

## **Heron's Forest Policies, September 24, 2014**

**The Heron's Forest Property Owners Association (HFPOA) provides this document to all members as a quick reference to the policies that govern Herons Forest. The policies are derived from the Declaration of the Covenants, Conditions and Restrictions, By-Laws, Architectural Guidelines and powers derived from these legally binding documents. The Board of Directors has approved this document**

**ARC** – The Architectural Review Committee is a separate entity from the Board of Directors which is charged by the Covenants, Conditions and Restrictions declarations (CC&R) with the responsibility for prior approval of design of residences, and any exterior alterations of any nature, including but not limited to:

Paint color of front doors, shutters and trim;

Construction of fences, decks, and pools;

Mailboxes;

Landscaping for new residences or for updated landscaping such as the addition of patios

Plantings on the approved list, and;

Tree removal.

The ARC maintains liaison with the Florida Department of Environmental Protection (FDEP) on all matters related to the Greenspace and Wetlands. ARC guidelines are detailed online at [aroundheronsforest.com](http://aroundheronsforest.com) or Escambia County records. Submit all ARC approval requests to the property manager.

**Association meetings and agendas** – All Association members (owners) are encouraged to attend the annual meeting in December. Notification of this meeting will be mailed to all members at least 14 days prior to the meeting. Boards of Director meetings are publicly held quarterly and will be noticed 48 hours in advance. Notice is posted on a sign just inside entrance gates, the bulletin board at the pool house and online. Only items on the agenda may be discussed except as determined by the Board. If a member has an item for the regular board meeting agenda, contact the property management company 5 business days ahead of the meeting.

**Board of Directors**- the volunteer directors are elected for three-year terms at the annual meeting by members of the Association. The Board elects the Officers annually. Florida Statute 720.3033 governs the Board of Directors

**Crime and Security**- Duties of the Association are limited to maintenance of the gates and surveillance system. This will not prevent all crime and the Association does not have the corporate power to enforce Florida or Federal law. The Neighborhood Watch program of volunteers is a separate and distinct organization from the HFPOA that works closely with the Escambia County Sheriff's office. For more information contact David Craig, Coordinator, ECSO Community Services Unit Crime Prevention Practitioner, State of Florida ECSO Liaison, 850 436-9281. If you observe suspicious activity or commission of a crime, contact the Sheriff's Office.

**Flagpoles**- Although the Declaration prohibits a pole of any kind, Florida law overrides this limitation. "Any homeowner may erect a freestanding flagpole no more than 20 feet high on any portion of the homeowner's real property, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, if the flagpole does not obstruct sightlines at intersections and is not erected within or upon an easement. The

homeowner may further display in a respectful manner from that flagpole, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association, one official United States flag, not larger than 4 1/2 feet by 6 feet, and may additionally display one official flag of the State of Florida or the United States Army, Navy, Air Force, Marines, or Coast Guard, or a POW-MIA flag. Such additional flag must be equal in size to or smaller than the United States flag.

**Gates** – Gate codes and replacement remotes are available at the property management company. These will only be provided to owners or tenants currently listed in Association directory. The keypad at the gate is the preferred method for vendors and visitors accessing HF. HFPOA policy prohibits giving out gate codes however vendors requiring continuous access (realtors, lawn service, delivery services etc.) can be given a vendor code from the property manager.. Contact the property management company to have your phone number added to the directory. Once your home phone number is on file, when your name is selected on the keypad your home phone will ring and when you push 9 and the gate will open

**Garages and garage doors** –should remain closed for security and appearance if the occupant is not outside in the immediate area.

### **Greenspace –**

#### **Do you own your backyard?**

No, probably not all of it. Much of the area behind (in some cases beside) our houses is called Greenspace and is common property owned by the Association. In many cases the Greenspace overlaps property you may own. In the latter case there is a Greenspace deed restriction on your property. Want to know where the property line is? Check your survey or a plat of the subdivision.

#### **About “Wetlands”**

There is an area of legal Wetlands encompassed by portions of Heron’s Forest, most notably, but not limited to, the area between Grallatorial and Rail Roads, which may not be encroached upon nor modified in any way. This area must be left in its natural state. No wetlands area is located in any owners’ property, so a careful examination of the official plat will show the boundaries of the area which the resident has cognizance over. There may from time to time be an issue of necessary maintenance in a wetlands area, for example a dead tree which could threaten one’s residence. Should that be the case, contact the property manager and the ARC will consult with the Florida Department of Environmental Protection (FDEP) before taking any action. It is illegal to deposit mulch, debris (including dead trees) or any fill in any wetlands area.

