and safety codes, as well as Heron standards and Pelican Bay regulations.
- Owners must pre-register with the resident manager to provide the name, address, and contact information for the service provider who will be overseeing or performing any work being done in the unit.
- All contractors who will be working in the building must provide the resident manager with the following:
 - Collier County contractor's license,
 - proof of workmen's compensation coverage,
 - a certificate of general liability insurance for no less than \$1,000,000 per occurrence and no less than \$2,000,000 aggregate,
 - a performance bond to cover any unexpected damage to common areas during any construction. The bond size will be determined by the type of work being done and usually range from \$2,000-\$5,000.
- The Heron's building engineer will review, at the unit owner's expense, the impact on the building of all major construction that requires a permit.
- The building manager, with the support of the board, will determine the amount of construction within The Heron that can take place at any one time. Too many projects occurring concurrently may cause undue stress on the building and its occupants. The manager and the board of directors of The Heron Condominium Association, Inc., reserve the right to restrict the timing and scope of any renovations.
- Construction may take place throughout the year.

Major construction is defined as extensive remodeling or heavy construction and involves activities that create prolonged and substantial noise that can be heard outside the unit, regardless of whether power equipment is used. Other examples of major construction include, but are not limited to:

- Projects that render the unit uninhabitable during the work or that entail storage of materials, equipment, or debris outside of the unit;
- the presence of work crews or a significant number of workers;
- demolition;
- the use of an electric saw, jackhammer, drill, tile cutter, or similar tools;
- projects involving scaffolding, booms, or other forms of exterior access;
- removal or installation of tile;
- installation of hurricane shutters; or
- removal or installation of lanais.

Minor construction is defined as any construction activity that is not defined as major construction. These activities may produce noise heard outside the unit. Minor construction examples include, but are not limited to:

- minor repairs;
- screen and aluminum frame replacement;
- appliance or plumbing fixture changes;
- painting
- picture-hanging;
- wallpapering, or
- installation of window coverings or carpeting.

Renovation plans must be approved by the Building Work Group and Board of Directors prior to commencement.

New air-conditioning condenser units must be at or below the decibel rating standard that is defined in the construction notebook in the office.

Management and staff of The Heron are strictly prohibited from overseeing, managing, checking or inspecting owners' workers or units, except where it may affect the common or limited common elements, or the overall welfare of the building.

Work hours, including deliveries, are Monday through Friday between 8:00 a.m. and 4:00 p.m. Service providers must have work area, elevator lobbies, service elevator, and lower service entrance floors vacuumed and cleaned up, they must be out of the building by 4:00 p.m. Saturday, Sunday, or holiday work is prohibited unless approved in advance by the resident manager.

Noisy work may only be done between 9:00 a.m. and 2:00 p.m., and requires 24-hour advance notice. Examples of noisy work are tile removal, wall removal or relocation, bathroom renovations, granite installation, or any type of drilling that requires the use of hammer drills or jackhammers.

One working toilet must remain in each apartment for the use of workmen during renovations of that particular apartment, unless arrangements have been made with the permission of the manager for a portable toilet in the vendor parking area.

Owners will want to be certain that they are working with licensed and reputable contractors, as they will ultimately be responsible for any violations or damage done by service providers to common areas.

DELIVERIES AND SECURITY

Property access doors and gates must be kept closed at all times for security purposes, and residents are asked to be vigilant not to admit non-residents.

- All routine deliveries are to be made to the Manager's Office, unless residents personally meet delivery personnel at the building door.
- Residents must meet all delivery personnel at the building door for any deliveries after hours. Office hours are Monday through Friday from 8 a.m. to 4 p.m.
- All deliveries of large items must be made known to the Managers 24 hours in advance. These deliveries must be made during regular office hours. Weekend deliveries are strongly discouraged.
- If a delivery or moving in/out of furniture must be made after hours or on a weekend, it is to be done by special arrangement with the Managers. The owner is liable for any damages or injuries.

GENERAL

The Heron is a residential building. No industry, business, trade, occupation, or professional activity, other than electronic business activity, is permitted within its boundaries. Physical warehousing, storage, shipping, or distribution of products is not permitted within the building grounds.

No unlawful use shall be made of condominium property or any part of it. All valid Florida and United States laws, zoning ordinances, and regulations shall be observed.

GUESTS AND VISITORS

The expected use of a Heron condo is by the owner. The use of any unit during the absence of the owner by a guest other than their immediate family (spouse, partner, parent, child of the owner) shall be limited to two (2) times and not to exceed 30 days in total during any calendar year.

