

**AMMENDED AND RESTATED RULES AND REGULATIONS
CURRENT VERSION, SECTION I.**

OF

THE BOARDWALK CONDOMINIUM ASSOCIATION, INC.

In every civilized community there must be certain standards of conduct established in order to protect the rights of all individuals of the community and to assure that the basic right to the pursuit of happiness is not impaired. In our community of condominiums known as the Boardwalk Caper, we shall call these the Rules and Regulations. These Rules and Regulations are elaborated upon herein to let every owner in Boardwalk Caper know what is expected in relationship to all other owners.

These Rules and Regulations have been kept simple for they convey little more than common good sense and courtesy toward your neighbor. They have been designed primarily to assure the comfort, convenience, safety, privacy, and general peace of mind associated with dignified living at the Boardwalk Caper.

I. USE RESTRICTIONS / OWNER RESPONSIBILITIES

1. **Unit Use.** No Unit shall be used for any purpose other than as and for a Single Family residence or dwelling.
2. **Owner's Responsibility.** Unit owners are responsible for damages caused by their own acts or omissions, as well as the acts or omissions of their families, guests, invitees or lessees.

It is the responsibility of unit owners or their agents to inform guests of these rules and regulations, and to provide tenants with a copy of these rules and regulations.

No repairs that are the association's responsibility shall be made or authorized by any unit owner on behalf of the association. If such a repair is needed, the management company should be notified immediately for a determination.

3. **Rentals.** Prior to leasing or renting a unit, Unit Owners shall complete and submit to the management company, the APPLICATION FOR PROPOSED LEASE, and a copy of the written lease agreement. Units may be rented only in their entirety, and no unit shall be rented for hotel transient purposes. In order to facilitate compliance with Florida Statute Section 509.242, no unit in Boardwalk Caper I & II shall be rented for a period of less than thirty (30) days. Violations may be filed with the Department of Business and Professional Regulation, Division of Hotels and Restaurants.

4. **Trash.** Do not overfill dumpster or leave any items outside of the dumpster.

Exhibit "D" to Amended and Restated Declaration of Condominium
(Amended and Restated Rules and Regulations)

Page 2 of 19

LAW OFFICES
BECKER & POLIAKOFF, P.A.
14241 METROPOLIS AVENUE • SUITE 100 • FORT MYERS, FL 33912
TELEPHONE (239) 433-7707

For large items please call the management company for the phone number to arrange for a **FREE pick up**. Place large items scheduled for pick up outside the dumpster enclosure **only** on the day they are scheduled to be picked up.

Be careful when recycling to place appropriate items in correct containers.

Cardboard boxes **MUST** be broken down and placed inside of recycling bins.

Make sure lids are closed at all times to prevent animals from entering.

All carpets, furniture, appliances, construction debris, etc. must be removed from the property by the contractor. (Please secure permission from the Association before bringing a dumpster on property.)

Please be courteous, ignoring any of these rules means other Unit owners will be inconvenienced by your actions.

5. **Noise.** Residents should be extremely considerate about making noises that might disturb other residents. Between the hours of 10:00 P.M. and 8:00 A.M., no residents shall play or allow to be played any sound generating device or create noise of any kind at such volume that it can be heard beyond the confines of their own unit.

6. **Pets.** A pet is defined as a dog or a cat that weighs less than twenty (20) pounds, small birds such as a parakeets, and small fish such as a gold fish. Unit owners may have one dog, or one cat, or one dog and one cat. No pets shall be raised for commercial purposes. Owners of pets agree to remove from the premises upon demand, any pet determined by the Board to be a nuisance. Pets are not to be tethered to ground anchors or other fixed objects. All pets must be leashed at all times when outside. Owners are responsible for the immediate removal of feces. Renters may not have any pets.

7. **Vehicles/Parking.** Both assigned and unassigned parking spaces may only be occupied by authorized types of motor vehicles except that with prior Board authorization boats on trailers, camper trailers, and RVs may occupy parking spaces for up to 24 hours two (2) times in a 12 month period for the purpose of arriving and departing for the season. Authorized types of motor vehicles means passenger cars, minivans, motorcycles with proper mufflers, SUVs, pickup trucks up to $\frac{3}{4}$ ton (open bed pickup trucks must have a covered cargo bed when it contains materials). Authorized vehicles shall not adorn signs or advertising of any kind (dealer names on license plate frames and the like are exceptions). Service vehicles are permitted on the premises during daylight hours only.

Authorized vehicles must be validly licensed, as well as in good operating and physical condition. No motor vehicle shall be parked anywhere other than in designated parking areas. Unassigned parking spaces shall be available for use by any of the owners on an open availability basis. The Condominium was built with a total (both covered-assigned and unassigned) of one and one half (1½) parking spaces per unit. Unit owners must make arrangement to facilitate moving within forty-eight (48) hours of notice by the association, any vehicle that they have, have had, or have allowed to be parked in either an assigned or unassigned parking space.

Exhibit "D" to Amended and Restated Declaration of Condominium
(Amended and Restated Rules and Regulations)

Page 3 of 19

LAW OFFICES
BECKER & POLIAKOFF, P.A.
14241 METROPOLIS AVENUE • SUITE 100 • FORT MYERS, FL 33912
TELEPHONE (239) 433-7707

The association will move, at the owners' expense, any vehicle not moved within forty-eight (48) hours. In case of an emergency the association will move, at the owner's expense, any vehicle that cannot be immediately moved by the owner from either assigned or unassigned parking spaces.

