

*River Landing Property Owners Association*

June 19, 2019

Dear River Landing Property Owners,


Attached is a copy of updated Recreation Area Rules and Regulations for your reading pleasure, enjoyment, use and eventual filing alongside your copy of the POA Covenants. The Recreation Area encompasses our common area property from the tennis courts and south to the boat dock including the playground and Boat/RV storage yard. The Recreation Area is available for use by property owners 24/7 except the Playground, which is closed after dark. Also, certain restrictions apply to occupants of storage spaces and other residents holding keys to the locked storage yard.

The Board of Directors found it necessary to provide an update to rules currently in use to provide clarity, consistency, common terminology, a better storage yard management structure, and to ensure compliance with our governing POA Covenants and Florida Statutes. After a review by the POA's attorney, the Board approved the attached. The updated rules are effective immediately. For storage yard occupants who were previously notified of non-compliance issues by the Recreational Area Chairperson and who have not taken actions to resolve them, the second stage of the process to resolve non-compliance violations will begin on July 1<sup>st</sup>. Please take the time to address open issues with Mr. Dave Dawson before the end of June.

For all property owners, please take a few moments to become familiar with the Recreation Area Rules and Regulations. The Recreation Area including the access it provides to the St. Lucie River is a significant asset for all of us and has continued to make River Landing a prime location for home buyers. If you have any questions regarding management of the Recreation Area or more specifically, management of the Storage yard, please contact any of your board members for help.

Sincerely,

Your Board of Directors



John Brady  
President

River Landing Property Owners Association

# RIVER LANDING RECREATION AREA

## RULES AND REGULATIONS

### OVERVIEW

The Recreation Areas are the portions of the Common Property that include the tennis courts, playground, boat ramp, boat dock, the boat/RV storage area (the "storage yard") and the accessible portion of the preserve area.

Use of the storage yard is a privilege, not a right of all parcel (home) owners. There are 43 spaces in the storage yard. The River Landing Property Owners Association ("POA") has adopted rules and regulations to best meet the interests of our Recreation Area.

### GENERAL RULES

- 1) Recreation Area usage is limited to River Landing parcel (home) owners and their accompanied guests. Tenants may use portions of the Recreation Areas, but may not have access to storage yard keys, use the boat launch ramp or be assigned the use of a space in the storage yard.
- 2) Paying your River Landing quarterly assessments, fees and any fines on time will maintain your access to the Recreation Area.
- 3) Violation of Common Property and Recreation Area rules and regulations will subject the parcel (home) owner to loss of Common Property and Recreation Area usage, fines, towing and legal action.
- 4) The parcel (home) owner is solely responsible for their conduct and the conduct of their guests. The POA and its officers, directors and members shall not be responsible for injuries to persons, damage to property, caused by owners and their guests.
- 5) The parcel (home) owner using the Recreation Area must immediately report damage to any property (whether Recreation Area or personal property, injury, theft or vandalism to the Recreation Area Committee Chairperson, or other committee member if the chairperson is unavailable.
- 6) Parcel (home) owners who purchase a storage yard gate key in order to access the boat ramp or who are assigned a storage yard space must sign and date a copy of these rules and regulations, and by doing so agree to its terms and conditions in its entirety.

## FEES

- 1) Use of the tennis courts, playground, dock and the accessible portion of the preserve does not have an associated use fee.
- 2) A fee is imposed for a key to open the storage yard (see published fee schedule). A parcel (home) owner who wishes to use the boat ramp will need to access the boat ramp by going through the locked storage yard, and therefore will be required to purchase a storage yard key. Keys must be returned when the possessor ceases to be a parcel owner. Failure to return a key will result in a lost key fee that will have to be paid as a condition of approval of the sale of the parcel.
- 3) An annual registration/maintenance fee will be charged to each parcel (home) owner that is assigned the use of a storage yard space. This annual fee (see published fee schedule) will be applied 50% towards general POA capital asset replacement reserves and 50% will be applied to annual boat yard routine maintenance and repair, plus improvement projects for the dock, ramp, and the storage yard as recommend by the Recreational Area Committee and approved by the POA from time to time.
- 4) A prorated annual registration/maintenance fee is required of storage yard assignees upon being assigned a space. Fee Prorating presently is as follows: Slips obtained in the 1<sup>st</sup> quarter (April 1 – June 30) the slip holder will pay \$200; 2<sup>nd</sup> quarter (July 1 – September 30) = \$150; 3<sup>rd</sup> quarter (October 1 – December 31) = \$100; 4<sup>th</sup> quarter (January 1 – March 31) = \$50
- 5) A parcel (home) owner may be assigned a second space in the storage yard if available. This second space will be assigned with the understanding that if another parcel (home) owner, who does not currently hold a space, requests a space; the parcel (home) owner that has been assigned two (2) spaces may be required to relinquish a space. The spaces will be relinquished on a last in first out (LIFO) basis. The parcel (home) owner will have 30 days to vacate a second space upon request by the Association.
- 6) Storage yard key and space assignment fees are non-refundable, unless a parcel (home) owner is required to relinquish a second space, in which case a prorated amount of the storage space fee will be refunded.
- 7) Storage yard space assignees who fail to pay their storage space fee within 60 days of the date of the invoice for same will have been deemed to have relinquished their storage space and will be sent a 30-day notice with a demand to pay the fee or to remove their property from the storage yard. If payment is not made and such property is not removed and storage yard key not returned, parcel (home) owner may have their property towed or removed at their expense, have their Recreational Area privileges revoked, be fined, and face other legal action by the Association.