- All overnight guests must be registered in a book outside the Heron office, including dates of arrival and departure.
- Guests are subject to all Heron rules. Owners shall instruct their guests, lessees, or other invited visitors about the rules and regulations. Condo owners are financially responsible for damages resulting from their guests' stay at the Heron.
- Pets belonging to guests of the Heron are subject to the same rules as residents' pets (see section on Pets).
- The behavior of any visiting children must be monitored by an adult.

GUEST SUITES

The Heron's guest suites are an amenity for Heron owners and may be used to accommodate visiting guests of residents or lessees.

- A Heron owner or their lessee must be in residence at all times during his/her guest's residence in the suite.
- Owners may also apply to use the suites for their own use except during a period when they have leased their unit.
- Reservations are to be made through the Manager's Office no sooner than four months prior to the date desired. Reservation requests will be prioritized based on the date of application receipt. Preference will be given to a condo owner who did not use a guest suite during the same holiday period the previous year. Otherwise, reservations are on a first-come-first-served basis.
 - A holiday period is defined as seven days before and after a U.S. official public holiday, the last 14 days of March, and the first 14 days of April.
 - A condo owner requesting the same holiday period in a consecutive year can be waitlisted upon their request.
- Except in the case of owner occupation of the suite(s) due to maintenance created by an act of the condominium, each suite may be reserved for no more than seven (7) continuous days. Each guest suite may be occupied for an additional seven (7) days, provided that no other owner has requested its use.
- No more than four (4) persons, including at least one adult, may occupy the large suite, and no more than two (2) persons, including at least one adult, may occupy the smaller suite.
- Condo owners and/or lessees are responsible for rental fees; these cannot be paid by the guests. Rental fees shall be payable in advance within three (3) days of confirmation of the reservation.
- A cancellation received within fourteen (14) days in advance of the time reserved will only be refunded in full provided another owner had not been denied use of the suite or if the suite cannot be rented to someone else. If guests do not use all reserved days, rentals for the remaining days will not be refunded if there has been a prior denied request for that period.
- Smoking and pets are not permitted in the guest suites.
- Consumption of food or drink in the guest suites is discouraged.
- The suites are cleaned only before guests arrive and after they depart. The management reserves the right to inspect guest suites at reasonable times and, except in emergencies, with advance notice.
- Use of the Club Room by guest suite occupants is permitted only when an owner or host is present.

KEYS AND FOBS

All entry fobs are numbered in a register maintained in the Heron office. Lost, damaged, or broken fobs may be replaced for a fee. If a fob is lost or stolen, the resident must report the loss or theft to the Manager, so that the Manager can deactivate the fob.

- For the safety and security of residents, owners are not to give a building entry fob to any non-residents. The Manager will admit such persons in an owner's absence, upon receipt in advance of written instructions from the owner. Family members, guests of owners, and caregivers are exempt.
- Caregivers who are given a fob must be registered with the Manager.
- The main door to each Heron unit and to each storage closet in the 01 stack must be accessible to the Manager by the Association's master key, so that the Manager can enter in the event of an emergency.

MEDIATING DISAGREEMENTS

At the Heron we would prefer an environment of cooperation and open communication.

- Where a simple infraction occurs and/or merely creates a temporary inconvenience, the resident should use his or her judgment as to whether it is worthy of escalation.
- If a resident feels that a simple infraction requires escalation, they should:
 - First, politely speak to the party involved to resolve the problem amicably.
 - If the conversation is unproductive and the resident feels that further escalation is warranted, report the problem to the Board President only.
 - If the President deems it appropriate, the following sanctions will apply:
 - The first violation will result in a warning.
 - Additional violations can result in fines and penalties, and will be determined by the Board.
- Where a violation of the rules creates a health or safety risk, or risk of property damage, a Heron resident should discuss the issue with the party, and if not promptly resolved, the violation must be reported in writing to the President.
- Violations involving health, safety, or property damage risk can result in the resident (or the resident responsible for the party involved in the violation) being financially responsible for all costs associated with remediating the rule violation. Repeated violations can result in fines and penalties that will be determined by the Board after due notice to the resident.
- In the event that the Heron or its Board incurs attorney's fees or costs in connection with enforcing the Rules and Regulations of the Heron against a resident, the resident shall reimburse the Heron for all such attorney's fees and costs incurred.
- The Heron Managers are not to be involved in rules enforcement of the Heron Rules and Regulations.

