

*Marsh Landing*

**Community Association at Estero, Inc.**



***General Summary of  
Rules, Regulations &  
Policies***

***October 2014***

**Marsh Landing Community Association at  
Estero, Inc.**

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## 1. Preface

The following Rules and Regulations shall apply to and be binding upon all unit owners, within Marsh Landing. Each Unit Owner is responsible for seeing that family, guests; servants, lessees, vendors and other persons for whom they are responsible observe these Rules and Regulations. Violation of the Rules and Regulations may subject the Unit Owner and the violator to any and all remedies available to the Association and other Unit Owners pursuant to the terms of the Declaration of Covenants and Restrictions of the Marsh Landing Community Association at Estero, Inc., the Articles of Incorporation and the By-Laws of the Association, as amended. The Association may remedy violations by fines, injunction or other legal means. If the Association prevails in any action against a Unit Owner pursuant to a violation of the Rules and Regulations, Declaration, Articles of Incorporation and By-Laws of the Association, as amended, the Association shall be entitled to recover any court cost incurred by it, together with reasonable attorneys' fees. Any waiver, consent or approval given under these Rules and Regulations by the Board of Directors shall be revocable at any time and shall not be considered a waiver, consent or approval of identical or similar situations unless notified in writing by the Board of Directors.

It should be noted that individual neighborhood associations (townhomes and villas) might have stricter rules, regulations & policies than the ones listed below for the Master Association.

## 2. Traffic & Parking

**2.1 Infractions.** The Lee County Sheriff and/or the contracted security company may administer traffic and Parking Infractions to Residents, Members, Renters, Lessees, Guests, Invitees, Vendors and any other person operating a vehicle on the roadways of Marsh Landing in the following manner.

**Speeding:** Anyone operating a motorized vehicle in excess of the posted speed limit of 20 MPH shall be subject to issuance of a "Violation Notice".

**Parking:** Any vehicle found to be parked in violation of Community Rules and Regulations shall be subject to issuance of a "Violation Notice".

**Failure to Stop at a Stop Sign:** Anyone operating a motorized vehicle that does not come to a full stop shall be subject to issuance of a "Violation Notice".

### 2.2 Penalties.

The Lee County Sheriff will issue warnings and/or violations when they are on patrol within Marsh Landing.

The following remedies, fines and penalties may be used for moving and parking infractions when the Lee County Sheriff is not on patrol:

**Verbal warning:** A verbal warning will only be used in the case of immediate danger to health or safety. The verbal warning will be followed up with a written warning delivered to the violator's home address or other address on record with the Association. It is the intent of these procedures that enforcement personnel do not verbally cite violators except in the case of immediate danger to health or safety.

**Written warning:** ("Violation Notice"). A written warning will be issued for the first two violations in any twelve-month period.

**Fines:** The third and subsequent violation in any twelve-month period will result in a monetary fine and/or loss of use of automatic gate controllers.

**2.3 Walking/Bike Riding.** When using the streets, walkers, bike riders, roller skaters, in-line skaters, skate boarders, motorized wheelchairs, and motorized scooters to assist the handicapped should stay as close to the curb as possible. Pedestrians should walk against the flow of the traffic. All others should go with the flow of the traffic. Motor vehicles must yield to pedestrians, bicyclists, skaters, wheelchairs and motorized scooters.

**2.4 Golf Carts.** Electric Golf Carts are permitted on the streets within Marsh Landing. They are subject to the same traffic laws as motor vehicles. They should be driven as close to the right side of the road as possible. Golf cart drivers must be at least 16 years old, have a valid driver's license or be accompanied by an adult. Golf cart drivers should allow motor vehicles that are behind them to pass whenever it is safe.

**2.5 Motorized Vehicles.** All traffic laws of Lee County and the State of Florida apply within Marsh Landing. Drivers of motorized vehicles (cars, trucks, motorcycles, scooters and golf carts) must be at least 16 years old and have a valid driver's license. Gasoline powered motor scooters and ATVs shall not be driven within Marsh Landing.

## 2.6 Parking

### 2.6.1 Residential and Visitor or Guest Parking: (Applies to Condominiums, Villas and Single Family Homes)

**NFPA 1 Fire Code, Florida 2010: *Fire Department Access Roads shall have an unobstructed width of not less than 20 feet. This required width should not be obstructed in any manner, including by the parking of vehicles.***

The majority of Marsh Landing's residential streets are approximately 24 feet wide.