#### **About the “Greenspace”**

There are about 4.5 acres around us that we call the Greenspace. Actually, it is a nature conservancy owned by the FDEP. FDEP has granted HFPOA a conservation easement for limited use of the area (hiking, bird watching, etc.). The purpose of the EPA easement is “... to assure that the subject lands will be retained and maintained forever predominately in the natural vegetative and hydrological condition.... ”

Dumping of yard waste in the Wetlands or Greenspace adjacent to your property is a violation of HFPOA policy and Florida Department of Environmental Protection (FDEP) rules. It can lead to fines and the cost of removing any dumped yard waste. If you observe anyone dumping waste on the trails or in the woods or wetland, notify the property manager at 850-492-2000. The FDEP will be notified and fines up to \$10,000 can be levied per Florida Statute.

Pet excrement must be removed from Greenspace and common areas by the pet owners.

#### **Do you own the trees on your property?**

Our legal documents spell out deed restrictions and architectural rules we have all agreed to follow. Trees larger than 4” in diameter at chest height may not be cut down without written approval from the Architectural

Review Committee. As described in the legal documents, the Association will fine for cutting trees without ARC written permission. To apply for permission to cut the trees larger than the prescribed width submit a written request to the Architectural Review Committee (ARC) c/o property Management Company.

Greenspace maintenance.

Within the boundaries of the owners' lot lines, you are allowed to undercut the forest canopy as necessary to encourage proper growth and maintain the forest floor in a natural state. Such maintenance can yield healthier trees and strengthen the overall forest. This is particularly true where such maintenance removes invasive species such as wild grape, poison ivy, Virginia Creeper, Cat briar, Saw Greenbrier, etc.

**Mailboxes-** must conform to the uniform Heron's Forest design. For information on purchasing a new mailbox, post, decals or numbers contact the property management company. It must be maintained: clean, painted, logo decals intact and in good condition.

**Maintenance of property-**owners shall keep their lots and any improvements thereon (including landscaping) as well as any adjacent land areas in the road right of way between the lot line and the curb of the road, neatly, diligently and properly maintained, clean and sanitary at all times. Failure to provide such maintenance shall be grounds for suit by any other property Owner in the Development, the Association, the Declarant, the Architectural Review Committee and/or appropriate governmental agencies, and shall also subject each Owner to the sanctions provided for in Article V, section 11.

To assist owners and residents with understanding their responsibilities to maintain the look of Heron's Forest, the following minimum standards have been established and will be inspected for compliance:

1. Landscaping and lawns shall show evidence of routine maintenance.
2. Grass shall be routinely cut during the growing season and not allowed to reach an extreme length.
3. Lawns shall be edged and trimmed such that grass does not grow over curbs.
4. Yards shall be watered, fertilized and treated with insecticide/fungicides to maintain a pleasant appearance.
5. Beds shall be cleaned and edged, and shrubs shall be neatly trimmed.
6. Mailboxes shall be maintained and house numbers must remain unobscured.
7. Curbing, walks and driveways need to present a clean natural cement (or brick, as appropriate) appearance.
8. Owners shall remove dead plants and especially dead trees as soon as possible for both visual and safety reasons.
9. Lawn and garden ornamentation shall be in good taste. Residents are encouraged to display seasonal decorations, holiday lights, etc. however, exceedingly garish, loud or bright decorations are prohibited.
10. Owners of vacant lots are responsible for their maintenance. They must be minimally maintained and prevented from encroachment on neighboring lots and streets.

**Parking-** Daylight parking on our streets should be temporary and infrequent. Overnight street parking is not permitted. Parking boat trailers or RVs on streets is not permitted but is allowed in your driveway for a period not more than 48 hours. Temporary daytime boat and RV street parking for cleaning and provisioning is permitted. Any commercial vehicle must be parked inside the garage. The pool parking lot is intended for pool and tennis visitors. Boat trailer and RV parking is prohibited at all times in the pool parking lot. Routine use of pool parking is not permitted. The occasional use of pool parking for your guests or workers is permitted if the property management company has been notified. Parking on unprepared surfaces (including your yard) is prohibited.

**Pets-** Pets must be well groomed; maintained in a sanitary condition; and may not be bred for any commercial purpose. Pets are not permitted to be present beyond the boundaries of an Owner's lot without being leashed

or caged. When any such authorized pets are beyond the boundaries of the Owner's Lot, the Owner shall be responsible for prompt clean up and sanitary disposal of any solid pet excrement.

**Pool** – One adult in each party should wear or have visible the HFPOA rubber bracelet which designates authorized common area users. Bracelets are available from the property manager. One bracelet is issued to each owner.

