

Tuscany Woods Community Association, Inc.  
Version 20.03.11 - Effective March 11, 2020

# Rules and Regulations

Tuscany Woods Community Association, Inc.

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## **Violation Policy**

Pursuant to the authority within the Association's governing documents and Florida Statute Section 720.305, the Board of Directors hereby adopts the following Violation Policy which shall be in effect for Tuscany Woods Community Association, Inc.

1. A "violation" refers to any action or condition within the community and on the common area that violates any covenant, rule or policy contained within the Association's Declaration, Bylaws, Rules & Regulations or Board Policies (collectively, the "governing documents"). A copy of the governing documents can be obtained from the Association's Management Company, Associa Gulf Coast, 3550 Buschwood Park Drive, Ste. 150, Tampa, FL 33618 or via the documents section of the TownSq application.
  
2. Violation Procedure:
  - (a) A violation may be identified by Association Board Members, residents or the Property Management firm – and must be promptly reported to the Association's Property Manager via a request submitted via the TownSq application.
  - (b) Upon identifying a violation, the Property Manager will provide notice of the violation to the owner and/or tenant (1<sup>st</sup> Notice) and afford the owner or tenant a reasonable time to cure the violation. The 1<sup>st</sup> Notice is a courtesy notice and will document the violation, identifying the specific rule that has been violated, and will indicate how the violation may be corrected. The 1<sup>st</sup> Notice will indicate that if the violation remains uncured fines or a suspension will be levied.
  - (c) If the violation is not cured within the timeframe specified by the Association, the owner will receive a 2<sup>nd</sup> Notice letter indicating that a daily fine or suspension is being levied, and providing the owner or tenant with at least 14 days' notice of a hearing date before the Fining Committee. The daily fine amount is \$100.00, and fines may accrue for each day of a continued violation up to \$1,000.00.
  - (d) A member of the Board or Property Management firm will inspect the premises on the day of the fining hearing to determine whether the violation has been cured. If the violation has been cured, the Association will waive the fines.
  - (e) If the violation remains uncured as of the date of the fining hearing, the Association will seek the maximum fine amount of \$1,000.00 and the owner will have an opportunity to present evidence regarding the violation and remediation efforts, if any, to the Fining Committee.
  - (f) The Fining Committee's role is to accept or reject the fine proposed by the Association. If a majority of the Fining Committee approves the proposed fine, the fine shall be placed on the owner's account ledger five (5) days after the hearing, and the Property Management firm shall issue a letter to the owner advising him or her of same.

- (g) If the violation remains uncured after the fining hearing, the matter will be turned over to the Association's attorney to initiate litigation, at which point the owner may be responsible for the Association's legal fees.
  - (h) Depending on the nature and severity of the violation, or in the event of a repeat violation within twelve (12) months, the Board reserves the right to escalate a violation directly to fining and/or to the attorney for litigation at any point.
3. Parking violations shall be handled in accordance with the Association's Towing Policy.
  4. In addition to the above remedies, for all Lot maintenance violations, the Board reserves the right to invoke the authority contained in Section 8.2.11 of the Declaration to enter upon the Lot and correct the violation with reasonable notice and charge the cost of same to the Owner as an Assessment of special charge and same shall become a lien thereon collectible and enforceable in the manner provided in the Association's Declaration.
  5. Lastly, and pursuant to Section 9.1.4 of the Declaration, any accumulation of fines that exceeds One Thousand Dollars (\$1,000.00) shall be lienable to the extent under Florida law. The lien for an assessment may be foreclosed in the same manner as any other assessment.
  6. This violation policy supersedes any previous violation policy both past and present.

The above violation policy and timeframes are intended to be a guideline and all actions are subject to administrative and processing delays. However, any deviation from this policy shall not constitute a waiver of any rights or remedies of the Association in having violations resolved.

Approved by Board on this \_\_\_\_ day of \_\_\_\_\_, 2020

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

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

# Vehicle Towing Policy

Pursuant to the authority within the Association's governing documents and Florida Statute Section 720, the Board of Directors hereby adopts the following Vehicle Towing Policy which shall be in effect for Tuscany Woods Community Association, Inc.