MOVING

Persons moving furniture and other property into and out of residences must notify the manager in advance and use the designated access door into the building and service elevator. Elevator pads must be put up and taken down. All such moving must be done Mondays through Fridays between 8:00 a.m. and 4:00 p.m. Moving vans and trucks used for this purpose shall only remain on Heron property when in use.

NOISE

Quiet hours at the Heron are from 11:00 p.m. to 8:00 a.m.

- Out of respect for neighbors, all condo occupants will keep noise at a reasonable level. This applies particularly to loud conversations and the volume of audio and audio-visual devices.
- Parties or activities on lanais or in units with open windows must be terminated by 11:00 p.m. Sliding doors should be moved slowly and furniture moving or use of noisy appliances should be severely restricted during quiet hours.
- Shouting or calling out from or to the pool area is not allowed.
- Use of cellular phones, if necessary, in the common areas should be at reduced volume.
- When owners undertake a renovation project, discussion about likely related noise must be held with the building Managers; adjacent neighbors should be informed.
- New air-conditioning condenser units must be at or below the decibel level rating standard that is defined in the construction notebook in the office.

PETS

The Heron is a pet-friendly building. For the health and comfort of all residents:

- The owner of each condo may keep one (1) cat or dog, not to exceed a maximum weight of 20 pounds, in the condo.
- Pets must be carried or on a leash at all times when outside the owner's condo, including on elevators and in lobbies. Pets are not permitted in building recreation areas.
- Any "potty accidents" that occur in common areas must be cleaned immediately by the pet owner. Accidents on any common carpeted area must be brought to the Manager's attention for proper cleaning and disinfecting. A cleaning fee may be charged.
- In the unlikely event that a pet shall become a source of danger or unreasonable annoyance to other residents, the Board of Directors is empowered to order and enforce the removal of the pet.
- If the Board deems it necessary to order and enforce the removal of a pet, the pet owner shall be responsible for any attorney's fees and such other expenses as may be incurred by the Association.

REALTORS

Any realtor showing a Heron property must be present at all times. There will be no public open houses at the Heron. If more than one client is viewing the property with the initial realtor, a second realtor must be stationed in the lobby to escort other clients to the unit.

RECREATIONAL FACILITIES

Recreational facilities include the pool, hot tub, fitness room, saunas, tennis court, shuffleboard court, and barbeque.

- The use of recreational facilities is limited solely to residents, lessees, and their invited guests, and shall be at the risk of the individuals using them, without any liability to the Association or its members.
- No barbeque or outdoor cooking will be allowed in the common areas except in those areas that may, from time to time, be designated for such purpose by the Board of Directors.
- Users of recreational facilities shall leave them in an orderly condition.

Additional for pool and hot tub:

It is the user's responsibility to be apprised of and follow the pool and hot tub rules, which are posted adjacent to each area. Access to and from the pool and hot tub deck must be through the exercise room doors only. The Pool and Hot Tub Rules are in accordance with Collier County Regulations, which, among other provisions, state:

- The hours for use are in accordance with the Heron's permitting, which states "NO NIGHT SWIMMING". The Florida State code defines night as "30 minutes before sunset to 30 minutes after sunrise."
- The Heron's permit stipulates that the maximum bathing load for the pool is 15 persons and for the hot tub eight persons.
- Children under the age of 12 are to have adult supervision.
- Pets are not allowed in the pool and hot tub area.
- Individuals who are ill with diarrhea are not allowed in the pool and hot tub.
- Pregnant women, people with health problems, and people using alcohol or other medications that cause drowsiness should not use the hot tub without first consulting a doctor.
- Do not drink pool or hot tub water.
- No food or beverage is permitted in the pool or hot tub, or anywhere near their perimeters.
- The use of glass or other breakable kitchenware is strictly prohibited on the pool and hot tub decks.
- Minors who have not learned to swim must have direct adult supervision.
- Children not toilet-trained are only permitted in the pool provided they are wearing swim diapers designed specifically for such use and are in the direct supervision of their parent or guardian. **Owners must notify the Managers immediately about any "potty accident" in the pool, and are responsible for cleanup expenses.** Use of the small inflatable wading pool is encouraged.
- Users of the pool and hot tub are to be considerate of others and with "safety first" in mind.
- Diving is not allowed.
- All persons must be sufficiently dried when entering the building in order to avoid dripping in the hallways and elevators.

