

**ENCLAVE OF NAPLES CONDOMINIUM ASSOCIATION, INC.  
COMMUNITY GUIDELINES  
AND  
RULES AND REGULATIONS  
REVISED MARCH 2020**

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**AMENDED AND RESTATED  
RULES AND REGULATIONS**

**OF**

**ENCLAVE OF NAPLES CONDOMINIUM ASSOCIATION, INC**

**PREAMBLE:**

For the mutual benefit of all unit owners, the following Rules and Regulation have been established by your Board of Directors pursuant to the By-laws of the association. The enjoyment of condominium living will be greatly enhanced by their careful observation. Please read and familiarize yourself with them. The Board has made the manager responsible for their enforcement. Violation and exceptions may seem minor to an owner but can create a major problem when multiplied by 28-unit owners.

**HOLIDAYS:** Holidays for the Enclave to be referred to throughout the Guideline and Rules and Regulations are as follows:

- Thanksgiving, Christmas Day, New Year, Easter Sunday, and Presidents Day.

**1.0 GUEST SUITES.** There are two guest suites, which are intended for use only by guests of owners. If the guest is under twenty-one (21) years of age, an adult must also occupy the suite to provide supervision. No more than four (4) persons may occupy each guest suite. The following restrictions and rules have been adopted to set forth the procedures for reserving the suites and to ensure that the suites are made available to all owners on a fair and equitable basis.

**1.1** The owner must be in residence when his/her guests are in the suite.

**1.2** Requests must be made to the manager's office during the normal working hours, Monday through Friday, or on our website. The request must contain the name(s) of the guest(s) and the length of their intended stay. To permit the use of the suite on a first-request basis, the office will make note of the date this request is made.

**1.3** No reservation request will be accepted if made earlier than one hundred eighty (180) days (six 6 months) in advance. For this purpose, the calculation shall be made with reference to the day of the commencement of the period of the reservation except for holidays. If the owner had reserved the suites the prior year for the same holiday, that reservation will not be honored unless no other owner has reserved the suite by 45 days prior.

**1.4** Suites may be reserved for a maximum of seven (7) nights.

- 1.5** A reservation may be extended up to an additional seven nights. If at the end of the original reservation period; no other reservation requests exist, with respect to one of the suites. The maximum stay during the months of October 1 thru April 30, is limited to fourteen (14) nights.
- 1.6** Guest Suite reservations may be cancelled as follows:  
October 1 to April 30: seventy-two (72) hours' notice must be given except for Holiday weeks; One (1) week notice must be given. Should a reservation be made and not utilized or cancelled within the timelines noted, two (2) nights charge plus taxes will be billed to the owner who made the reservation. May 1 to September 30 there will be no cancellation charge except if another owner had the same dates as a standby reservation and they were unable to utilize the suite.
- 1.7** If any owner seeks to reserve both guest suites at a time when a reservation is not on file for either guest suite, the reservation for one of the suites will be approved, and the reservation for the other suite will be conditionally approved. Should the second guest suite requested not be reserved within forty-five (45) days of the requested dates, the request for the second suite will be honored.
- 1.8** Owners are responsible for any loss or damage sustained in the guest suite during their reservation.
- 1.9** Pets are not allowed in the guest suite at any time.
- 1.10** No daily maid service is provided with the use of a guest suite. The suite will be cleaned, and fresh linen supplied after each reservation. During a seven (7) day reservation, the suite may be cleaned, and fresh linen supplied in the middle of the time period upon request for a cleaning fee of fifty dollars (\$50.00).
- 1.11** Guest suite CHECK-IN time is 4:00 P.M. and CHECK-OUT time is 11:00 A.M.
- 1.11.1** Keys picked up before 4:00 P.M. or returned after 11:00 A.M. will result in an additional night's fee.
- 1.12** The fee for the guest suite will be \$125.00 per day, October 1 to April 30 and \$100.00 per day from May 1 to September 30, payable by the owner, or such other rate as may be established by the Board, plus a cleaning fee of \$50.00 per occupancy, and / or cleaning.
- 1.13** There is NO SMOKING in the guest suites or the surrounding area. The Enclave is a NO SMOKING property.

## 2.0 SOCIAL ROOM

- 2.1 These facilities are for use only by owners and their guests, including for private parties (owners must be in attendance for private parties) of owners only.
- 2.2 Reservations for private parties should be made with the manager's office and approval will be granted on a first-request basis. No reservation requests will be accepted if made earlier than one hundred eighty (180) days in advance.
- 2.3 Owners reserving these facilities are held responsible for the return to a clean and orderly state. The manager will arrange to have this facility cleaned for \$50.00 at the owner's request.
- 2.4 At holiday times, if a specific date for use of the party room is requested by more than one owner, reservation will be given on a first come first served basis. If the owner had reserved the social room the prior year for the same holiday, that reservation will not be honored unless no other owner has reserved the suite by forty-five (45) days prior.