- Pool Hours ~6AM – 10PM
- No Life Guards ~ swim at your own risk
- Pool Capacity: 36 persons
- Shower before entering the pool
- An adult in the pool area must accompany children under the age of 16.
- Guests must be limited and accompanied by their resident host.
- Pool is restricted to lap swimming from 9-10 (AM & PM)
- Children not toilet trained must wear swim diapers and swim suits.
- Pool participants are asked to keep the noise level to a minimum.
- The following are prohibited in the pool area:
  - Diving
  - Skate boards
  - Animals
  - Running
  - Smoking
  - Bicycles
  - Horse Play
  - Glass containers
  - Food
- The pool deck may become slippery, please walk with caution.

The pool may not be RESERVED for any activities or parties. Water aerobics and swimming classes may not monopolize the pool, as the pool is always open to residents and their guests.

*NOTE: If you observe unauthorized people at the pool, notify the property manager as soon as possible. Report suspicious activity to the Escambia County Sheriff.*

### **Basketball Backboards**

#### **Permanent**

Must be approved by the ARC. The request should describe how it will be mounted and its location.

#### **Portable**

Must be approved by the ARC. It must be placed as close to the garage as possible making them out of visible sight from the street as much as possible. When not in use for a period of time, move it out of sight completely. Further, the Portable Basketball Backboard must be in

good condition. If it becomes “an unsightly architectural element” due to weathering, age, wear and tear condition, or any other damaged condition then the ARC Committee shall direct the owner to remove the backboard.

**Playground Equipment** -The ARC must approve both permanent and portable playground equipment visible from the street. It must be in good condition. If it becomes an unsightly architectural element due to weathering, age, wear and tear condition, or any other damaged condition then the ARC Committee shall direct the owner to remove the playground equipment.

**Rental Policy-** Owners shall be responsible for tenants / occupant's actions or misconduct and adherence to the Rules and Regulations of the Association. Each owner shall be responsible for providing tenants with a current copy of the Association Rules and Regulations. Particular attention should be made to policies regarding landscape maintenance, parking, speed limit, green space, Architectural Guidelines and use of common areas.

The property owner shall be responsible for keeping the management company informed of any change in occupancy. Owners shall provide the management company with the names of authorized rental management agents, occupants, their telephone number and email address (if available) and lease expiration date. Access to common areas and gate codes is not authorized until this information has been reported.

If you are a property owner who decides to rent your home or to otherwise delegate your “right of enjoyment”, review The Declaration of Conditions, Covenants, and Restrictions, Article IV, Section 1, Residential Use: “ All lots shall be used and occupied solely for single family residential purposes...”

You are required to report the names of the occupants and rental management agency to the Secretary of the Board of Directors, via the form provided by the property manager within ten (10) days of tenant occupancy. The following information is required:

- A. Acknowledge in writing your tenant, lessee, or contract purchaser fully understands the COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R), and has received a copy of the current HERON'S FOREST POLICY pamphlet.
- B. Acknowledge the owner will be held responsible for the actions of your tenants, including any penalty assessments for violations of the Rules and Regulations of the Association, as well as any costs for repairing damage to the common area or other property caused by your tenants.
- C. Provide tenant/owner/rental management agency emergency information and lease expiration date on the required form available from the Property Management Company.

**FAILURE TO COMPLY WITH THE RULES IN THIS SECTION WILL SUBJECT THE PROPERTY OWNER TO A HEARING BY THE BOARD OF DIRECTORS AND PENALTY ASSESSMENTS OF \$50.00 FOR EACH MONTH OF NON-COMPLIANCE**

In accordance with Florida Statute 720.3085 If the parcel is occupied by a tenant and the parcel owner is delinquent in paying any monetary obligation due to the association, the association may demand that the tenant pay to the association the subsequent rental payments and continue to make such payments until all the monetary obligations of the parcel owner related to the parcel have been paid in full to the association and the association releases the tenant or until the tenant discontinues tenancy in the parcel.

This Rental Policy has been approved by the Board of Directors in the exercise of their powers in accordance with the By-Laws, Article VII, Section 7.1.

**Satellite Dishes - Article IV Section 16 Antennas.** The ARC must approve installation of satellite dishes. Other antennae are prohibited. Contact the property management company to request ARC approval prior to installation.

**Signs** - No signs allowed except real estate and alarm system on premise. Homes under construction have a variance to allow builder identification, permits, etc. Sign restrictions are clear in the CCR documents and will be enforced.

**Solar panels** – Must be approved by the ARC. A drawing of where the panels will be situated with the type of panel and name of company performing the installation must be included in the approval request.

**Speed limit in Heron's Forest is 15 MPH.** - You endanger children and other pedestrians by speeding through our streets. The Escambia County Sheriff does not enforce speeding violations, the HFPOA does. Report speeders to the property manager, including commercial and service vehicles.

**Street lights** - If a light is out or damaged, notify the property management company and it will be reported to Gulf Power. Report the number on the metal tag on the lamppost. If the light has not been repaired in 2 weeks please call the property management company and report the same.

