

# Rules & Regulations

November 16<sup>th</sup>, 2021

Waterways of Naples

Homeowners' Association, Inc.

925 Grand Rapids Blvd

Naples, FL 34120

Office (239)-353-6887.

**WATERWAYS OF NAPLES, HOMEOWNERS' ASSOCIATION, INC.**  
**RULES AND REGULATIONS (1.37)**

These Rules and Regulations have been taken from the Amended and Restated Declaration of Covenants and Restrictions for Waterways of Naples Homeowners' Association, Inc. (hereinafter referred to as the "Declaration").

This document is a summary of the regulations set forth in the Declaration, which have been re-organized and replaced in a way that makes them easier to understand. In the event of a conflict, the provisions of the Amended and Restated Declaration of Covenants and Restrictions control. The Board of Directors has tried to keep the Rules and Regulations simple and direct. You may want to refer to the pages in the Declaration to read the full explanation of a particular Covenant and Restriction.

The goal is to preserve and improve the character of Waterways of Naples Homeowners' Association, Inc. ("Association") and for the protection of home values, common areas, and facilities.

The Board of Directors has the power to make Rules and Regulations as may be necessary to carry out the intent of the restrictions in the Declaration of Covenants and Restrictions. The Board may take action against any member of the Association to enforce compliance with the governing documents to include the imposing of fines and amenity restrictions.

It is the hope of the Board of Directors and the Association that all homeowners will look upon these Rules and Regulations as positive guidelines that will ensure the community to be a pleasant place to live in.

**CLUBHOUSE AND AMENITIES OF WATERWAYS OF NAPLES**

These Rules and Regulations protect the rights and privileges of Residents, their families and guests and protect Association property to assure maximum use and enjoyment. The Association, management, and staff are responsible for the operation and maintenance of the Association and are empowered to enforce these Rules and Regulations.

It is the responsibility of all members who use the community's facilities and services to know and abide by these Rules and Regulations and cooperate in their enforcement. The use of all Association amenities and the lakes are at your own risk.

**DEFINITION**

The definition of a "Resident in Good Standing" means the homeowner and or tenant has no violations pending in any matter and are up to date with all Association fees, dues, or fines. A resident NOT in good standing shall have the use of their key fob suspended, in accordance with the procedures set forth in the Florida law and the governing documents and will not be permitted use of the clubhouse or its amenities. The gates and clubhouse are under camera surveillance.

The Property Manager or his/her Designee has the authority to eject from the Clubhouse, or any Common areas, any resident, owner, guest, tenant, or other person whose behavior violates guidelines published in these Rules and Regulations.