## 3.0 POOL AND SPA AREA

**All persons must be properly attired when going to and from the building, and from or to the pool, exercise room or beach area. A-cover-up or shirt and foot covering are mandatory for everyone. Persons with wet, dripping bathing suits should dry off before entering the building. All persons are required to wipe water and sand off feet and / or shoes before entering the building. No bare feet allowed anywhere in the building.**

- 3.1 Persons in diapers must have the appropriate swim diapers.
- 3.2 No pets are allowed in or immediately adjacent to the pool area.
- 3.3 Shower before entering the pool.
- 3.4 Pool capacity is thirty (30) people.
- 3.5 Emergency telephone is located outside the exercise room.
- 3.6 No glass objects are allowed in the pool area. No food or drinks are allowed in the pool. Food only allowed near the dining/bar/grill canopy area.
- 3.7 Children under age twelve (12) are allowed in the pool only when supervised by an adult.
- 3.8 Private functions held on the pool deck require prior scheduling and approval by the manager.

**3.8.1** Private functions held on a holiday will require a thirty (30) day notice and approval by manager.

**3.9** Use of audio devices are not permitted unless earphones are used.

**3.10** No large rafts or ball playing in the pool. Flotation devices are allowed.

**3.11** All personal items are to be removed from the pool area when leaving the pool area.

**3.12** No running or horseplay allowed on pool deck or in the pool area.

**3.13** Hours for use of pool area and pool are 7:00 A.M. – 9:30 P.M.

**3.14** Maximum heated temperature of the pool is eighty-four (84) degrees F.

#### **4.0 SPA RULES**

**4.1** The pool policies apply to the spa.

**4.2** Residents are strongly advised to seek approval of their physician before using the spa.

**4.2.1** For medical reasons, infants and toddlers should not use the spa.

**4.3** Maximum temperature in spa will be one hundred four (104) degrees F.

**4.4** Maximum capacity is seven (7) people

#### **5.0 BEACH EQUIPMENT**

**5.1** Beach chairs, umbrellas, and wagons are available for use by Enclave owners and guests. The equipment is stored in the pool storage room to the left of the pool lobby door near beach walk gate.

**5.2** Use of equipment is on a first come first served basis.

**5.3** The equipment is not to be left on the beach when users have returned to the building.

**5.4** All equipment is to be rinsed and returned to the pool storage room and placed where found. No personal items are permitted in the pool storage room.

**5.5** If a piece of equipment needs repair, notify an Enclave employee.

**5.6** Paddle boards and kayaks may be temporarily stored in the grass off the beach walkway near the foot wash station. They may not be left over night.

## **6.0 EXERCISE ROOM AND SAUNAS**

The exercise room and saunas are primarily for use by adults. Children (under 16) must be accompanied by an adult.

**6.1** All persons using such facilities do so at their own risk. Only Enclave equipment will be kept in the exercise room. Storage of personal exercise equipment is not permitted in the exercise room or the locker rooms. A limited number of lockers are available on a first come first served basis. Reserving and /or use of more than one piece of equipment at a time is not allowed.

**6.2** Should an owner and their guests who are staying on premises, choose to hold a group training session of three (3) or more, 48 hours' notice is required by posting a notice on the door (or prominent position) of the exercise room.

**6.3** Cardio equipment is to be used only by persons 16 years or older.

**6.4** Return all equipment to its original location.

**7.0 TENNIS COURT.** The use of the tennis court is limited to owners and their guests. Any child under twelve (12) years of age must be accompanied by an adult. An owner may reserve court time by contacting the front desk. If others are waiting to use the court, players are requested to restrict their usage to one hour at a time for singles and two hours at a time for doubles.

## **8.0 PETS**

**8.1** Two (2) cats, two (2) dogs, or one (1) cat and one (1) dog (two (2) maximum) not to exceed seventeen (17) inches in height measured at the shoulder at maturity, or thirty (30) pounds of weight for each dog or cat, may be kept on premises. For the safety of the pet and owners, pets are to be kept on a leash or carried in a pet carrier while outside its owner's unit.

**8.2** If a majority of the Board of Directors feels a pet kept on the premises is a nuisance, the owner will be notified in writing and will be required to immediately remove said pet from the premises.