Everyone is encouraged to park in his or her garage and/or driveway, not on the street. Any street parking, when allowed, shall not inhibit emergency vehicle access, mail delivery, and the flow of traffic, fire hydrants, street intersections, utility lift stations, or a neighbor's ability to enter or exit their driveway. All parking must be on street pavement, not on grass. Any vehicle parked in the street must be parked facing the flow of traffic for

that side of the street. No vehicle parked in a driveway may extend beyond the driveway, into the street. Limousines, motor homes, boats, etc. may not be parked in any driveway or street between the hours of 6:00 P.M. and 7:00 A.M. without a Special Parking Permit, which is only issued by a Marsh Landing Board member. Request form are available at the Clubhouse Office and the Marsh Landing website.

***\*Exceptions to these hours for commercial or service vehicles must be given only through the use of Special Parking Permit, which is only issued by a Marsh Landing Board member. (Examples of these types of exceptions would be activities of short duration, such as the need for a moving van loading or unloading, a construction trailer needed for demolition or remodeling a residence, etc.).***

Also, no street parking will be allowed ***at any time at the following locations:***

- **Within 15' either side of a fire hydrant**
- **Within 15' either side of mail boxes**
- **Within 30' from a STOP sign**
- **Within a 12' radius of a utility lift station**
- **On cul-du -sacs (as posted)**
- **On roundabouts (as posted)**
- **Or in any other manner disruptive to the reasonable and ordinary flow of traffic through the community.**
- **Locations that would prevent or make it difficult to enter or exit homeowner driveways.**

***Parking is NOT allowed on any street between the hours of Midnight and 7:00 A.M. Effective January 1, 2015.***

#### **Commercial and Service Vehicle Parking:**

These vehicles are encouraged to park in the driveway of the residence where they are providing services. If there is insufficient room, parking of these vehicles will be allowed on the street during regular business hours provided the vehicles do not inhibit emergency vehicle access, mail delivery, the flow of traffic, fire hydrants, street intersections, utility lift stations or a neighbor's ability to enter or exit his or her driveway. Any street parking must be on street pavement, not on grass. All vehicles must be parked facing the flow of traffic.

In order to facilitate the flow of traffic throughout the neighborhood, Commercial and Service vehicles and/or trailers should never park directly across from each other on Marsh Landing Streets, and should be parked on the straight sections of roadways, rather than curves.

***Commercial or Service Vehicle Parking on the streets will not be allowed between the hours of 6:00 P.M. to 7:00 A.M. except for emergencies.***

**2.6.2** No property owner or resident shall park or permit to be parked anywhere within the confines of Marsh Landing, any vehicle used for commercial purposes, any swamp buggy, ATV's, motor scooters, limousine, stock car or other vehicle not normally used for highway travel, except where such vehicles are parked within an enclosed garage. No

trailer, motor home, boat or boat trailer, tent, shack or other outbuilding may be used as temporary residence, nor may the same be parked on said property either temporarily or permanently.

**Other vehicle restrictions are in effect for the community and are not allowed here at any time.** (Refer to Article XI, Section 6 of the Declaration of Covenants, Conditions and Restrictions as Amended & Recorded May 15, 2007; Instrument # 2007000157942.)

**2.6.3 Abandoned, unlicensed or inoperable vehicles** shall not be parked on any street, driveway, guest (or common) parking, clubhouse or portion of the property at any time. Vehicles may not be stored within Marsh Landing, except within a garage.

**2.6.4 Common parking in the Condominiums:** Condominium residents are expected to park personal vehicles in their own garage and/or driveway instead of using the common parking spaces – those spaces are to be reserved for guests. Vehicles parked in the common parking areas in excess of three (3) days without being moved may be towed at the owner's expense. Vehicles parked in the common parking areas on Lone Oak Drive must be parked **'front end in'**.

**2.6.5** It is the **Property owner's responsibility** to communicate parking rules and regulations to renters, guests, and their vendors. These parties will be expected to obey all traffic signs, posted areas and these same parking rules, and will be subject to the same ticketing and/or towing outlined here.

**Note: Vehicles in violation of these rules may be ticketed and/or towed at owner's expense.**

### **3. Security**

**3.1** Publication of tele-entry access codes in any manner is prohibited because it compromises the security of all residents.

**3.2** Security cameras may be in use on Marsh Landing property.

### **4. Lakes/ Retention Ponds**

**4.1** Swimming, wading, and boating or any other recreational activity, other than fishing, is not allowed in or on any of the lakes within Marsh Landing. All such activities are expressly prohibited, and if done, shall be done at the sole and complete risk of the unit owner. All persons purchasing property within Marsh Landing hereby hold harmless the Community Association from any injury resulting from such improper use of lakes and ponds within the subject property.

