

**400 BEACH ROAD**

**RULES AND**

**REGULATIONS**

**Owners, Renters and Overnight Guests**

## **Rules and Bylaws**

To all Condominium Residents:

We come to John's Island to find quiet environs in a beautiful setting with compatible friends and neighbors. These qualities are highly fragile, particularly in the close quarters of condominium living. We can preserve them only by meticulous concern for the feelings and rights of others.

Therefore, the following Rules and Regulations have been approved by the Island House Board of Directors to preserve our quality of life as Owners, guests and tenants who share our building and common elements. We ask you to honor our Rules in this spirit.

These Rules comply with the provisions of the Articles of Incorporation and the Amended Declaration of Condominium of the Association and the provisions of Florida law relating to condominiums. The Board welcomes you to 400 Beach Road, the "Island House". It is important to note that all Owners, guests, and tenants must comply with these Rules and Regulations as well as the rules set forth by John's Island Property Owners Association and John's Island Club, while on Club premises.

**AN IMPORTANT NOTE:** Only John's Island Club members, the Club's approved guests and the approved guests of members are eligible to use the John's Island Club facilities, including, but not limited to, the Beach Club building and pool area, restaurants, beach facilities, tennis courts, golf courses and fitness center.

The Board of Directors has the authority and discretion to make exceptions to the limitations in these Rules and Regulations in individual cases and to impose conditions concerning those exceptions.

Board of Directors  
400 Beach Road Condominium Association

NOTE: For communication, or in case of a problem or need for further information, call Elliott Merrill Community Management, the community management company responsible for the Island House (the “Community Manager”), at 772-569-9853, or call John’s Island Security at 772-231-2220.

**OWNERS, OR THE CONTRACTING ENTITY FOR THOSE OWNERS, ARE RESPONSIBLE FOR THE ACTIONS OF, AND DAMAGE TO THE COMMON OR LIMITED COMMON ELEMENTS CAUSED BY ANYONE STAYING IN THE OWNERS’ APARTMENT.**

## 1. ISLAND HOUSE IS A SMOKE FREE PROPERTY

Smoking is prohibited on the Condominium Property, including, but not limited to individual Apartments, indoor and outdoor exclusive areas, and indoor and outdoor common elements. No owner shall smoke or permit smoking by any occupant, agent, tenant, invitee, guest, friend, family member or any other person anywhere on the Condominium Property.

For the purposes of this paragraph, smoking shall include the inhaling, exhaling, vaporizing, breathing, carrying, or possession of any lighted cigarette, electronic cigarette, cigar, pipe, other product containing any amount of tobacco, or other similar heated or lit plant product.

Smoking in violation of this use restriction shall constitute a nuisance. The Board of Directors shall have the authority and power to enact Rules and Regulations which it deems necessary to enforce this use restriction, including, but not limited to, a schedule of fines which may be imposed after notice and an opportunity for a hearing before the Board of Directors.

## 2. GROUNDS

Discarding or throwing papers, containers, bottles, or trash of any kind, anywhere on the premises, except in designated trash receptacles, including the swimming pool area, the crossovers leading to the beach or on the beach is strictly forbidden.

There are two beach crossover decks that are Island House property. All Owners, tenants and guests are welcome to use them. Please return furniture to its proper location and ALWAYS close the umbrellas after use.

Roller-skating and skateboarding on Island House property are prohibited.

The barbeque located on the South Lawn may only be used by Owners. At the completion of using the grill, please scrape the grate with the brush provided, turn off the grill and shut off the gas to the grill at the nozzle.

### 3. NOTIFICATION OF ARRIVALS AND DEPARTURES

For public safety reasons and in the event of medical emergencies, it is imperative to understand who is in residence. Owners who are renting must email [daniellev@elliottmerrill.com](mailto:daniellev@elliottmerrill.com) and provide her with the following information:

Name of rental company (JIRE, CNRE, Self, VRBO, Airbnb): Owner's Name:  
Owner's Cell Phone:  
Island House Apartment Number:

Tenant's Name:  
Tenant's Cell Phone:

Arrival Date:  
Departure Date:

Names of all persons occupying the Apartment (including children):

### 4. LEASING/RENTALS/GUESTS

The following rules shall apply to all leasing or rental activity at the Island House:

- a. If an Owner is leasing or renting an Apartment at the Island House through a leasing or rental manager or agent, that manager or agent must be properly licensed by the Florida Real Estate Commission in accordance with its requirements.
- b. Owners renting their property other than through a licensed Realtor must comply with all State, County and Indian River rules, laws and ordinances. This includes registering with the State of Florida DBPR, registering to collect and remit the appropriate room rental tax, compliance with all safety and other requirements as listed by the

appropriate regulatory agencies. **Proof of compliance must be given to Elliott Merrill and the Board of Directors prior to renting their apartment.** Owners that lease their apartments on a long-term basis are generally excluded from many of these requirements.