## **9.0 ELEVATORS**

**9.1** The elevators must be properly used to avoid unnecessary and costly repairs. Any misuse shall be the responsibility of the owners.

**9.2** Children using the elevator by themselves, shall be instructed by an adult in its proper use.

**9.3** The elevator doors must never be propped open or held open except by using the “Door Open” button. Please do not hold the door open button for extended periods of time. This can damage the controls and delay others wishing to use the elevator.

**9.4** Contractors, movers, delivery personnel etc.:

**9.4.1** You must arrange for the use of the dedicated elevator to transport anything that cannot be carried. Please arrange the use of the dedicated elevator with the building manager, if possible, at least twenty-four (24) hours prior.

**9.4.2** You will be permitted to use the #2 / Service Elevator only.

**9.4.3** This dedicated elevator will be protected as much as possible against damage. However, cleaning and repairing any damage will be the unit owner’s responsibility.

**9.4.4** To allow others to use the dedicated elevator, you will be given a maximum of ten (10) minutes to either load or unload the cab. This means you must stage relatively small loads in the staging area or adjacent to the elevators in the unit. Under no circumstances should the doors be blocked.

**9.4.5** During construction season, when a large number of items are to be taken to a unit, the contractor must obtain a key from the security office to properly run the elevator to allow the doors to be held open without damaging the elevator.

**9.5** Use the LR (lobby rear) button in elevator #2 to exit to the service area,

**10.0 GROCERY AND LUGGAGE CARTS.** The use of association grocery carts and luggage carts is designed to assist residents and guests in transporting items. Residents or guests using such carts are requested to return the cart immediately to the security office. Do not leave carts in your unit or on the elevator.

**11.0 TRASH CHUTE**

**11.1** The garbage disposal in your unit should be used for all soft and wet garbage. Heavy-duty plastic bags, tied securely, should be used for the disposal of dry disposable trash and should be placed in the trash chute.

**11.2** Commingled recyclable products (aluminum cans, glass bottles, jars, tin cans, and plastic beverage containers) must be brought down to the trash room and placed in the large blue dumpsters.

- 11.3 Paper recyclable products (newspapers and inserts, magazines, junk mail, office paper, phone books, and brown paper bags) can be placed in newspaper chute.
- 11.4 Large boxes or other large items should be taken to the trash room.
- 11.5 Damp Rid is not to be disposed of down the trash chute. It must be brought down to the trash room and disposed of in the trash container. Do not place in recycle container.

**12.0 BICYCLES.** Bicycles shall be kept in the owner's garage and their use confined to paved roadways. Note that bicycles are not allowed on the beach walk.

### **13.0 NOISE**

- 13.1 Out of consideration for your neighbors, residents and guests are requested to keep noise to a minimum.
- 13.2 Construction hours are from 8:00 A.M. to 3:45 P.M. Monday through Friday, May 15 through October 15. Contractors and service personnel must be off the premises by 4:00 P.M. It is the responsibility of the owners to see that these hours are adhered to. Care should be taken in the use of personal audio equipment to ensure that use does not disturb neighbors. These hours may be adjusted by the Board as needed.

### **14.0 AUTOMOBILE PARKING**

- 14.1 Garages have been assigned to individual units and are so marked. These garages are for the exclusive use of non-commercial passenger vehicles.
- 14.2 Written permission for use of an owner's garage by a person other than a member of the owner's family must be on file in the manager's office.
- 14.3 The parking spaces inside the gate are referred to as visitor parking and the spaces outside the gate are referred to as service parking.
- 14.4 No unit owner's car is to be parked in the visitor parking overnight. Parking for short periods of time is allowed during the day.
- 14.5 Parking is not permitted in the circle around the tower. Service trucks, trailers, or campers are not permitted to park on property except to load or unload during working hours. Parking for these vehicles is permitted in the service parking lot. No overnight parking is allowed by trucks, trailers, campers, mobile homes, buses, boats, or boat trailers either in a parking space or on any common area subject to the control of the Enclave.