## I. SAFETY, KEY FOBS & ENTRY GATES

- A. **Rules of the Roadway.** It is the nature of our community that automobiles, commercial vehicles, motorcycles, bicycles, pedestrians, joggers, rollerblades and other forms of transportation and recreation converge on our streets and crosswalks. It is imperative that everyone obey all traffic laws and rules and exercise extreme caution to ensure the safety of all.
- B. **Speed Limit.** Drivers must obey the posted speed limit and all traffic signs.  
**DO NOT PARK** in the crosswalks for the schools.
- C. **Sidewalk Rules.** The sidewalk or pedestrian path cannot be blocked in any way or at any time of the day.
- D. **Crimes, Vandalism, Suspicious Activity.** Crimes, vandalism, and suspicious activities must be reported immediately to law enforcement by calling 911 in an emergency or the Collier County Sheriff Office at 239-252-9300 to make a non-emergency report. Do NOT call the Association office until you contact the Sheriff's Office. Association staff does not have any authority to respond to vandalism, crimes, or suspicious activities. The office will record the activity to assist law enforcement as needed.
- E. **Fobs.** Key Fobs permitting use of the clubhouse, restrooms and tennis court are available for residents who live in the community and are Members in Good Standing. The Key Fobs can be purchased in the Association Office at a price determined by the Board of Directors. Residents must complete and sign an application ensuring an understanding of all the rules required to possess a key fob.
- F. **Gates Clickers.** Clickers can be purchased at a price determined by the Board of Directors. Vehicle entry and exit must be done at very slow speeds. The automated entry gate will close after each vehicle.  
**NO TAILGATING.**
- G. **Guest Gate Access.** Homeowners will grant access to the community by providing a most common phone number to be contacted. This number will be entered in the directory call box system. Homeowner will receive a call from the visitor through the gate system and will press number (9) to activate the gates. It is recommended to push the number 9 several times. Caller ID on your phone will say: **Waterways Gates** or 239-307-4815 for Immokalee Road /239-331-4493 for Oil Well Road. Immokalee Road Swing gate will be closed from 9 PM until 6 AM every day.
- H. **Immokalee Road Gate Restriction:** Entry from Immokalee Rd. requires crossing a bridge. The bridge has a weight restriction. TRUCKS ARE NOT PERMITTED TO ENTER OR EXIT from Immokalee Rd. Violators will be prosecuted.
- I. **Private Vendors.** Private vendors must register with the Association. The Vendor access forms are available on the Association's website. An Entry code will be provided to your vendor via email. Codes will be changed every quarter (January, April, July, and October).
- J. **Realtor Access.** Homeowners using the service of a realtor to sell their property must have the realtor register with the Property Manager. Realtor's information will be entered into the call box directory for the duration of their contract or until the sales contract is agreed upon. Further information and the form can be found on the Association's website.
- K. **Damage to Gates.** Damage to gates and the gates entry operating system will be charged to the responsible party. Report any damage to the Association office immediately by sending an email to the Property Manager. All unreported damage to any Association property will be reported to the police for criminal investigation. Those found responsible for unreported damage will be prosecuted to the full extent of the law. **GATES ARE UNDER 24/7VIDEO SURVEILLANCE**

- L. **Pedestrian Traffic.** At night, pedestrians should wear light-colored clothing and reflective devices. Street lighting is minimal, and drivers find it difficult to see pedestrians who are in the street.
- M. **Bicycles.** Bicycles are considered vehicles when ridden on streets. Riders should obey all traffic signs and rules. Bicycles on sidewalks must yield right-of-way to pedestrians.

## II. CLUB HOUSE RENTAL AND USAGE

- A. **Hours.** The clubhouse is open during Property Manager Office hours. (Please see calendar) Extra-curricular activity groups (homeowner ONLY) will have to apply to the Board for approval. Extra-curricular activities performed (by-Non-Homeowners) must apply to the Board of Directors for permitted use and provide a certificate of insurance, naming Waterways of Naples Homeowners' Association, Inc., as the additional insured. Homeowner can register a fob with the HOA to enter the clubhouse Monday to Friday from 9 am to 5 pm.
- B. **Pets.** Pets, other than service or assistance animals for disabled owners, are not permitted in the Clubhouse or any of the other amenities of the Clubhouse.
- C. **Private Functions.** Clubhouse use by homeowners or their tenants is encouraged for private functions such as birthday parties, showers, holiday parties and business meetings. Applications for use by Residents in Good Standing only are available at the Association office and on the Association website.
- D. **Bicycles.** Bicycles must use the racks provided and the Association recommends securing your belongings. The Association will not be responsible for any lost items.
- E. **Rollerblades, Skateboards and Scooters.** The use of rollerblades, skateboards, and scooters is not permitted on the clubhouse sidewalks, tennis/basketball court, the swimming pool area, or the parking lot.
- F. **Parking.** Vehicles must be parked in designated areas and as prescribed by the State of Florida and Collier County Ordinance.
- G. **Liability.** The Association assumes no responsibility or liability for the loss of vehicles or personal articles.
- H. **Personal Liability.** Use of the clubhouse, parking lot and common areas are at your own risk.