Vehicle repairs and maintenance are not permitted on the premises with the exception of emergency repairs.

Car covers must be custom made and full body with the license plate visible. Vehicles must be properly registered and licensed and insured. Automobiles may not be stored on blocks.

Wheeled conveyances such as but not limited to roller-skates and roller-blades, may only be ridden on the black top. Use on the boardwalk or a walkway is prohibited. Strollers, medical scooters and wheel chairs are exceptions to this prohibition.

7A **Bicycles** and/or similar conveyances may only be stored/parked within the Unit courtyard, storage shed, lanai, or within the unit itself. If stored/parked in, on, or under any other common or Limited Common Element they will be removed at the owner's expense.

8. **Limited Common Elements.** Nothing shall be placed on the balcony. Nothing shall be hung on or from the exterior side of the courtyard fence. No items in the courtyard shall be taller than the existing fence.

8A. **Decorations During the Holiday Season** may be temporarily placed on or hung from: Unit balconies, balcony railings, the exterior side of the courtyard fence/gate, and those trees and scrubs abutting the Unit courtyard fence/gate for a maximum of ~~twenty-nine (29)~~ forty-nine (49) consecutive days beginning on ~~December 11th~~ November 21st and ending on January 8th each fiscal year. Anything that is hung or placed in these locations at any other time will be removed by the management company and discarded. Under no circumstances shall screws, bolts, nails, adhesives, or devices of any kind that would pierce, adhere to, or alter the balcony, balcony railing, courtyard fence/gate, trees, or ~~scrubs~~ shrubs, in any way, be used to secure such decorations. Unit owners hanging or placing Seasonal Decorations assume complete responsibility for any and all consequences resulting from this action.

9. **Common Areas.** These areas are not intended for activities such as baseball, football, Frisbee or any other airborne games. Skateboards are not permitted. Walkways and other Common Areas and facilities of a similar nature must remain unobstructed. They shall be used only for normal pedestrian transit. When in the Common Areas, children under the age of twelve (12) shall be supervised at all times by an adult of eighteen (18) years of age or older.

10. **Entrance Door Locks.** This door must be keyed to the association master key and only the dead bolt may be lockable.

11. **Grills.** Outdoor cooking may be done only within the fenced courtyard, and never in the screened lanais. Grills are to be operated away from the plastic fencing and vinyl siding.

Exhibit "D" to Amended and Restated Declaration of Condominium
(Amended and Restated Rules and Regulations)

Page 4 of 19

LAW OFFICES
BECKER & POLIAKOFF, P.A.
14241 METROPOLIS AVENUE • SUITE 100 • FORT MYERS, FL 33912
TELEPHONE (239) 433-7707

12. **Names and Notices.** No Unit Owner shall cause any signs of any nature whatsoever, to be posted or affixed to any of the Common Elements, Limited Common Elements, or in his respective Unit if such sign may be seen from any portion of the Common Elements. Only owners or lessees may post their name(s) or any other notice(s). Names may only be posted above mailboxes and shall be done so by the Association. Notices may not exceed 3”X 5”, and may only be posted on the bulletin boards located at the mailboxes and the pool houses for a maximum period of thirty (30) days.

13. **Lanai Enclosures.** Vinyl/Aluminum Lanai Enclosures are permitted but must be approved by the Association and meet its specifications prior to their installation. Lanai enclosures are not considered hurricane proof and must be removed when the owner leaves for the season and/or prior to evacuating for an actual hurricane. Maintenance of the lanai enclosures is the owner’s responsibility.

14. **Blinds on Lanai.** Any blinds installed on the lanai shall be either white or black in color. The edges of the blinds shall meet the vertical posts. Faded, sagging or similarly deteriorated blinds as determined by the Association shall be replaced or removed upon request.

15. **Building Wiring.** No owner, lessee, contractor or licensee shall install wiring through any wall, roof, or on the exterior of any building, unless authorized to do so by the Association and only in compliance with local codes.

16. **Television antennas.** External television antennas are prohibited. Private satellite dishes cannot be attached to any part of any building or structure nor be placed in any Common Area.

17. **Security Front Doors with Screens.** Security Front Doors with Screens are permitted but must be approved by the Association and meet its specifications prior to their installation.

18. **Vinyl/Aluminum Lanai Enclosures.** Vinyl/Aluminum Lanai Enclosures are permitted but must be approved by the Association and meet its specifications prior to their installation. In addition to these Rules and Regulations, which may be amended from time to time by the Board of Directors, additional use restrictions are also contained elsewhere in the Condominium Documents.

19. **Alterations.** Unit Owners intending to make alterations to a Unit, Common Element, or Limited Common Element shall complete the UNIT OWNER’S INTENT TO MAKE ALTERATION FORM. The form shall be submitted to, and response shall be received from, an Association Officer or the Management Company before beginning any alterations.

Exhibit “D” to Amended and Restated Declaration of Condominium
(Amended and Restated Rules and Regulations)

Page 4b of 19

LAW OFFICES
BECKER & POLIAKOFF, P.A.
14241 METROPOLIS AVENUE • SUITE 100 • FORT MYERS, FL 33912
TELEPHONE (239) 433-7707