- 14.6** Residents are requested to advise their visitors to park in the visitor parking areas.
- 14.7** All contractors, service personnel, housekeepers, or any other person who receives compensation must park outside the gate. They may park in the circle to load or unload only and must then remove the vehicle to the parking area outside the gate. Employees of owners are permitted to park in the Service Parking lot. They are not to park in the Visitors' Parking or waiting zones.
- 14.8** When owner's guests are expected to exceed seven (7) automobiles, the owner must have valet parking. Valet parkers can utilize ten (10) visitor spaces to the east of the flagpole. The three visitor spaces to the west of the flagpole will remain open for guests of the other residents. The remaining cars must be parked outside the gate in Service Parking. The valet parkers will, at no time, block owner's access to their individual garages. The number of valet parkers must be adjusted to ensure that adequate people are available to prevent blocking of the entrance / exit to the building. The following coverage is required: **8-12 vehicles 2 valets / 15-29 vehicles 4 valets / over 30 vehicles – Special arrangements must be made.**
- 14.9** During inclement weather or overnight care only, security may allow health care providers to park inside the gate if they are: a licensed physical therapist, registered nurse, lab technician or doctor; not driving a commercial vehicle; attending to a resident. When parked inside, these individuals must park east of the flagpole.

**15.0 UNIT REPAIRS.** If you have any questions as to whom to contact for repairs, consult the owner's directory, or ask the manager. Problems within an owner's unit are the sole responsibility of the owner. However, in an emergency, our staff is here to help.

## **16.0 ENFORCEMENT OF RULES**

**16.1** The Board of Directors has made the manager responsible for the enforcement of the rules and regulations. If corrective action is beyond the scope of the manager's duties, he/she will refer such action and complaints to the Board.

**16.2** Suggestions or complaints shall be made in writing and signed.

## **17.0 BUILDING ENTRY AND ACCESS CONTROL**

**17.1** All common area doors are keyed to a single key. All electronically activated doors are operated by a fob from the outside and from a button on the inside of the building. Residents and guests are requested to

make sure that any door opened is returned to locked position after use. The security of our building depends greatly upon everyone's cooperation in this manner.

- 17.2** When an owner is not in residence, owners are requested to furnish the manager with keys that will enable staff to enter the unit and garage and to move automobiles as necessary.
- 17.3** All doors to the building are to be kept locked at all times. Residents and guests should have their keys and fobs with them when leaving the building. If an emergency arises and you cannot get in, contact the front desk.
- 17.4** Officers are on duty in the building twenty-four (24) hours a day. They are responsible for preventing unauthorized persons from entering the building or grounds. They are also responsible for reminding residents and guests of any violation of the rules.
  - 17.4.1** Unit owners may request individual pin codes to operate keypads at various doors. Contact management to set up your pin codes.  
**Do not share your pin code with guests or non- residents.**
  - 17.4.2** Temporary pin codes and fobs may be provided to your guests for use during their stay. Contact management to obtain.
- 17.5** The officer on duty shall notify occupants by telephone before permitting anyone to proceed unless the owner has made previous arrangements.
- 17.6** Officers shall maintain a log of all workers who enter the building, recording the arrival and departure times. Workers will not be permitted to enter an unoccupied unit unless authorization of the owner has been given to the office and is on file in the manager's office.
- 17.7** Officers are physically able to observe persons entering and leaving the building as well as all common areas by cameras. Camera footage is monitored and recorded.
- 17.8** No soliciting of any type is permitted in the building or on the grounds.
- 17.9** Owners are to notify the front desk of all guests and contractors who are to visit their unit.
  - 17.9.1.1** Vendors may be turned away if they have not been previously authorized or the front desk notified.

**17.9.1.2** If the owner is not in residence and a contractor has not been previously authorized, they will need to reschedule. This includes housekeeping. Regular housekeepers can call the front desk the day before or morning of service. If they arrive without previous notification, staff will not open unit for them and they will need to reschedule.

## **18.0 COMMON AREAS AND THEIR USE**

**18.1** Common areas are defined as the main lobby, social room, stairways, pool, pool deck, elevators, tennis courts, pool room, trash rooms, meter rooms, and service area. Nothing may be placed in any common area without the approval of the association through the manager.

**18.2** Children under twelve (12) years of age shall be under the supervision of a responsible adult whenever using a common area.

**18.3** The use of the Enclave's common area facilities is intended for the enhancement of the resident's lifestyle. Therefore, the use of these facilities is limited to owners and their guests. No use of these facilities is permitted by others if the owner is not present.

**18.4** The common areas are maintained by the maintenance personnel.

**18.5** The Enclave is a NO SMOKING property. Smoking is not permitted in any common areas -- only within the owner's individual units.

**19.0 INTERIOR MAINTENANCE.** The association is not responsible for interior maintenance of units. It will endeavor to maintain adequate supervision without obligation or liability, of unoccupied units, through inspection by staff at periodic intervals, and after heavy storms, power outages, etc., unless requested by the owner not to do so. Any necessary repairs will be at the expense of the owner. Except in emergencies requiring immediate action and when the owner cannot be reached in time, the owner will be contacted for work authorization.