## III. SWIMMING POOL

- A. **Hours.** Swimming Pool shall be open from 8:00am until Dusk.
- B. **No Lifeguard.** There are No Lifeguards on premises. Swim at your own risk.
- C. **Home Owner/Lessee Use of Pool.** The swimming pool is a Private Community Pool. Only an approved tenant or Resident in Good Standing with the Association shall bring no more than four (4) guests per unit with them at any time. Guests are NOT allowed to remain if the Resident leaves the premises for ANY reason.
- D. **Pool Use by Children.** Children under the age of 12 years old must be accompanied by an adult. Children 12 years old and older can enter the premises only if an adult is at home to be notified in the event of an emergency, illness, or conduct problems.
- E. **Pool Behavior/ Housekeeping Rules.** No running, rough housing, foul language or abusive behavior. All users of the pool area must clean up after their use, returning all chairs, lounges, and tables to their proper place and disposing of all trash in containers provided.
- F. **Unapproved Containers.** No glass containers of any kind are allowed in the pool area.
- G. **Site Showers.** On site showers are to be taken before entering the swimming pool.
- H. **Diapers.** Swim diapers or appropriate waterproof clothing **MUST** be worn for incontinent or non-toilet trained individuals. Regular diapers are not permissible.
- I. **Swimming Attire.** Proper swimming attire is required.

#### **IV. FITNESS CENTER**

- A. **Hours of Operation.** Hours of operation are from 5:00 AM to 11:00 PM daily including weekends and holidays. If you are the last to leave, please turn off the lights. Access requires a key fob which may be purchased from the Association office during office hours.
- B. **Required Age Use.** Must be 18 years or older to use equipment, as recommended by the manufacturer.
- C. **911.** For emergency, call 911.
- D. **Time Limit on Equipment.** When others are waiting to use the machines, workout time will be limited to twenty (20) minutes.
- E. **Televisions.** Television volume must be kept at a low level. If you are the last to leave, please turn off the television.
- F. **Cleaning of Equipment.** Cleaning supplies are provided, and all surfaces must be cleaned after use. All equipment must be returned to its intended place. No machines may be moved.
- G. **Equipment Malfunction.** All Equipment malfunctions must be reported to the Association office. Do not attempt repairs.
- H. **Misuse of Equipment.** Fitness room is under video surveillance. Misuse of any machine or equipment will be cause for you to leave the premises immediately and fines could be applied by the Association in the procedures set forth in Florida Law and the governing documents.
- I. **Risk.** Use of the Fitness Center is at your own risk.

#### **V. TENNIS COURT AND PICKLEBALL:**

- A. **Hours of Operation.** The tennis court is available from 6:00 AM to 10:00 PM. Children must be 16 years or older or accompanied by an adult.
- B. **Pickleball.** Nets are located in the black locker box in the tennis court area. Nets need to be removed and stored after every use.
- C. **Appropriate Behavior.** Foul language and inappropriate behavior are not permitted. No activity other than tennis or Pickleball is permitted on the tennis courts. Contact the property manager for access code to Pickleball equipment.
- D. **Prohibited Items.** No glass items are permitted inside the fence and all trash must be disposed of properly.
- E. **Risk.** Use of this court is at your own risk.

#### **VI. BASKETBALL & VOLLEYBALL COURT**

- A. **Hours of Operation.** The courts are available from 6:00 AM to 10:00 PM. Children must be 12 years or older or accompanied by an adult.
- B. **Use of Equipment.** Hanging from the rim is not permitted.
- C. **Behavior in Court Area.** Foul language and excessive noise are prohibited.
- D. **Risk.** Use of this court is at your own risk.
- E. **Prohibited Items.** No glass items are permitted and all trash must be disposed of properly.

## VII. COMMUNITY PLAYGROUND

- A. **Hours of Operation.** The playground is to be open from 8:00 AM until dusk.
- B. **Age Requirement.** All children age 12 and under are welcome and encouraged to use and enjoy the playground. Children age 6 and under must be accompanied by an adult. The playground and its equipment are not suitable for older children and they are prohibited from using them.
- C. **Risk.** Use of the playground is at your own risk.
- D. **Prohibited Items.** No glass items are permitted inside the fence and all trash must be disposed of properly.