1. Pursuant to Section 715.07, Florida Statutes, the Board of Directors shall have the authority to tow any vehicle from the Properties at the sole cost of the vehicle owner, for any violation of the Association's parking restrictions listed below, or the Association's Guest Parking and Hardship Parking policies.
2. Neither the Association nor any officer, director or agent of the Association shall be liable to any individual for any claim of damages as a result of the towing.
3. The Association shall designate a Towing Representatives who will be authorized to contact the Association's tow company contractor to enforce the below standards. Individual vehicle owners shall not be permitted to contact the towing company directly under any circumstance.
4. The Association's Declaration currently contains the following parking restrictions:

9.2.22. Boats, Recreational Vehicles and Commercial Vehicles. No trailer, camper, or other vehicle, other than four wheel passenger automobiles and other four wheel passenger vehicles determined acceptable by the Association, shall be permitted on any portion of Tuscany Woods unless fully enclosed in the garage, except for trucks furnishing goods and services during the daylight hours, except for police and emergency service vehicles, and except as the Association may designate for such use by appropriate rules and regulations. Motorcycles and boats are permitted on the Property; however, they are restricted to being parked in the garage only. In addition, the Board shall adopt rules and regulations from time to time regulating and limiting the size, weight, type and place and manner of operation of vehicles in Tuscany Woods.

9.2.23. Vehicular Parking. No person, firm or corporation shall park or cause to be parked any vehicle on any portion of the Property, other than in driveways or other specifically designated parking areas, the streets, drives, swales, alleys or parkways located on the Property. The foregoing, however, shall not: (i) prohibit routine deliveries by tradesmen, or the use of truck or commercial vans in making service calls and short term visits; (ii) apply to a situation where a vehicle becomes disabled and, as a result of an emergency, is required to be parked within in Tuscany Woods until it can be towed away; and (iii) apply to vehicles used in connection with construction, development or sales activities permitted under this Declaration.

9.2.24. All powered vehicles capable of exceeding 5 miles per hour are prohibited from use on Tuscany Woods property unless they are licensed, registered, and insured. Specifically, any motorcycle, moped, or motorized scooter used in Tuscany Woods may only be driven by a licensed driver, and must be registered and insured in accordance with Florida law. Specifically exempted from this regulation are electric personal assistive mobility devices as defined under Florida Statute, Section 316.003(83); and any other bonafide “assistive technology devices” as defined in Florida Statute, Section 427.802(1); and any special mobile equipment as defined under Florida Statute, Section 316.003(48) provided that such equipment may not be operated in a manner that creates a traffic hazard, or which poses a threat of harm to the use of such equipment.

9.2.25. No person, firm or corporation shall maintain or repair any vehicle (including, but not limited to, four wheel passenger automobiles) upon any portion of the Property except within a closed garage and totally isolated from public view; provided, however, Declarant its successors, nominees or assigns and the Association may make, or cause to be made, such repairs if necessary in regard to vehicles use in connection with construction, sales or management at Tuscany Woods. Vehicles which are missing one or more wheels, have one or more deflated tires, are not in an operating condition, or do not have current valid license plates shall not remain upon any portion of the Property, except within a wholly enclosed garage fully shielded from view, for more than two (2) consecutive days. No Owner or his or her family members, guests, invitees or lessees or their family members, guests, or invitees shall be permitted to keep any vehicle on the Property which is deemed to be a nuisance by the Association or the Declarant.

5. The Association’s Community Guidelines currently contain the following parking restrictions:

#### BOATS, RECREATIONAL VEHICLES, AND COMMERCIAL VEHICLES

No motor homes, trailers, recreational vehicles, boats, campers, vans, or trucks used for commercial purposes, gas powered scooters, all-terrain vehicles, and gas powered recreational vehicles, other than four-wheel passenger automobiles shall be permitted to be parked on any portion of the community, except for Law Enforcement and Fire Department service vehicles or trucks furnishing goods and services during the daylight hours and except as the Association may designate for such use by appropriate rules and regulations. The Association shall have the right to authorize the towing away of any vehicles in violation of these provisions with the costs to be borne by the Owner or violator.

#### PARKING

No vehicles may be parked on any portion of the Property, other than in driveways or other specifically designated parking areas. There are areas within the gated Community area that are designated for guest parking. Guest parking is for use by the guests of the Owners. Guests of residents using guest parking staying longer than 48 hours must obtain a guest parking pass from the management company. Violators may be towed.

6. The Board reserves the right to tow any car that is parked in violation of any of the above-restrictions or the Guest Parking or Hardship Parking policies after the owner of the vehicle is provided one written notice of the parking violation. If the violation remains uncured, or if the vehicle owner violates the parking restrictions again within a six (6) month period, the vehicle shall be subject to towing without further notice.