Also excluded are owners who rent their properties three or fewer times per calendar year.

- c. An Apartment may not be leased or rented for a period of less than three (3) consecutive nights unless the Board of Directors, or its representative designated by the Board, shall, in its sole discretion, determine that a shorter period is appropriate under the circumstances.
- d. Maximum occupancy limits (owners may choose to set lower limits if they are renting):
  1. Single Apartments may have a maximum of
    - 2 adults and 1 minor OR
    - 1 adult and 1-2 minors
  2. Combined Apartments (2 single Apartments that are combined as one) may have a maximum of:
    - 4 adults OR
    - 2 adults and 1-2 minors
- e. Tenants/guests must comply with all Rules and Regulations of the Association, as well as the rules set forth by John's Island Property Owners Association or their agents. Owners must provide guests/tenants with a copy of the Rules and Regulations.
- f. Owners, or their managers or agents if applicable, must include in their Lease or Rental Agreement a provision stating that the Applicant has read the Association's Rules and Regulations and will abide by them. Owners must be able to produce a copy of the signed Agreement, if required.
- g. The Owner will provide the tenants with an electronic copy of the Rules in advance of their arrival and will put a hard copy of the Rules in their Apartment.
- h. Tenants may ONLY receive the key(s) to their Apartment from the guard at the Security gate. The key(s) shall be returned to the Security gate when the tenant vacates the Apartment.
- i. Appropriate disciplinary action, including fines and immediate eviction, may be taken by the Board of Directors, or its representative, against those tenants who are in violation of any of the published Rules and Regulations of the Association.
- j. Damage to any of the common elements, caused by the tenant, will be paid for by the tenant after consultation with the contracting entity (owner/real

estate company). Damages caused by tenants without a contract or the owners' guests, will be paid by the owner. Common elements include the lobby, office, library, and "Suite 100" along with the pool deck, hallways, beach crossovers and any outdoor spaces adjacent to the building.

- k. Absolutely no hand trucks or "pulled luggage" may be used on the stairwells, as this can cause serious damage to the marble treads.

## 5. MOVING AND DELIVERIES

All move-ins and move-outs, as well as deliveries of large items, will take place Monday-Friday between 8 am and 5 pm. To prevent damage to the elevator, appropriate padding must be used. Owners must inform Elliott Merrill when moving in or out of their Apartment. The maintenance supervisor will inspect the elevator before and after use.

Large deliveries are permitted only through the loading dock.

All boxes (must be broken down) and trash related to the move must be disposed of in the dumpsters at the lower-level loading dock in a timely manner after move is completed.

## 6. PETS

Owners and/or vertical family members are allowed to have dogs or cats (pets) with up-to-date vaccinations, subject to written approval of the Board of Directors. **Guests and tenants are not permitted to bring pets onto the property.** Owners must also comply with the following rules.

- a. Dogs must always be leashed and under control.
- b. Pets must be kept within the confines of an Owner's Apartments except when being walked.
- c. No pets are permitted within 50 feet of the pool (Florida State law), which includes the courtyard.
- d. Every effort shall be made to prevent dogs from barking or making noise that would disturb other residents' peaceful and quiet enjoyment of their apartments.
- e. Messes made by pets must be removed immediately, put into a sealed bag and discarded in a trash receptacle.

- f. The Board of Directors and the Community Manager are authorized to have offending pets, or pets that are in residence without permission, removed from the property.

## 7. COMMON ELEMENTS / LIMITED COMMON ELEMENTS

Common elements are defined as areas in which all Owners enjoy an undivided interest. These areas include, but are not limited to, the lobby, office, library, and "Suite 100" along with the pool deck, hallways, beach crossovers and any outdoor spaces adjacent to the building. All interior and exterior common elements will be used for its designated purposes only.

Nothing belonging to Owners, their families, tenants, or guests shall be kept outside their apartments without the written approval of the Board of Directors. Such areas shall always be kept free of obstruction (e.g., no floor mats and/potted plants in the common elements hallways).

Limited common elements are defined as shared outdoor space limited to the occupant of the unit. These areas include balconies, patios, and exterior doors. No adornments or recording devices, such as Ring doorbells or surveillance cameras, are allowed on any limited common elements. Doors can be propped open with a toe-kick door jamb so that it can release easily for floor cleaning, but not with decorative door stops.

Patio furniture must be located on each Owner's dedicated patio or balcony. Patio furniture may not encroach on common elements or grass.

Owners are financially responsible to the Association for damage to the common elements caused by themselves, their tenants, guests, or family members.