- 8) If a parcel (home) owner has had their Recreation Area privileges revoked, privileges can be restored if outstanding violation(s) have been cured and all monies due River Landing POA are paid. Any parcel (home) owner who is good standing can then apply for a storage yard space, or if a space is not available, they may be added to the bottom of the storage yard wait list.

## **DOCK AND BOAT RAMP RULES**

- 1) The first (25) twenty-five feet of dock space on the East side of the boat ramp (West end of the dock) is for launching and loading of vessels only. No vessel shall be moored within this area.
- 2) Parking for trailers and vehicles is available next to the tennis courts. No vehicles or trailers shall be parked within the area between the storage yard and the boat ramp.
- 3) All food and fish waste must be immediately removed. To prevent health hazards, causing odors or drawing animals, no bait fish, fish carcasses or food waste is to be disposed of in the garbage containers.
- 4) Parcel (home) owners shall clean the fish cleaning station after each use and shall assure water is shut off.
- 5) The dock and boat ramp are available to parcel (home) owners 24 hours a day.
- 6) Parcel (home) owners shall maintain the security of the storage yard by locking the gates after use.
- 7) Only parcel (home) owners may use the River Landing dock.
- 8) Vessels may not be moored at the dock longer than three (3) days without prior approval of the Recreation Area Committee Chairperson or his/her assigns. Violators will be notified to remove their vessel or will be subject to towing, fines and loss of Recreation Area privileges.

## **STORAGE YARD RULES**

- 1) The storage yard is for storage of vessels, their trailers and RVs (Motor Homes, Campers) only. Cars, trucks, work vehicles, and other passenger vehicles are prohibited from being stored in the yard.
- 2) All spaces are assigned on a first come, first served basis by the Recreation Area Committee. However, upgrade/wait list participants have the right of first refusal to available spaces.
- 3) There are 43 spaces in the storage yard of varying size.

- 4) Size of a vessel or vehicle cannot exceed ten (10) feet in width. The length (combined or individual) of any vehicle(s) and/or vessel(s) occupying a standard storage space cannot exceed forty-five (45) feet from the east/west fence line.
- 5) Boats kept in the storage yard must be seaworthy and functional with a working means of propulsion as designed by the manufacturer (Coast Guard Compliant). Before a boat/trailer is to be stored in the yard, the Recreation Area Committee Chairperson or assignee will inspect the boat/trailer for seaworthiness, licenses and registration. Semi-annually (every 2 years) an inspection by the US Coast Guard Auxiliary will be required as well. Trailers shall be capable of moving on demand (D.O.T. Compliant). Any flat tires, broken suspension/brakes, broken structural members and/or broken towing components rendering the asset incapable of being utilized are to be repaired. Within ten (10) days of such inspection or notice by the Recreation Area Committee Chairperson or assigns, that the owner's boat is deemed not seaworthy or lacking proper licensing, or the trailer is not functional, the boat owner is required to submit a written thirty (30)-day repair plan to the committee chairperson, or assigns for review and approval. If the repair plan is not accomplished by the boat owner as agreed, a subsequent written notice will be sent to the owner to remove their boat from the yard within thirty(30) days or they will be subject to towing at their expense, fines, loss of all recreation area privileges and other legal actions. Extenuating circumstances requiring additional extensions must be presented directly to the Board of Directors upon receipt of the 30-day notice.
- 6) RVs kept in the storage yard must be capable of highway use and have current registrations. Before a RV is to be stored in the storage yard the Recreation Area Committee Chairperson or assignee will inspect the RV for current registration/license and to determine if it is in operable condition. Within ten (10) days of notice by the Recreation Area Committee Chairperson or assigns, that their RV either lacks a current registration/license or appears inoperable, the RV owner is required to submit a written thirty (30)-day repair or registration/licensing plan to the committee chairperson, or assigns for review and approval. If the repair plan is not accomplished by the RV owner as agreed, a subsequent written notice will be sent to the owner to remove their RV from the yard within thirty (30) days or they will be subject to towing at their expense, fines, loss of all common area (recreation area) privileges and other legal actions. Extenuating circumstances requiring additional extensions must be presented directly to the Board of Directors upon receipt of the 30-day notice.
- 7) All boats, vehicles and RV's stored in the storage yard are required to maintain \$300K of liability insurance, have a current State Registration, and for boats proof of a current semi-annual US Coast Guard inspection. Proof of insurance, registration and Coast Guard Compliance is required from the parcel (home) owner prior to accessing their assigned space in the storage yard and annually thereafter.