Approved by Board and effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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

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

## Guest Parking Policy

Pursuant to the authority within the Association's governing documents and Florida Statute Section 720, the Board of Directors hereby adopts the following Guest Parking Policy which shall be in effect for Tuscany Woods Community Association, Inc.

1. The Association's Declarations and Community Guidelines prohibit street parking for guests and residents. Both Tuscany Woods North and South have community parking spaces presently used by both guests and residents.
2. Community parking spaces are marked with white lines. Parking outside of those white lines is considered street parking.
3. The Association's Declaration currently contains the following parking restrictions:

9.2.22. Boats, Recreational Vehicles and Commercial Vehicles. No trailer, camper, or other vehicle, other than four wheel passenger automobiles and other four wheel passenger vehicles determined acceptable by the Association, shall be permitted on any portion of Tuscany Woods unless fully enclosed in the garage, except for trucks furnishing goods and services during the daylight hours, except for police and emergency service vehicles, and except as the Association may designate for such use by appropriate rules and regulations. Motorcycles and boats are permitted on the Property; however, they are restricted to being parked in the garage only. In addition, the Board shall adopt rules and regulations from time to time regulating and limiting the size, weight, type and place and manner of operation of vehicles in Tuscany Woods.

9.2.23. Vehicular Parking. No person, firm or corporation shall park or cause to be parked any vehicle on any portion of the Property, other than in driveways or other specifically designated parking areas, the streets, drives, swales, alleys or parkways located on the Property. The foregoing, however, shall not: (i) prohibit routine deliveries by tradesmen, or the use of truck or commercial vans in making service calls and short term visits; (ii) apply to a situation where a vehicle becomes disabled and, as a result of an emergency, is required to be parked within in Tuscany Woods until it can be towed away; and (iii) apply to vehicles used in connection with construction, development or sales activities permitted under this Declaration.

9.2.24. All powered vehicles capable of exceeding 5 miles per hour are prohibited from use on Tuscany Woods property unless they are licensed, registered, and insured. Specifically, any motorcycle, moped, or motorized scooter used in Tuscany Woods may only be driven by a licensed driver, and must be registered and insured in accordance with Florida law. Specifically

exempted from this regulation are electric personal assistive mobility devices as defined under Florida Statute, Section 316.003(83); and any other bonafide “assistive technology devices” as defined in Florida Statute, Section 427.802(1); and any special mobile equipment as defined under Florida Statute, Section 316.003(48) provided that such equipment may not be operated in a manner that creates a traffic hazard, or which poses a threat of harm to the use of such equipment.

9.2.25. No person, firm or corporation shall maintain or repair any vehicle (including, but not limited to, four wheel passenger automobiles) upon any portion of the Property except within a closed garage and totally isolated from public view; provided, however, Declarant its successors, nominees or assigns and the Association may make, or cause to be made, such repairs if necessary in regard to vehicles use in connection with construction, sales or management at Tuscany Woods. Vehicles which are missing one or more wheels, have one or more deflated tires, are not in an operating condition, or do not have current valid license plates shall not remain upon any portion of the Property, except within a wholly enclosed garage fully shielded from view, for more than two (2) consecutive days. No Owner or his or her family members, guests, invitees or lessees or their family members, guests, or invitees shall be permitted to keep any vehicle on the Property which is deemed to be a nuisance by the Association or the Declarant.

4. The Association’s Community Guidelines currently contain the following parking restrictions:

#### BOATS, RECREATIONAL VEHICLES, AND COMMERCIAL VEHICLES

No motor homes, trailers, recreational vehicles, boats, campers, vans, or trucks used for commercial purposes, gas powered scooters, all-terrain vehicles, and gas powered recreational vehicles, other than four-wheel passenger automobiles shall be permitted to be parked on any portion of the community, except for Law Enforcement and Fire Department service vehicles or trucks furnishing goods and services during the daylight hours and except as the Association may designate for such use by appropriate rules and regulations. The Association shall have the right to authorize the towing away of any vehicles in violation of these provisions with the costs to be borne by the Owner or violator.

#### PARKING

No vehicles may be parked on any portion of the Property, other than in driveways or other specifically designated parking areas. There are areas within the gated Community area that are designated for guest parking. Guest parking is for use by the guests of the Owners. Guests of residents using guest parking staying longer than 48 hours must obtain a guest parking pass from the management company. Violators may be towed.



5. The Board designates the parking areas in both Tuscany Woods South and North to be reserved for guests of residents only. They will be marked as such. Residents that park in the guest spaces will be fined. Guests of residents using guest parking staying longer than 24 hours must obtain a guest parking pass from the management company. Violators may be towed.