SHOPPING AND LUGGAGE CARTS

Shopping and luggage carts, which are located at the garage floor elevator hall entrance, are for the use of residents, lessees, and their guests. Out of courtesy to others needing to use them, the carts shall be returned promptly by the user after each use.

SMOKING POLICY

The Heron is a smoke-free building and property. Smoking of any kind, including vaping, is not allowed. This includes, but is not limited to, the parking areas and garage, the pool and spa, lanais, the fire stairs and balconies, and the boardwalk.

However, smoking is allowed in the confines of one's own apartment as long as it does not impact the health, well-being, and enjoyment of others.

This rule follows the guidelines of Pelican Bay rules, which state that smoking of any kind is prohibited on Foundation property.

STORAGE AREAS

Personal storage. Storage space is provided to each owner for his/her convenience. The 01 condos on most floors are assigned the closet outside the entrance to their condo for personal storage. All units have assigned storage space on the garage level.

It is the responsibility of each owner to comply with the following storage rules.

- For safety and insurance reasons these storage areas must be kept neat and clean.
- The areas must be accessible to building management.
- The storage of explosive and/or flammable materials is prohibited in these areas. This includes non-latex-based paint, paint thinner, aerosol cans, cleaning fluids, gasoline, packing materials, ammunition, guns, liquor, and the like.

Other storage. Sidewalks, entrances, passages, vestibules, and stairways must not be obstructed or used for any purpose other than ingress or egress to and from the premises.

- Storage of articles of any type is not permitted on the air-conditioning compressor balconies, in the elevator lobbies, on the stairway landings, or in the trash chute closets.

TRAFFIC

Vehicular traffic in the garage or on the deck shall not exceed 10 mph.

Traffic is to proceed in a counter-clockwise direction around the circle on the deck and in the garage.

ADDENDUM - FEES

<u>DESCRIPTION</u>	<u>FEE/CHARGE</u>
Routine cleaning required as a result of elevator or common areas being left in dirty or unsafe condition	\$45/hr.
Cleaning of soiled parking spaces	\$45/hr. Plus cleaning solvents or materials required
Replace lost building entry fob	\$10/fob
Replace broken or damaged guest suite key	\$50/key
Guest Suite Rental Fees	Large (#2) \$60/day Small (#1) \$55/day
Garage Door Openers	\$40

Addendum—Garbage Disposal

What you should not put down your garbage disposal

Grease

When you use your gas grill or other products that collect grease and oil, you may feel inclined to dump it down the garbage disposal. However, you do not want to do this. Because of the consistency of grease, it will solidify after it cools. If you pour it down your garbage disposal, it will solidify in your drain, which will clog your sink or the base of the stack and cause products and other objects to back up. You will want to throw this junk away, or take it to a grease and oil recycling facility. Either would be better than pouring it down your garbage disposal.

Food With Fiber

Fiber is generally considered good for your body, but the same is not true when talking about your garbage disposal. Like in the body, fiber will adhere to other products, however in a garbage disposal it will cling to the other products and either stick to the walls of the drain or disposal (which will cause a blockage), or it will stick to the actual blade and damage it. Such products you want to try to avoid are egg shells, meat bones, corn cobs, celery, potatoes and potato skins, rice, coffee, pasta, lettuce, flowers and seeds. These are products which will need to be thrown away.

Hazardous Waste

Hazardous waste should never be thrown down the drain, and this includes the garbage disposal. These products include motor oil, paint and other household cleaners. These can find their way into the water supply and end up causing serious damage to the drainage system. You will need to dispose of these by contacting your local government and asking about the closest facility capable of processing such waste.

Clean the grinders or blades

Pour two cups of ice into the garbage disposal, followed by one cup of salt or vinegar. Then, run cold water and let the disposal run for five to 10 seconds. The ice will clean off any sludge or particles off the disposal's blades, while the salt or vinegar will reduce any foul odors.

Clean the drain pipe

Take preventative measures and rinse down any particles from the garbage disposal's drainage system. Much like unclogging a bathtub drain, plug the drain with a stopper, fill the entire sink with water and a few drips of dish detergent, and then let all the water drain with the disposal running at the same time. Gravity and the weight of water will rinse through the garbage disposal and clear out any debris in the pipe.

Maintaining your garbage disposal

Take preventative measures of your garbage disposal when you leave for the season. Right before you lock the door to leave, take WD-40 or any lubricating oil, turn on your garbage disposal, spray the lubricant into the disposal, turn off your disposal, and don't forget to lock the door when you leave.