## VIII. VEHICLES, PARKING AND GARAGES: (Article 5.5 of the Declaration on Page 19).

- A. **Vehicles Registration.** All vehicles must be registered with the HOA and obtain a sticker. Application is available on the Association's website; sticker will need to be picked up during office hour at the clubhouse.
- B. **Private Passenger Vehicles.** Private passenger vehicles must be parked in an enclosed garage or on a driveway.
- C. **Non-Passenger Vehicle in Overnight Parking.** No commercial vehicle, recreational vehicle, all-terrain vehicles, boat, trailer of any kind, mobile home, low speed vehicle ("LSV") or golf cart may be parked overnight on subject property unless in a fully enclosed garage.
- D. **Prohibited Parking.** No overnight parking is permitted on any street. No parking on lawns at anytime. The sidewalk or pedestrian path cannot be blocked in any way at any time. Vehicles may be towed or have a disabling boot placed on it at registered owner's expense, violation will be reported on owner account and fines may apply. Towing company information can be found on the association website or at the clubhouse information board.
- E. **Temporary Parking.** Temporary parking permits are available and issued by the Property Manager to park overnight at the clubhouse.
- F. **Unregistered Vehicles.** No unregistered vehicles with the States of any kind may be parked on the subject property unless in a fully enclosed garage.
- G. **Non Street Legal/ All-Terrain.** Non street legal vehicles are prohibited. No all-terrain vehicles may be driven within the community.
- H. **Vehicles with Commercial Signs/Letters.** Any vehicle containing commercial lettering or signs must be covered with an approved, neutral color, vehicle cover. Magnetic blank sign covers may be used to cover a small area on a vehicle and shall be of a color to match with overall vehicle color.
- I. **Equipment Storage of Motor Vehicles.** Any vehicle containing ladders, chemicals, pumps, tanks, or other maintenance equipment CAN NOT park in any driveway overnight.
- J. **Garage Doors.** All garage doors are to be kept closed except when the Owner or resident or worker retained by the owner/resident is performing work inside the garage or in the yard.
- K. **Golf Carts.** Golf carts must be registered with the Association. Application is available on the Association's website.

## IX. LAKES AND FISHING

- A. **Swimming Prohibited.** Swimming and wading are prohibited in the lakes.
- B. **Fishing.** Fishing from the shore on Association property or common areas is permitted. Residents must obtain a permit from the association. Application is available on the Association website. Residents must follow all Florida Fish and Wildlife Commission rules and regulations. <https://myfwc.com/>
- C. **Catch and Release.** Fishing is catch-and-release.

- D. **Fish and Wildlife.** Alligators, snakes, and other wildlife may be present. Ducks and Wildlife must NOT be fed, teased, mistreated, trapped, or destroyed. (Pursuant to Article 5.45 of the Declaration on page 25). Exceptional danger should be reported to the trapper or Florida Fish and Wildlife Commission.
- E. **Risk.** Use of the lakes is at your own risk.
- F. **Lake Bank Easement.** The 20-foot lake bank easement is for Association access only, for the maintenance of lakes/lake banks, and is otherwise considered private property. Fishing is not allowed on another owner's lot without prior written permission by the individual homeowner.
- G. **Trash and Waste.** Trash and waste products of any kind must not be deposited into the lake or storm drains.

#### **X. WATERCRAFT**

- A. **Limits of Watercraft.** Watercraft use on Waterways of Naples Lakes must be registered with the Association office. Identification sticker must be placed on the Watercraft. Application is available on the Association's website. Failure to register with the HOA is a violation and could result in a fine. Watercraft may not be longer than 17 feet, must be powered only by hand, foot, oars, paddles, sails, or electric motor, that shall not exceed 5 mph. No gasoline motors are allowed.
- B. **Storage of Watercraft.** When not in use, watercraft must be stored on their embankment and must be maintained in proper and serviceable condition. Any damaged or unsightly vessel must be removed from the exterior of the homeowner's property.
- C. **Risk.** Use of the lakes is at your own risk.

#### **XI. MAINTENANCE: Article 6 of the Declaration on Pages 26-27).**

- A. **Lot and Parcels.** Lot and Parcels: (Article 6.3 of the Declaration on Page 26). Owners must keep and maintain his/her Lot and Parcel.
- B. **Lake Lot Owner.** Lake Lot Owners: (Article 6.3.1 of the Declaration on Page 26). Owners must keep and maintain all lake slopes, or swales abutting such lake lot to Collier County Standards.
- C. **Exterior.** Exterior: (Article 6.3.2 of the Declaration on Page 26). Owners are required to regularly maintain and clean the exterior of their house, roof, driveways, etc. to maintain a proper, clean, and sanitary appearance.