## 8. EVENTS/GATHERINGS

Owners who are in residence may host private events or gatherings in the common elements, which include the South and North Crossovers, the South Lawn, Lobby, and Courtyard. **Tenants may not host any type of event or gathering in the common elements.**

Any event or gathering at the Island House must end by 10 p.m. All common elements must be left clean, garbage taken to the dumpster and any remaining drinks/food removed from the area.

Please remember that even if an Owner reserves a common element for an event, residents must still be able to access that area to get to the beach (North and South Crossovers), use the pool or pass through the lobby.

**Guidance for gatherings of 19 or fewer people.** As a courtesy, Owners are asked to notify the Island House Community that they are hosting a private gathering by placing it on the Community Calendar that is posted on the board in the lobby. The Owner's name, time of the gathering, and location should be noted.

**Guidance for events of more than 20 people.** Owners planning to host a private event of more than 20 people must submit their request to the Board of Directors for approval 14 days in advance of the event. Approved events will be posted in the lobby and documented in the Board of Directors' meeting minutes.

## 9. REPAIRS, CONSTRUCTION AND RENOVATION

Heavy construction or noisy renovation work may only take place in the off-season between the period of May 1 and October 31.

Quiet work (e.g., painting, wallpaper) or repairs of an urgent nature may be performed year-round between 8am and 5pm. No work is permitted on Saturdays, Sundays, holidays, or periods as specified by John's Island Property Owners Association (JIPOA).

Walkways and stairwells must always be kept clear and clean. Owners are responsible for the conduct of their contractors and workers. If the Community Manager's employees must clean common or limited common elements due to work done by an Owner's contractor or workers, the Owner will be billed at a charge of \$50 per hour.

Absolutely no hand trucks or "pulled luggage" may be used on the stairwells, as this can cause serious damage to the marble treads.



Owners must remind workers that loud and disturbing noises, unrelated to the renovation, are prohibited (e.g., loud music).

## 10. SWIMMING POOL AND POOL DECK AREAS

The swimming pool rules are clearly posted at the pool and are listed below. The rules are sanctioned by the State of Florida and our insurance carrier, and they apply to everyone.

### **Island House Pool Rules**

- Swimming Hours: Dawn to Dusk
- Please shower prior to entering the pool
- No glass or food in pool or 20' from edge of water
- Use of mobile devices for texting and email only – talking on phones is prohibited
- Babies must wear a swim diaper in pool
- Adult supervision is required for children under 12
- Pool capacity: 21 persons
- No lifeguard on duty: Swim at your own risk
- No diving
- No pets are permitted within 50 feet of the pool (Florida state law), which includes the courtyard.

All sand and dirt must be completely removed before entering the pool area, the pool itself, or the building. This should be done at the shower available as you leave the crossover or at the shower in the pool area.

Please close the pool umbrellas after use and return pool furniture to its proper location after use.

## 11. ACCESS TO AND EXIT FROM THE BEACH

Access to the beach is solely by means of the steps leading down from the crossover decks at the entrance to the beach. Access through vegetation and playing on the sand dunes is strictly forbidden.

Please use the shower available as you exit the crossover decks. Clean your body and swimwear of all sand and make sure that your children do the same before entering the walkways, the pool area, or the Lobby.

## 12. CONDOMINIUM APARTMENT USAGE

No one shall make or permit to be made any disturbing noises anywhere in the building, on the walkways, porches, stairwells or anywhere on Island House property that interferes with the rights, privacy, or comfort of others. Talking on electronic devices while on patios is strongly discouraged. If a call or online meeting is taken on a patio, it must be short, discreet and respect the peaceful and quiet enjoyment of those in nearby apartments.

Grilling, barbecuing, or cooking in walkways, on balconies, or porches is prohibited.

Luggage/Grocery cart must be returned to its designated storage area in the lobby immediately after being used.

## 13. VEHICLES/PARKING

Only automobiles, sport utility vehicles and non-commercial passenger vans are authorized to park in the Island House surface level parking lots overnight. Pick-up trucks and other types of recreational vehicles are prohibited from parking in such lots. Violators will be subject to towing and the associated costs.

Washing vehicles, changing oil, or making vehicle repairs, other than minor repairs such as fixing a battery or replacing a flat tire, on Island House property is prohibited.

Electric Vehicle chargers on Island House property may only be used by Owners. **When charging, the setting may not exceed 30 amps.**

Bicycles may not be stored in front of the building, on the exterior walkways, interior hallways (including basement), stairwells and/or in the trash rooms. Owners may store bicycles in their designated storage locker or, when in residence, in the bicycle storage room (B) on the lower level near the loading dock. Anyone can use the bike rack in the south parking lot. Electric bicycles must be charged outside.