**Sports Court** - The courts are for residents and their guests. No guest may use the court unless a resident accompanies him/her. The special surface of the courts is such that wheeled vehicles or shoes, hard soled shoes and other similar ground contacts could easily damage the fabric and lead to costly repairs beyond the warranty. The sports courts are ONLY used to play tennis and basketball. An adult must accompany children under the age of 16 at the tennis courts. The adult must be 18 years or older.

Due to negligent or malicious damage to the court surface the following rules will be enforced:

- Tennis shoes only
- No harassment or nuisance behavior, including loud music, profanity, or other outbursts
- No one with impaired judgment
- Only residents and guests
- Residents must accompany the guests
- ONLY used to play tennis or basketball
- Under age 16 accompanied by an adult (adult age 18 and older)
- No climbing on the fence
- No smoking
- No animals
- No food (including chewing gum)
- No glass containers
- No bikes
- No skateboards
- No skates

**Trash cans** - All garbage and trash containers shall be kept clean and sanitary, and must be placed in a walled in area or screened from view so that they shall not be visible from any Lot line (except for approved

garbage cans awaiting pickup by garbage services, but, in such case, only for the limited period of time of time reasonably required to accommodate such collection).

**Trash day** - At this time our trash day is Wednesday. Typically trash should be put out after 4:00 pm on Tuesday and all trash cans returned to their "hidden from street view" positions by 6:00 pm on that Wednesday.

HFPOA Board recommends subscribing to the ECUA recyclable trash cans. For all ECUA information on Trash, Recyclables, Yard Trash and large items, new cans - call 476-0480

**Trout Point** - The Navy and the State of Florida have designated Trout Point for the express purpose of natural resource observation and education. Per Navy directive the preserve is open only if we mind our manners and respect the Navy property.

The Navy Natural Resources Manager has issued the following policy:

- 
- Pets must be leashed
- No Hunting
- No Camping
- No swimming
- No Fires
- No boats
- No Bicycles
- No Motorized Vehicles
- Do Not Feed or Harass Wildlife
- Do Not Disturb Native Vegetation
- Hours 0600 to ½ hour before sunset

**Note:** "The Navy land is subject to the jurisdiction and enforcement of federal criminal laws and any prohibited activities are subject to federal criminal prosecution." CC&R ART VIII. To report violations contact Pensacola NAS Security 452-2453 or the Navy Natural Resource *Manager 850-452-3131 ext. 3008.*

### **Violations and fines**

Once notified of a violation, if the infraction is not corrected you may be fined or your privileges as an Association member rescinded. If you do receive a fine there is a process for the offending party to appeal at a hearing of their peers. **CC&R Article IX General provisions Section 1 - Enforcement.**

Posting gate code to the public \$100

Parking violations: \$50

Pool Violations: \$50

Tennis violations: \$50

Damage to amenities: \$100 plus repair costs

Pet violations: \$50

Cutting trees without approval: \$100 per tree plus restoration costs

Safety violations: \$50

Landscaping violations: \$50 plus restoration costs

Speeding \$50

Wetlands/Greenspace violations including removal of vegetation and dumping of waste will be reported to Florida Department of Environmental Protection (FDEP) rules and subject to fines levied by FDEP

## **References from legal documents**

### **Power and Duties of the Board**

Bylaws of The Heron's Forest Property Owner's Association, Inc.

Article VII – Powers and Duties of the Board of Directors

Section 7.1 Powers. The Board of Directors shall

- (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and regulating the personal conduct of the Members, their families, guests, tenants, agents and contractors in the use of the Common areas, and to establish, if appropriate, penalties for the infraction thereof.
  
- (c) Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty days, for infractions of published rules and regulations by the Members or their families.

### **Rights of the Owners and Association**

Declaration of the Covenants Conditions and Restrictions for Heron's Forest

ARTICLE VI – Common Areas

Section 1. Owner's Easements of Use and Enjoyment. Every Owner shall have a right and easement of use and enjoyment in and to the Common Areas, or any part thereof, which shall be appurtenant to and shall pass with the title of every Lot, subject to the following provisions:

B. The right of the Association to suspend the voting rights and the right of an Owner to use and enjoy the Common Areas or any part thereof for any period during which any assessment against his lot remains unpaid or any violation of the provisions of this Declaration remains uncured: and for a period not to exceed ninety days for any infraction of its published rules and regulations pertaining to the use and enjoyment of any such recreational facilities;

E. The right of the Association to limit the use of any Common Areas by published rules and regulations, including the number of guests and prescribing hours of usage, and to promulgate rules and requirements appropriate for the operation, maintenance, and replacement of gates and other security equipment and devices.