#### **XII. LAWN MAINTENANCE: (Article 5.12 of the Declaration on Page 20).**

- A. **Landscaping Limits.** Trees, plants, bushes, or shrubs on private property and/or front easement must be kept trimmed to avoid obstructing vehicles and pedestrians on streets and sidewalks. Bushes and shrubs on private property and/or on front easement must be kept no more than three (3) feet high from the street height.
- B. **Removal and Replacement of Trees.** Architectural Review Committee (ARC) approval is required for any tree removal or replacement for landscaping purposes. Form is available on the Association's website. (Pursuant to Articles 5.23, 5.23.1, and 5.23.2 of the Declaration on page 22). Any removal of trees for landscaping purposes without prior Association written permission from the ARC may result in fines and the Association may require the homeowner to replace said tree with the same type, size, and quality as previously existed, at homeowners' expense.
- C. **Fruit Trees/Privacy Plantings.** Fruit trees must be planted a minimum of six (6) feet from the property line. Privacy plantings must be planted at least two (2) feet from the property line to avoid encroachments.

- D. **Trimming.** All trees must be trimmed to remove dead branches, fronds, and coconuts annually in preparation for hurricane season.
- E. **Overgrown Lawns.** In the event grass on a Lot exceeds six (6) inches in height, the Association may, but shall not be required to cut such grass, in which event such Lot Owner shall be obligated to pay to the Association, as an assessment, the actual cost for such grass cutting plus Twenty-Five and 00/100 Dollars (\$25.00) as a service fee.
- F. **Homeowner Responsibility.** Homeowners are responsible to maintain their property to be in a clean and sanitary manner. Driveways, flowerbeds, and walkways shall be free of weeds and edged. All flower beds must have mulch or ground cover rock and all plantings are to be maintained and trimmed in a well-kept manner. All dead plantings must be removed and replaced.
- G. **Hydrant and Mailbox Landscaping.** Landscaping near fire hydrants, mailboxes and signs must not damage or obscure them or interfere with their function. Mailbox plantings must not be higher than two (2) feet from the ground, and no more than two (2) feet around in diameter, nor be supported by the mailbox or post. Nothing may be attached to the mailbox or post.
- H. **Encroachments.** Property boundaries must be respected; no encroachment (as defined in Article 4.4 of the Declaration on page 17) on neighbors' property will be permitted. If an encroachment is reported to the Association, the Board of Directors may act against the encroaching owner.
- I. **Areca Palms.** The Board of Directors strongly discourages the use of Areca Palms due to being fast growing and their reputation of being unsanitary.
- J. **Drainage.** Drainage swales between lots are for the purpose of natural water flow. No obstructions or debris shall be placed in these areas or cause the redirection of the water flow into the lake, storm gutters and drains.

**XIII. IRRIGATION SCHEDULE:** (Articles 5.15, 5.15.1, 5.15.2, 5.15.3 of the Declaration on pages 20 and 21)

Irrigation is limited to 3 days per week.

Odd numbers: - Monday, Wednesday, and Saturday from 12:00 AM to 6:00 AM.

Even numbers: -Tuesdays, Thursdays, and Sundays from 12:00 AM to 6:00 AM.

**NO IRRIGATION ON FRIDAYS!**

**IRRIGATION FROM 10:00 AM- 4:00 PM IS PROHIBITED AND ENFORCED BY COLLIER COUNTY.**

Times and dates are subject to change per guidance from Collier County ordinance 2015-27. It is highly recommended for residents to periodically reference the county ordinance for updates, as the Association will not be held responsible for Collier County changes or updates.

**XIV. TRASH PICKUP AND CONTAINER STORAGE:** (Article 5.46 of the Declaration on page 25)

Note: The rules in this section are a simplified compilation of Collier County requirements in addition to the Association covenants.

