

**-WEST PASSAGE  
ASSOCIATION  
REGULATIONS**  
(AMENDED APRIL 2019)

**INTRODUCTION**

The basic documents governing West Passage Association are the Declaration of Condominium, the Articles of Incorporation, and the By-Laws. The Board of Directors of the Association has adopted these Regulations for the more effective implementation of these basic documents, and for the protection of the condominium property and of the community interests of the Association.

Certain provisions contained in the Declaration and Articles are included in these Regulations for more convenient reference. However, it is not intended that these Regulations supersede the Declaration, Articles, or By-Laws; and it is recommended that the owners, whether original or subsequent, familiarize themselves with their obligations as set forth in those documents as well as with these Regulations.

All suggestions or complaints from owners pertaining to these Regulations or the management and operation of West Passage Association should be directed in writing to the President of the Association.

**1. SALES, LEASES, AND OTHER TRANSFERS**

No owner may sell or lease his/her apartment to others without the approval of the Board.

The procedures, restrictions, and other provisions governing the sale or lease of an apartment are set forth in Article XV of the Declaration of Condominium and each owner desiring to sell or lease his/her apartment should be familiar with these provisions.

Applications for Board approval of a proposed sale or lease should be made on forms approved by the Board. These forms are available from Elliott Merrill Community Management. In considering an application, the Board may in its discretion require information in addition to that called for by the application form, and may require an interview with the applicant. Application for approval of a proposed sale or lease must be accompanied by a processing fee of \$50.00.

Any owner leasing his/her apartment shall see to it that a copy of these Regulations is placed in clear view on the kitchen counter in the apartment at the beginning of each lease term, and shall inform his/her leasing agent of this requirement. Extra copies of these Regulations may be obtained by the owner from Elliott Merrill Community Management. Any violations of these Regulations by a tenant shall be the responsibility of the owner.

Because the Declaration of Condominium permits the Board 30 days to consider a proposed lease and 60 days to consider a proposed sale, the Board requests that the effective date of a proposed lease be not earlier than thirty days, and the closing date of a proposed sale be not earlier than sixty days, after receipt by the Secretary of the completed application for approval.

All notices, applications, and related documents shall be addressed and mailed to the Secretary of the Association, in care of Elliott Merrill Community Management.

After closing of an approved sale, membership in the Association by the new owner shall be established by his/her recording of the deed establishing his record title in the public records of Indian River County, Florida, and by his/her delivering to the management company a copy of such recorded instrument. Until such delivery, the Board may deny the purchaser the right to vote at meetings of members of the Association.

In addition to transfers of interest by sale or lease, transfers of interests in an apartment by any other manner, such as by gift, will, inheritance, or mortgage, shall be subject to Article XV of the Declaration to which reference is made for other details concerning transfers, approvals, disapprovals, notices, exceptions and unauthorized transactions. Any sale, lease, mortgage or other transfer of interest not authorized pursuant to these Regulations and the Declaration shall be void and invalid unless subsequently approved by the Board.

## **2. ALTERATIONS AND ADDITIONS**

No owner will cause anything to be hung, displayed, installed, or placed on the exterior walls, doors, windows, porch columns, porch railings, or walkways of an apartment building and shall not otherwise change the appearance of any portion of the exterior of the building or common elements or limited common elements without the prior written approval of the Board. No clotheslines or similar devices and no "for sale" or "for rent" signs shall be allowed on any part of the condominium property.

No structural changes will be made in any portion of an apartment building; including, but not limited to, structural changes to boundary walls of apartments, floors, load-bearing columns and load-bearing walls without the prior written approval of the Board and of any owner of an apartment in which such work is to be done. Any drilling into any concrete wall, floors, or ceiling for any purpose shall be subject to this restriction.

However, an owner may screen or glass in the porch of his/her apartment provided that the specifications for such installation shall first be submitted in writing for the approval by the Board.

Any window or sliding glass door that needs replacing is the responsibility of the owners and shall be replaced according to code and of a style and color approved by the association. In the event of window or sliding glass door openings that require replacement and also have hurricane shutters, it is the responsibility of the unit owner to remove and re-install the shutters to enable window installation.

All garage doors are the responsibility of the association. All individual garage door openers and related hardware and electric are the responsibility of the owners.

There shall be no alterations or additions to the common elements without the prior written approval of the Board and such approvals of the members as may be required by the Declaration.

Owners must submit an Architectural Review Application to the review committee for all

renovations/remodeling. This would include but is not limited to walls, flooring, electrical, plumbing, deck enclosures, hurricane shutters, windows etc.

Interior painting or redecorating does not require preapproval. Preapproval is required before any jobs can start.

Remodeling and work projects may only be done between May 1<sup>st</sup> and November 1<sup>st</sup>.

Acceptable work times are Monday through Saturday, 8:00 a.m. to 4:30 p.m. No Sunday work is permitted at any time.

All requests for approvals and exceptions under this Section 2 shall be submitted to the Secretary in writing and in reasonable detail.

Any owner retaining an outside contractor to do work in his/her apartment shall be responsible for advising such contractor of these Regulations concerning Alterations and Additions.