**Owners** are responsible for providing the POA Recreational Area Committee with updated documents prior to or immediately upon expiration of existing coverages, registrations and inspections. Failure to provide required documents will result in enforcement action via the 'Process to Resolve Non-Compliance Violations'.

**NOTE:** Proof of registration for a boat includes both the boat and trailer registrations and a Copy of the Coast Guard Inspection record. All vehicle and trailer license plates shall have a current registration decal installed. All boats shall have a current registration decal affixed to the vessel in accordance with local and state laws. Vessels, trailers and RV's must be registered and insured to the parcel (home) owner who is assigned to that particular storage yard space, with the parcel (home) owner listed as the primary registrant and insured. All documents shall reflect that a River Landing address is the registrant's primary residence. Parcel (home) owners not residing in the River Landing community are not permitted to retain a space in the storage yard.

- 8) Storage yard space assignment requests need to be made in writing to the Recreation Area Committee Chairperson, specifying the intended use of the assigned space and whether their boat or vehicle can be accommodated in a "non-standard" space. The size of a boat or RV may impact use availability. This application document is available via the Recreation Area Committee chairperson, the Membership Committee chairperson, or it may be found online at [www.riverlanding.info](http://www.riverlanding.info)
- 9) If demand for storage yard spaces exceeds supply, a **wait list** will be maintained by the Recreation Area Committee. The wait list may also be published on the River Landing website.
- 10) If a parcel (home) owner on the wait list twice declines an offer for a space, they will be removed from of the wait list. However, they may reapply at any time.
- 11) A separate **upgrade** list will be maintained by the Recreation Area Committee for those parcel (home) owners that have been assigned a space in the storage yard but seek the assignment of a larger space. The upgrade list may also be published on the River Landing website,
- 12) A parcel (home) owner on the wait list or upgrade list will be offered a space by phone or email followed with a mailed letter from the Recreation Area Committee Chairperson or assignee. The parcel (home) owner will have ten (10) days from the date of the initial email notification to respond in writing as whether they wish to accept the space assignment, and if so, advising what they intend to store in the space. They will then have an additional twenty (20) days to fill the vacant space. Failure to provide a written response or to utilize the space within the timeframes above will be considered a declination of the offer.

13) A reasonable attempt will be made by the Recreation Area Committee to accommodate the next applicant on the wait list, and may include consideration of space reassignments to provide suitable space for all users, if practical. If the size of a boat or RV that is next on the wait list is too large for an available non-standard space it will be skipped over. The next boat or RV on the list that can accommodate a non-standard space will then be granted an opportunity to fill the vacancy. Being skipped over does not constitute a decline and will not impact the parcel (home) owner's position on the waitlist.

14) The following spaces are considered "non-standard" spaces:

1E, 2E, 3E, 4E, 5E, 6E, / 18E, 19E, 20E, 21E, 22E, 23E

1W, 2W, 3W, 4W, 5W, / 17W, 18W, 19W, 20W, 21W

All other spaces will be considered "standard spaces".