- A. **Waste Management.** Waste Management recycle, trash, and yard waste may not be set out before 4:00 PM on the day prior to pick-up. Trash containers must be returned to storage by the end of the day of pick up. Household Hazardous Waste shall not be placed in garbage containers. Call 252-2380 for special drop-off locations.

- B. **Bulk Item Pick-Up.** Bulk Item Pick-ups that do not fit in trash containers may be set out on Tuesdays. For Electronic and appliances you must call the county at least 48 hours prior to collection day to schedule a bulk item pick-up.
- C. **Items not Picked-Up by Waste Management.** If any item was not picked up and taken by Waste Management, for any reason, and was left behind, said items must be removed from the curb and returned to a location out of the public view, on the same day, by the end of the day. Failure to do so will result in a violation.
- D. **Garbage Rules.** Garbage and trash shall not be permitted to unreasonably accumulate and shall not be placed or dumped on any portion of your property, or property of others including any common areas and garbage bin areas designated for Clubhouse use.
- E. **Storage of Trash Containers.** Except when placed for collection, all containers shall be kept inside a unit or other area intended for such use that must be screened from view and sight of others. Containers must be clean and kept in a sanitary condition. Outdoor garbage enclosure is permissible with ARC Approval. Specification for garbage enclosure may be found on the ARC request form. Form must be submitted to the ARC Prior to installation.

## **XV. GENERAL**

- A. **Leases:** (Article 14 of the Declaration on page 34) A lease application must be submitted to the Association office prior to tenant occupancy. No lease shall be for a period less than six (6) months and no more than two (2) times a year. Renewals or extensions of lease agreements shall be submitted at least 30 days in advance of the expiration of the lease agreements.
- B. **Portable Buildings (POD) :**(Article 5.19 of the Declaration on page 21) No portable, temporary or any storage, accessory buildings, structures, sheds, or portable pods shall be erected without prior approval of the ARC, which consent may be withheld in the exercise of the sole and absolute discretion of the Association, and in all events, such permitted building or structure must be shielded by the Owner thereof from the view from adjoining Lots and common areas. Portable on demand storage (PODS) cannot be installed on sidewalk or grass. Pods cannot stay more than seven (7) days.
- C. **Flagpoles:** (Article 5.25 of the Declaration on Page 22)In accordance with Chapter 720 Section 720.304(2) of the Florida Homeowners' Association Act, a homeowner may respectfully display one United States flag, or official flag of Florida, that is not larger than 52-inches x 72 inches. Grounded flagpoles need prior approval by the ARC and comply with federal requirements.
- D. **Signs:**(Article 5.24 of the Declaration on Page 22) **NO SIGNS ALLOWED**
  1. "Open house" signs are permitted from 9:00 AM to 3:00 PM only on the weekend and/or day of the open house. One (1) small "flyer box" will be permitted in the area of the mailbox to facilitate sale of property.
  2. Any sign installed in violation of this Paragraph may be removed by the Property Manager without prior notice to the Owner, such removal shall not be deemed a trespass and the Property Manager shall not be liable to the Owner or any other party whatsoever for such removal or any loss or damage associated with such removal.
- E. **Fences:** (Article 5.37 of the Declaration on page 24) No fence is permitted in the front of the dwelling unit. Only vinyl coated chain link, and railing style aluminum, wrought iron, or PVC of four (4) feet or less in height shall be permitted. All such fencing will require ARC approval prior to installation along with

required documentation obtained from the Collier County Growth Management Department. Any fence installed within an easement will require an additional agreement with the Association.