### **3. PET POLICY**

For the Convenience and safety of all residents, the Board of West Passage must know about all pets that reside within the community. Unit owners must complete a PET APPLICATION FORM and submit to the Board for approval prior to occupying the unit. A current photograph of the Pet should be attached. The management company will present a copy of the house policies to the unit owner for review and signature.

#### **PERMISSIBLE PETS**

One domestic household pet per unit (a cat or dog only) of a quiet and peaceful nature may be kept at West Passage, but only with prior written approval of the board.

#### **PET REGISTRATION**

Unit owners must register their pet with the Association's Management Company prior to moving in or upon the acquisition of a pet. The purpose of the pet registration is to facilitate:

1. Notification of owners in case of injury to a pet
2. Identification of pets causing problems or creating a health emergency
3. Identification of stray pets
4. Confirmation of receipt of the Rules and Regulations regarding Pets.

#### **REQUIREMENTS AND RESTRICTIONS**

1. All pet owners must have a complete and continuing record of all shots and other procedures and required licenses current and available upon request by a board member or association manager.
2. Pets shall not be kept, bred, or used for any commercial purpose, including, but not limited to, boarding, dog sitting and dog walking.
3. Pet owners are responsible for any property damage, injury or disturbances their pet may cause or inflict.
4. Pets shall not be allowed to run free. They must be kept on a leash, under proper control, at all times.
5. State law prohibits pets inside the pool area.

6. Pet owners are responsible for immediately cleaning up after their animals and discarding securely bagged waste. Cat litter may not be disposed of in toilets. No pet waste may be deposited in the trash unless securely double bagged.
7. The owner of any pet causing or creating a nuisance or unreasonable disturbance will be given no more than two warnings of disapproval of the pet's misconduct. After the warnings, should the disturbance continue, the offending pet will be permanently removed from the West Passage property upon three days written notice to the owner by the Board.
8. Guests of owners, lessees, and guests of lessees may not keep pets at West Passage.

#### **4. PARKING**

Neither the Association nor any person shall change the garage assigned to an apartment. Parking space is a limited common element and, as such, is subject to the restrictions regarding Alterations and Additions.

In order to provide sufficient parking for guests and contractors, unit owners with 2 vehicles must park one vehicle in their designated garage space. Guests, tradesmen, and all non-owners shall use open parking space provided, except that with an owner's consent, a resident guest or approved tenant or another owner may use the garage of the owner. No vehicles shall be parked in any location other than the marked paver spaces.

Any and all oil leaks on the parking lot pavers will be the responsibility of the vehicle owner to clean.

No vehicles other than passenger automobiles and no trailers, motorcycles, or boats will be parked overnight on the condominium property without the consent of the Board. Our policy states that no truck over  $\frac{3}{4}$  ton is allowed on the parking lot pavers.

All special requests that deviate from the above must be presented to a board member for review.

#### **TRUCK RESTRICTIONS**

If you require a crane to change out the AC compressor in the mechanical penthouses, that is allowed providing the following conditions are met by the crane provider/operator:

- A. If the machine is heavy enough to cause settling of the pavers from the weight of the machine driving over the pavers, it will be necessary to put down plywood to distribute the load.
- B. The crane outrigger pads likewise must have a large enough surface area as not to compress the pavers or again plywood must be used.
- C. It will be the responsibility of the crane operator to clean ANY and ALL oil spills or leakage from the equipment that gets on the pavers.
- D. NO moving vans or related trucks will be allowed; all off-loading MUST be done in the street and moved to the apartment by dolly or carts (NO EXCEPTIONS).
- E. Trucks are NOT allowed to block both the entrance and exit at the same time under any conditions.

The ultimate responsibility to see that this policy is adhered to is with the unit owner as you were the one who contracted to have the work done, so PLEASE be sure your vendors are aware of and abide by this policy.

## **5. POOL**

Members, tenants, and guests use the pool at their own risk. It would be appreciated if users of the pool and pool area would cooperate to keep same in a clean and sanitary condition. The pool rules as posted shall be adhered to.

Children under 12 years of age may use the pool only under the supervision of an adult. Toddlers who are not toilet-trained are not permitted in the pool.

To maintain private pool status under the law, owners must refrain from inviting guests other than resident's houseguests to use the pool.

Condominium pool furniture shall not be removed from the pool area.

Users of the pool and the pool area shall not participate in games involving ball playing or running. A bather using suntan oil must remove it before entering the pool and must cover patio furniture with a towel before using same. Only plastic or paper containers may be used in the pool area. Diving into the pool is prohibited.

## **6. DOCKS**

Neither the Association nor any person shall change the docking space assigned to an apartment. Assigned docking space is a limited common element and, as such, is subject to the restrictions regarding Alterations and Additions. However, chocks may be attached to dolphins, cleats to the docks (not seawall), rubber rub rails and bars to the dock and a small ladder on the side of the dock by the owner of a dock space provided that such installations comply with any specifications established by the Board. Installation or use at or adjacent to docks of devices to lift boats from the water are prohibited unless approved in writing by the Board. All installations under this Regulation will be at the expense of the owner.