**4.2** Draining solvents, chemicals, oil, invasive species and other toxins from washing, boats, cars, RV's, trailers, etc., or any other non-biodegradable product onto streets and into Marsh Landing retention ponds is prohibited.

**4.3** Unit owners and their guests and renters must not feed any wild animal or water fowl or otherwise treat them as pets. It is against the law to feed alligators.

**4.4** 'Catch and Release' fishing is allowed in our ponds and if done, shall be done at the sole and complete risk of the unit owner. Please respect the privacy of the homeowners around the ponds while fishing. All persons should avoid going on private property without permission.

## **5. Noise**

**5.1** The display or shooting of firearms, fireworks, or firecrackers is expressly forbidden.

**5.2** Each homeowner must keep the noise level coming from their property low enough so that it does not annoy the neighbors.

**5.3** Under no circumstances should there be any loud noises after 10 P.M.

**5.4** Each homeowner is responsible for ensuring that their guests and renters abide by the above noise rules.

## **6. Pets**

**6.1** No horses, cows, swine, poultry, monkeys, or livestock of any kind may be kept on any lot or condominium unit.

**6.2** Household pets such as cats, dogs, birds, fish, hamsters, ferrets, gerbils, guinea pigs, and rabbits are permitted.

**6.3** The ability to keep such a pet is a privilege, not a right, and the Board of Directors is empowered to order and enforce the removal of any pet which becomes a source of unreasonable annoyance to other residents of Marsh Landing.

**6.4** No pets are to run at-large.

**6.5** The owner of any dog or other pet shall pick up all feces left by the animal on common property and dispose of them in a sealed container on the pet owner's property.

**6.6** Pets shall also be subject to all applicable local Rules and Regulations. **[Lee County Ordinance 09-20]**

**6.7** All pets must be on a leash or be carried when outside of the owner's property.

## **7. Trash**

**7.1** All trash cans and recycling bins must be clean and maintained in good order at the discretion of the Association. They may not be stored where they are visible from the street. They may be set out no more than 12 hours before the scheduled pickup and must be put away no more than 12 hours after they have been emptied.

**7.2** Yard waste shall not be put out more than 12 hours prior to the pick up day.

**7.3** No yard waste or any other material may be dumped on any of the common grounds. No gasoline, oil, or other hazardous materials shall be dumped on the grass or in the streets or storm drains.

## **8. Property Maintenance**

**8.1** All residences within Marsh Landing must be maintained in accordance with the standards of the Marsh Landing Community. This includes driveways, walkways, roofs, and yards. Refer to the Marsh Landing Community Standards Handbook.

**8.2** Homeowners are responsible for keeping the trees on their property along the streets properly trimmed. Any tree that extends out over the street must be trimmed to 14 feet above the roadway to allow trucks to pass freely under it.

**8.3** No exterior alterations, including painting of any building, are permitted without first obtaining the recommendation of Architectural Modification Committee (AMC) and the approval of the Board of Directors.

## **9. Signs**

**10.1** Except as required by law, contractor's signs may not be placed upon any property within Marsh Landing.

**10.2** No signs, billboards, posters, or advertising devices of any character shall be permitted anywhere within Marsh Landing, including but not limited to, those posted in windows of buildings, on boats, trailers or in or on motor vehicles.

**10.3** For homes with a security system, one (1) Home Security sign is allowed to be placed at the front corner of the garage.

**10.4** The Association may post temporary information signs from time to time at the guardhouse and near the clubhouse. Temporary real estate 'For Sale' signs that conform to the standards and specifications adopted by the Board of Directors are also allowed.

## **10. Real Estate Sales**

**10.1** Real estate signs must meet specifications as approved by the Board of Directors. Specifications are available on the Marsh Landing website, through the Property Manager, and the Clubhouse Office.

**10.2** A reasonable number of directional signs may be placed within Marsh Landing during scheduled "Open Houses" to direct potential buyers to the open house.

## 11. Solicitations

There shall be no door-to-door solicitation by any person, anywhere within the Marsh Landing property for any business, cause, charity, or any other purpose whatsoever, unless specifically authorized by the Marsh Landing Community Association Board of Directors. Flyers or leaflets may not be placed in mailboxes or doors or hung on doorknobs.

## 12. Marsh Landing Amenities

There is a separate document that contains the Rules and Regulations relating to the Clubhouse, Exercise Room, Pool, Spa, Tennis and Bocce courts. This document is available on the website and from the Clubhouse Office.

## 13. Exterior Modifications

There is a separate document that contains the **Architectural Modification Committee Policies and Procedures** relating to all exterior modifications. This document is available on the website and from the Clubhouse Office.