- 15) No storage space assigned to a parcel (home) owner can be reassigned by that owner or utilized by any other person. Tenants are prohibited from utilizing storage yard spaces.
- 16) Assigned storage yard spaces are to be maintained in a clean, neat and orderly fashion. Any items kept in a space shall be stored properly, organized and maintained in good working order. Tarps and other protective covers must be maintained in useful condition. Upon written request of the Recreation Area Committee Chairperson, shredded or torn tarps and covers must be removed and replaced within 30 days
- 17) Flammable liquids are not permitted to be stored outside the confines of the vehicle or vessel.
- 18) No more than two (2) vehicles or vessels may be stored within any one assigned storage yard space. A small utility trailer may be stored in a space if it is secondary to the boat/trailer or RV. No logo'd or commercial vehicles, trailers or vessels are allowed to be stored in the storage yard.
- 19) No vehicles or vessels occupying a storage space shall be parked in such a manner as to impede access to the safe ingress and egress of other spaces. A secondary trailer may not exceed designated space dimensions.
- 20) No boat sheds, portable buildings, tents, or canopies may be constructed within the storage yard.
- 21) Any equipment or dock boxes are to be securely anchored to the ground to withstand severe weather conditions. Otherwise, they must be removed in advance

of severe weather threat. In the event of Hurricane/Tropical storm removal of unsecured dock boxes and personal belongings is required

- 22) No vehicle, vessel or other equipment is permitted to be secured to the storage yard fence.
- 23) The assignment of storage yard spaces left vacant for 30 days are subject to revocation at the discretion of the Recreation Area Committee in order to effectively manage wait and upgrade requests.

## Declarations

### Active Use Philosophy

Regarding the storage yard, it is recognized that the maximum benefit of such area to parcel (home) owners, occurs when members are permitted an opportunity to ACTIVELY utilize its limited space. ACTIVE use of the storage yard therefore is a primary consideration for POA's development of these rules. .

Any questions or concerns regarding the rules, regulations and fees associated with the governance of the Recreation Areas are to be submitted in writing to the attention of the River Landing POA.

### Amended and Restated Declaration References

**(Section 4.9 t)** – “Boat and RV storage fee. The Association may at its discretion charge a fee for the use of the Boat and RV storage facilities. The Association will establish the amount of the fees and reserves the right to adjust the fee periodically as it deems necessary. All storage areas shall be assigned on a first come, first served basis.” Note that as of April, 2019, the annual fee is \$200 per storage space per year. Storage yard keys are \$50, including replacement for a lost key.

**(Section 4.4)** – “The Association through its Board of Directors, shall regulate the use of the Association Property and Common Property by its members, and may from time to time promulgate such rules and regulations consistent with this Declaration, governing the use thereof as it may deem to be in the best interest of its members. A copy of all rules and regulations established hereunder and any amendments thereto shall be made available to all members of the Association at the Association office (and on line at [www.riverlanding.info](http://www.riverlanding.info) ). Such rules and regulations may be enforced by legal or equitable action.”



**(Section 4.8.)** –“The Association shall promulgate rules and regulations governing the use of the boat docks. The Association makes no Warranty of any kind, express or implied, as to the condition of the boat docks, walkways, gangways, ramp ways, pilings or mooring gear or the safety thereof during storms, high winds or other times. The Association makes no representation or warranty of any kind express or implied, regarding permits for the erection and use of the boat docks. The use of the docks by OWNERS and guest is at the sole risk of these persons and the Association shall not be responsible for injuries to persons or damage to property occurring therein or thereon. No one shall be permitted to live aboard boats which are docked in the boat docks. No sale of gasoline or repair of boats shall be permitted at the docks, nor shall any boat discharge sewage in the water near the boat docks.”

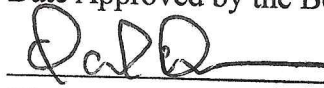
### Process to Resolve Non-Compliance Violations

**1<sup>st</sup> Warning** - A verbal warning, email, or US mail correspondence detailing the violation and giving a specific time to remedy the situation will be issued. A meeting may be requested for the parcel (home) owner to explain their position to the Recreation Area Committee. The Committee may or may not grant request.

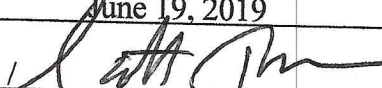
**2<sup>nd</sup> Warning** – A certified letter will be sent to the parcel owner detailing the violation and giving a specific time to remedy the situation. If the violation is not cured within 30 days, the infraction will be turned over to the Board of Directors and storage yard privileges may be revoked and fines levied, in accordance with the rules set forth above.

Date Approved by the Board of Directors

June 19, 2019

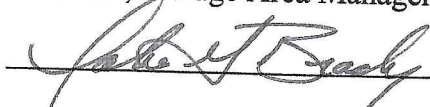


Dave Dawson



Scott Thompson

Directors, Storage Area Management and Recreation Area Chairpersons



John G. Brady

President, Board of Directors

**The following acknowledgment is required for storage yard key holders and occupants:**

I have received and read the River Landing Recreation Area Rules and Regulations.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_