#### 14. GARBAGE

Trash and garbage, except for plastic bottles, glass, newspapers, and cardboard, should be securely sealed and placed in the plastic containers in the designated trash rooms/closets.

Trash barrels for recyclables are also located in the four designated trash areas. Please break down boxes for recycling. DO NOT put recyclables in plastic bags.

A dumpster is located at the loading dock on the lower level for large trash items. Please place all trash in the dumpster. No trash of any kind is to be left outside the dumpster.

Diapers and dog messes are to be treated as waste materials and must be sealed in plastic bags and disposed of in the trash barrels. Do not leave diapers in wastebaskets or in restrooms.

#### 15. STORAGE LOCKERS

All personal items must be stored inside the Owners' dedicated storage areas. No items should be left in the common elements. Hazardous materials may not be stored in the lockers (e.g., lithium batteries). See separate rules and regulations for lockers for full details.

#### 16. LAUNDRY FACILITY

A laundry facility is on the lower level near the loading dock. It is available to all owners, renters and guests. Please keep this area tidy and free of trash.

#### 17. GENERAL APPEARANCE

To help maintain a pleasing and orderly appearance, it is not permitted to leave articles of any nature (e.g., towels, fishing rods, skim boards, coolers) in the common elements including foyers, corridors, stairwells, stairways, patios, draped over railings, on the lawn or otherwise in public view. Items left unattended will be collected and placed in the lost and found area

(located in the property manager's office). Trash bags and other trash items must be taken to the designated trash areas.

Items belonging to John's Island Club are not the responsibility of the Island House maintenance staff. Please return these items to the appropriate Club facility.

#### 18. BEHAVIOR

Adults are required to always wear shirts or cover-ups except in the immediate pool or beach areas. This and other dress codes are enforced throughout John's Island and must be observed.

Children under the age of 8 are not permitted to play in common elements without direct adult supervision.

Loud and disturbing noises of all kinds are prohibited.

#### 19. MANAGEMENT STAFF

The Community Manager's staff/employees are not permitted to do private work for Owners, their families, tenants, or guests during work hours except as otherwise provided by the Board of Directors or Elliott Merrill. Private work is defined as any type of work that a handyman would generally be hired to do, including, for example, fixing plumbing, electrical, painting, hanging pictures or moving furniture.

Staff/employees may assist Owners or their families privately with concierge-type services when off duty if both parties are agreeable.

#### 20. OBLIGATION OF OWNERS

Owners have an obligation to follow these Rules and Regulations and to INFORM their guests and tenants of the importance of them, whether or not the Owner is in residence at the time. Copies of the Rules and Regulations should always be readily available in the Apartments.

**OWNERS ARE RESPONSIBLE FOR THE CONDUCT OF THEIR GUESTS AND TENANTS.**

## 21. AUTHORITY

The Owners, Board of Directors, Community Manager and John's Island Security have the complete authority to enforce all stated Rules and Regulations. The Board has the authority to address any special exceptions to the Rules and Regulations.

Owners who are first-time violators of any of these Rules and Regulations will be notified of the violation either verbally or in writing. A second violation will be handled directly with the Owner, and a possible fine may be imposed. A third violation will be referred to the Board of Directors.

## 22. RECOMMENDED ESCALATION PATH FOR INFRACTIONS

It is recommended that any observed infractions of these Rules should be handled in one of the following ways:

1. If comfortable doing so, politely speak to the person directly and remind them of the Rules or reach out to the Owner.
2. Contact a member of the Board of Directors who may either reach out to the Owner directly or contact Elliott Merrill for remediation.
3. If urgent, contact John's Island Security at 772-231-2220.
4. If not urgent, please email the details of the infraction to [loris@elliottmerrill.com](mailto:loris@elliottmerrill.com) at Elliott Merrill. She will reach out with any follow-up questions.

## 23. IMPORTANT INFORMATION AND TELEPHONE NUMBERS

Elliott Merrill Community Management 835 20<sup>th</sup> Place, Vero Beach, FL 32960  
772-569-9853

Website: [www.elliottmerrill.com](http://www.elliottmerrill.com) The website may be used to change an address, submit a work order, make direct debit requests, and download documents.

The on-site maintenance manager is Jon Russell. For maintenance requests, please complete a maintenance form which is available on the Elliott Merrill website. Jon's office is located on the lower level.

After hours property emergencies should be referred to Elliott Merrill. Ask for the Elliott Merrill manager on duty.

If any Owner, tenant, or guest at the Island House encounters an emergency, please call John's Island Security.

- John's Island Security: 772-231-2220
- Indian River Shores Police: 772-231- 4699