**14. Preserve Areas-** Unauthorized trespass, modification, and/or encroachment into any preserve area is prohibited. Homeowners will be responsible for violations.

## 15. Holiday Decorations

Discretion should be used as to how many days prior to a holiday, exterior decorations are displayed. However, with the exception of Christmas, outside decorations must be removed within seven (7) days following the holiday. Christmas Holiday decorations may be displayed until January 8<sup>th</sup> of the following year.

## 16. Hurricane Security

One of the most important action plans in advance of a hurricane is protecting your property. While you never can be sure damage may occur, getting your home and yard hurricane-ready can help.

**16.1 Outdoors** – Store outdoor objects, including lawn furniture, potted plants, tools and grills, inside. Anchor other objects and remove antennas. Remove loose debris that could turn into missiles.

**16.2 Protection** – All shutter material and mechanisms must be white or clear Lexan only and/or must conform to the specifications adopted by the Marsh Landing Master Association. Plywood or galvanized panels may be installed once a *Hurricane Watch* has been issued, but must be removed within seven (7) days after a storm has passed. The exception is when back-to back storms have been predicted.

For security purposes, when leaving for an extended time, only windows on sides and rear of buildings should be shuttered. In case of a hurricane, arrangements should be made to shutter front windows and doors.  
See AMC Specification #110 for additional information.



## **17. Rentals/Guests**

**17.1** No unit may be leased for a term of less than sixty (60) days.

**17.2** No unit may be leased more often than three (3) times in any calendar year.

**17.3** The ability of a unit owner to lease his or her unit to others is a privilege, not a right. The Board of Directors may revoke the privilege if the owner abuses it.

**17.4** Units can only be leased to a single family or not more than two (2) persons not related, who reside together as a single household.

**17.5** All necessary paperwork must be completed and approved before tenant is allowed to move in.

**17.6** The homeowner is responsible for all tenants and guests.

**17.7** Sub-Leasing is not permitted. Renting of rooms is strictly prohibited.

**17.8** Any unit not found to be in compliance with community maintenance standards will not be considered for approved for rental purposes.

**17.9** Lease Renewals are not automatic. Lease Renewal Forms must be completed and submitted at least 30 days in advance of projected renewal.

## **18. Mail boxes/ Posts**

**18.1** Marsh Landing has specific mailbox and post specifications that are standard for the entire community. Homeowners are responsible for the ongoing maintenance of their posts, and to ensure their mailbox is clean, has house numbers clearly displayed, and is in good working order.

**18.2** The homeowner should inspect mailboxes and their posts annually. Replacement mailboxes and posts are available at local hardware and home improvement stores. The specifications are provided below. The Board of Directors reserves the right to amend and alter these specifications from time to time as the need arises.

See AMC Specification #350 for more information.

## **19. Miscellaneous**

**19.1 Gas Grills-** Fire Code states that propane tanks containing gas cannot be stored inside of a building or garage. Please refer to the police of the Estero Fire Rescue fire Marshall for additional information on usage and storage of gas grills.

**19.2 Open Fires** - In Estero open fire burning is not allowed i.e.: camp fires, 55 gallon drums, etc. No fires are allowed within 10 ft. of a residential structure.

**19.3 Fire Pits-** Portable, and propane type fire pits can be used but must adhere to KBDI drought standards which prohibits fires when the drought index exceeds 650.

Fire Code states that propane tanks containing gas cannot be stored inside of a building or garage.

The openings must have an approved spark arrestor, screen on door.

A fire attendant must have a fire extinguisher or garden hose and must remain with the fire until it is out.

The installation must be installed per all local codes and manufacture instructions.

**19.4 Garage Doors-** The Lee County Sherriff strongly suggests that garage doors be kept down except when someone is working in the garage and/or in the front of a residence.

**19.5 Solicitation-** There shall be no solicitation by any person or company anywhere within Marsh Landing without written authorization by the Board of Directors.

**19.7 Garage/Yard/Tag Sales-** Such sales are prohibited in Marsh Landing except for community-wide sales, when and if authorized by the Board of Directors.

**19.8 Homeowner Planting Buffer-** There shall be a five (5) foot owner's planting buffer at the rear of the lots along the section of Marsh Landing Blvd. with drainage issues. This is the South Marsh Landing border between the Meadowbrook subdivision on the West and the abandon railroad bed (FPL easement) on the East.

The Board of Directors may establish additional buffers in other areas of the community as needed.

**19.9 Repair and/or Servicing Vehicles-** Any repair or servicing of vehicles must be done inside the garage. Any such activity is prohibited on Marsh Landing streets or in driveways.