**20.0 BALCONIES.** No screens or floors of balconies shall be washed with water hoses. This is to prevent wetting or damage to units below. Please contact management for information regarding vendors who provide a dripless balcony cleaning service.

## **21.0 MAIL AND PACKAGES**

**21.1** As a service to the owners, the manager or access control will receive packages sent to an owner by mail or other delivery service when authorized to do so by the owner. Every effort will be made to affect delivery of these items to the owners or to place them in the owner's unit. The Enclave and its personnel will not

assume any liability in the event that any such item sent to an owner is for any reason not received by them.

- 21.2 The manager or access control can sign for registered and certified mail. If the owner is not available, it will be placed in the owner's mailbox.
- 21.3 If merchandise received consists of furniture, large or other heavy material, the owner must arrange for delivery to their unit by people other than Enclave personnel.

## **22.0 REGULAR ASSESSMENTS**

- 22.1 Regular assessments for common expenses, based upon an approved Annual Budget adopted by the Board of Directors, will be billed in quarterly installments to each unit owner at least ten (10) days prior to the start of each quarter. Assessments are due on the first day of each new quarter. Failure to send or receive a statement does not excuse the obligation to pay.
- 22.2 Assessments not paid on or before ten (10) days after the due date shall bear interest at the highest rate allowed by law and the unit owner shall be assessed a fine.
- 22.3 In the event any monies owed the association are delinquent, in accordance with Florida State law, a lien will be filed against the unit and interest, late fees, and attorneys' fees will be assessed at the maximum permissible by law.

## **23.0 UNIT UPKEEP.** It is suggested that the unit owner provide ~~the~~ manager with authority to make periodic inspections of the unit during the unit owners' absence. The inspection will cover the following items:

- 23.1 Check smoke alarms to make sure they are working
- 23.2 Flush toilets, making sure water is off before leaving
- 23.3 Run water in kitchen sink and operate disposal
- 23.4 Check refrigerator to make sure icemaker is turned off
- 23.5 Check air conditioning and / or humidistat

## **24.0 MANAGER AND STAFF**

- 24.1 The manager will be responsible for the day-to-day operation of the association's business affairs and the facilities. The manager's specific duties will be at the direction of the Board of Directors.

- 24.2** Employees of the Enclave will be as helpful to owners as possible. However, Enclave employees should not perform personal services that should be handled by owners or their employees. If there is a question about the responsibilities of Enclave employees vs. owner's responsibilities, please consult the manager.
- 24.3** Enclave employees shall be courteous to owners and their guests at all times. No employee should be personally reprimanded by an owner, spouse, family member, or guest. If there are complaints against employees, please discuss them with the manager. If you feel that something should be done to correct the actions of an employee of the Enclave, please put it in writing to the manager. If your complaint is against the manager, please send a letter to the president of the Enclave Condominium Association.
- 24.4** If an owner would like to have an employee of the Enclave perform services for him / her and the employee agrees, these services will not be done during the employee's regular working hours (including breaks and lunch) and they will be at the expense of the owner requesting the service.
- 24.5** The Enclave pays all employees a performance bonus each year, which is paid in December. Should owners wish to give the employees an additional gift, it is at the owner's discretion.
- 25.0 OFFICE HOURS** Office hours are 7:30 A.M. to 4:00 P.M. Monday through Friday. In case of any emergency, the officer on duty will contact the manager.
- 25.1** A copier, printer and fax machine are available for use by owners.
- 26.0 THE BOARD OF DIRECTORS**
- 26.1** The Board is responsible for the setting of policy and the administration of the affairs of the association.
- 26.2** Meeting notices will be posted at least forty-eight (48) hours prior to the board meeting on the association bulletin board and all unit owners may attend.
- 27.0 COMMITTEES**
- 27.1** Committees will be set by the Board of Directors as needed.
- 28.0 UNIT WATER SHUT-OFF.**
- 28.1** Because of high risk of plumbing leaks, all owners are required to turn the main water line valve off in their units when they are not in residence for more than seven (7) consecutive days. The staff will turn the water off at the owner's departure and will turn it back on the scheduled return date, provided the owner notifies the Enclave of the dates.

- 28.2** Each unit is equipped with a water detection system. The system will detect water leaks and turn the water to the unit off. Sensors are placed throughout the unit and shall not be tampered with.
- 28.3** Should a water leak occur, an alarm will sound, and the system will call the security office and management. Management will arrive to rectify the leak. There are instructions in the mechanical room, should you wish to silence the alarm. Do not reset the system until leak had been identified and resolved as resetting the device will turn the water back on and potentially cause water damage.