No owner may rent his/her docking space except that such space may be included in a lease of his/her apartment.

## **7. RESIDENT GUESTS**

If an owner who is not in residence wishes his/her guests to use his/her apartment and common elements, the owner shall notify the management company in writing of the name(s) of the guests and the time of their arrival and departure. In the event that more than 6 guests will be using his/her apartment, the owner shall get approval in advance from the Board. Owners are responsible for advising the guests of these Regulations. Any violation of the Regulations by guests shall be the responsibility of the owner. The owner shall provide keys for his/her guests.

## **8. UNIT INSPECTIONS**

Owners of units left vacant for periods of greater than two weeks must arrange to have their units inspected at least once every two weeks. It is strongly recommended that units left vacant during hurricane season (June 1 through November 30) be inspected weekly in order to maintain appropriate temperature and humidity levels and to detect leaks, mold, infestation and

other potential problems.

All unit owners must provide to the Board by May 1 of each year, the name and contact information of those inspecting their units when they are not in residence. The Board reserves the right to inspect documentation indicating the units have been properly monitored.

## **9. HURRICANE SHUTTER POLICY**

When leaving an apartment unattended during the hurricane season (June 1 through November 30), the owner shall move all free-standing objects on porches and balconies, such as chairs, tables, potted plants, etc., into the apartment or storage room.

All shutters, installed after March 2012, must meet the following requirements:

- 1) Miami-Dade PA 201, 202, and 203; **or** Florida Building Code TAS 201, 202 and 203.
- 2) Either accordion or roll-up type shutters are permissible
- 3) Clear protective panels (certified Lucite) are permissible in the sky lights of the top floor units or the entry door side lights only.
- 4) Acceptable color-BRONZE
- 5) The Board may change this policy at any time.
- 6) Hurricane shutters must be permanently in place during the hurricane season which is currently defined by the National Oceanic and Atmospheric Administration as running from June 1<sup>st</sup> through November 30<sup>th</sup>.
- 7) Opening & Closing Instructions:
  - Shutters are to be closed on any unoccupied units no earlier than April 15, but no later than June 1<sup>st</sup>.
  - All shutters must be in the open position between December 1<sup>st</sup> and April 15<sup>th</sup>, unless tropical storm or hurricane warnings have been issued.
  - The Association reserves the right to enforce the above rules at the owners' expense.

## **10. NUISANCES, PROHIBITED ACTIVITIES**

No nuisances shall be allowed upon the condominium property, nor any use or practice that is a source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents. No apartment owner shall permit any use of his/her apartment or make any use of the common elements or limited common elements that will increase the cost of insurance upon said property.

No children under 10 years of age are permitted in the elevators without adult supervision. No occupant may make or permit any disturbing noises in the building or on the condominium property. No occupant may play any instrument, radio, or TV set in his/her apartment if the same shall in any manner disturb or annoy the other occupants of the condominium. No owner may have more than 6 occupants in residence at any time without the advanced approval of the Board.

All parts of the condominium shall be kept in a clean and sanitary condition and no rubbish, refuse or garbage shall be allowed to accumulate nor any fire hazard be allowed to exist.

All garbage and trash must be bagged and deposited solely in building chutes or directly into receiving bins supplied by the Association. The Association encourages the use of all recycle bins supplied for paper and other items as listed in the recycle area of the trash room.

In order to facilitate maintenance and preserve a neat appearance of the premises, no personal furniture or other personal property shall be left on the lawns, in the pool area or on other common element when not in use.

No motorcycles or mini-bikes are to be driven on condominium property, nor is roller-skating or skate boarding permitted. Bicycles may be ridden only on the paver parking areas.

All valid laws, zoning ordinances, and regulations of governmental bodies having jurisdiction over the condominium property or its use shall be observed.

## **11. MANAGER**

At the discretion of the West Passage Board of Directors, they may opt for a manager employed by a management company to work on the Association's behalf OR they may elect to hire separate independent contractors to perform the various services required by the association, said contractors to be supervised by the management company and/or a designated person appointed by the Board. The term manager shall apply to both a manager employed by the management company and a designated person appointed by the Board.

The manager is primarily responsible for the maintenance of all common elements and limited common elements. The magnitude of this responsibility precludes any activity inside the apartments except for certain duties as agreed by the board and the manager.

No condominium owner or resident shall direct, supervise, or in any manner attempt to exert any control over the manager (unless a designated person appointed by the board), nor shall he attempt to send any such person on private business of such condominium owner or resident.

When ordering services from an outside contractor to perform work in their apartment, owners shall notify the manager, in advance, as to when the contractor will be working in their apartment, the name and address of the contractor, and the nature of the work being done. However, the manager assumes no responsibility for supervising such work. Any damage caused by an owner-hired outside contractor becomes the responsibility of the owner.

## **12. NOTICES**

All notices, applications and other communications which under these Regulations are to be sent to an Officer of the Association, shall be addressed and mailed to such Officer, care of:

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