- F. **Pets:** (Article 5.4 of the Declaration on Page 19). Typically, no more than two (2) common household domestic pets are allowed. Prior written consent of the Association is required if a homeowner would like to keep more than 2 pets in the Dwelling Unit. All pets must be kept on leash when outside of a Dwelling Unit or fenced-in portion of a lot. **No pet will be permitted to create an unreasonable nuisance or annoyance to other Owners or Residents. Each pet owner must pick up and remove any solid animal waste. No pet shall be permitted to go or stray onto any other lot without the written permission of the owner of such Lot.** No commercial breeding is permitted.
- G. **Air Conditioning:** (Article 5.2 of the Declaration on page 18) No window air conditioning unit shall be used.
- H. **Nuisance:** (Article 5.34 of the Declaration on page 23) Examples of conduct that creates an annoyance or disturbance to others, includes, but is not limited to:
1. Loud, consistent noise in the form of music, yelling, or use of electronic devices.
  2. Creating conditions for insect and rodent infestation into neighboring units and common areas.
  3. Perpetrator of Domestic violence, frequent arrival of emergency services and police at all hours.
  4. Visually unappealing property conditions.
  5. Foul, inappropriate, and abusive language, excessive noise, obscene gestures and/or behavior.
  6. No owners and/or occupants shall permit any nuisance based on Governing Documents and Collier County Ordinance to exist upon or within the Dwelling unit.
- I. **Quiet Hours:** Contractors and builders are only permitted on the grounds during certain hours. Those same hours should also apply to residents' use of outdoor power tools and equipment. Gasoline, electric and pneumatic powered tools, and equipment should not be operated outdoors or in an open garage except as follows:
1. Monday thru Friday 7:00 AM - 6:00 PM.
  2. Saturday 8:00 AM - 3:00 PM.
  3. Sundays and Holidays are not allowed.
  4. Exceptions:
    - a. Residents will be allowed to perform landscape functions that produce noise (i.e. mowing, lawn trimming, edging) Sundays and Holidays from 9:00 AM - 3:00 PM only.
    - b. Utility vendors (i.e., Comcast, Direct TV, FPL, and Collier County Utilities) are allowed for an emergency.
- J. **Commercial Activity:** (Article 5.32 of the Declaration on page 23): No business or any other non-residential use of a residence, shall be conducted by anyone from a house, garage or lot, this includes, but is not limited to customers, clients, patients, or the like that are required to come to the house, or it is apparent to others that a business of some type is being conducted out of the residence (i.e. daycare, tax preparation, auto repair, pet boarding, etc.).

**K Exterior Home Improvements -Architectural Review Committee (ARC):** (Article 5.19 of the Declaration page 21, Article 5.33 of the Declaration on page 23, and Article 19 of the Declaration on page 45):

All improvements or changes to the exterior of your home, including the installation of accessory outdoor structures requires ARC approval. Forms can be picked up at the clubhouse entry in the flyers boxes or on the Association's website. Failure to submit an ARC request prior to commencing work is a finable offense. The ARC committee has the authority to ask the Board of Directors to recommend a \$100 fine to be levied on homeowners' account. **ARC MUST BE SUBMITTED** for the following:

1. New Roof
2. New Gutters or Replacement.
3. Exterior Painting. (Even if it's the same color)
4. Landscaping new or replacement: trees, rocks, bushes. (Not Grass, mulch, annuals.)
5. Garbage Enclosure.
6. Driveway: painting, resurfacing, paving.
7. Storm shutters and new or replacement of windows.
8. Front door. (Not Painting)
9. Fencing or any outdoor structure addition to the lot.
10. Flagpole.

For any question, please contact the ARC at: [WATERWAYSARC@GMAIL.COM](mailto:WATERWAYSARC@GMAIL.COM)

**L Violation /Code Enforcement Committee (CEC):**

Members of the CEC are approved by the Board of Directors at an open meeting.

1. Association/Management identifies the violation.
2. Violation is notified to the owner via US mail, or certified mail.
3. Notice will contain the following:
  - Description of violation
  - Authority in governing documents to cite the issue as a violation.
  - A picture (optional)
  - The required timeframe to correct the violation.
  - Disclosure of 14 days right to be heard before the CEC.
4. Notice of final fine decision will be sent to the owner and placed on the account ledger.
5. If payment is not received in thirty (30) days, legal letter of non-payment will be sent by the HOA legal representatives.
6. If delinquent more than 90 days and more than \$1000. Voting rights will be suspended by the Board of Directors.
7. The fine cannot exceed \$100 per day, per violation, or \$1000 in the aggregate.