Approved by Board and effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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

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

## Hardship Parking Policy

Pursuant to the authority within the Association's governing documents and Florida Statute Section 720, the Board of Directors hereby adopts the following Hardship Parking Policy which shall be in effect for Tuscany Woods Community Association, Inc.

1. The Association's Declarations and Community Guidelines prohibit street parking for guests and residents. Both Tuscany Woods North and South have community parking spaces presently used by both guests and residents.
2. Future residents of Tuscany Woods must be notified that three cars are not allowed in the community. This shall apply to both owners and renters.
3. The Board recognizes that unforeseen occurrences happen in life that may force a family member to temporarily return home causing an irreconcilable parking problem.
4. The Association's Declaration currently contains the following parking restrictions:

9.2.22. Boats, Recreational Vehicles and Commercial Vehicles. No trailer, camper, or other vehicle, other than four wheel passenger automobiles and other four wheel passenger vehicles determined acceptable by the Association, shall be permitted on any portion of Tuscany Woods unless fully enclosed in the garage, except for trucks furnishing goods and services during the daylight hours, except for police and emergency service vehicles, and except as the Association may designate for such use by appropriate rules and regulations. Motorcycles and boats are permitted on the Property; however, they are restricted to being parked in the garage only. In addition, the Board shall adopt rules and regulations from time to time regulating and limiting the size, weight, type and place and manner of operation of vehicles in Tuscany Woods.

9.2.23. Vehicular Parking. No person, firm or corporation shall park or cause to be parked any vehicle on any portion of the Property, other than in driveways or other specifically designated parking areas, the streets, drives, swales, alleys or parkways located on the Property. The foregoing, however, shall not: (i) prohibit routine deliveries by tradesmen, or the use of truck or commercial vans in making service calls and short term visits; (ii) apply to a situation where a vehicle becomes disabled and, as a result of an emergency, is required to be parked within in Tuscany Woods until it can be towed away; and (iii) apply to vehicles used in connection with construction, development or sales activities permitted under this Declaration.

9.2.24. All powered vehicles capable of exceeding 5 miles per hour are prohibited from use on Tuscany Woods property unless they are licensed, registered, and insured. Specifically, any motorcycle, moped, or motorized

scooter used in Tuscany Woods may only be driven by a licensed driver, and must be registered and insured in accordance with Florida law. Specifically exempted from this regulation are electric personal assistive mobility devices as defined under Florida Statute, Section 316.003(83); and any other bonafide “assistive technology devices” as defined in Florida Statute, Section 427.802(1); and any special mobile equipment as defined under Florida Statute, Section 316.003(48) provided that such equipment may not be operated in a manner that creates a traffic hazard, or which poses a threat of harm to the use of such equipment.

9.2.25. No person, firm or corporation shall maintain or repair any vehicle (including, but not limited to, four wheel passenger automobiles) upon any portion of the Property except within a closed garage and totally isolated from public view; provided, however, Declarant its successors, nominees or assigns and the Association may make, or cause to be made, such repairs if necessary in regard to vehicles use in connection with construction, sales or management at Tuscany Woods. Vehicles which are missing one or more wheels, have one or more deflated tires, are not in an operating condition, or do not have current valid license plates shall not remain upon any portion of the Property, except within a wholly enclosed garage fully shielded from view, for more than two (2) consecutive days. No Owner or his or her family members, guests, invitees or lessees or their family members, guests, or invitees shall be permitted to keep any vehicle on the Property which is deemed to be a nuisance by the Association or the Declarant.

5. The Association’s Community Guidelines currently contain the following parking restrictions:

#### BOATS, RECREATIONAL VEHICLES, AND COMMERCIAL VEHICLES

No motor homes, trailers, recreational vehicles, boats, campers, vans, or trucks used for commercial purposes, gas powered scooters, all-terrain vehicles, and gas powered recreational vehicles, other than four-wheel passenger automobiles shall be permitted to be parked on any portion of the community, except for Law Enforcement and Fire Department service vehicles or trucks furnishing goods and services during the daylight hours and except as the Association may designate for such use by appropriate rules and regulations. The Association shall have the right to authorize the towing away of any vehicles in violation of these provisions with the costs to be borne by the Owner or violator.

#### PARKING

No vehicles may be parked on any portion of the Property, other than in driveways or other specifically designated parking areas. There are areas within the gated Community area that are designated for guest parking. Guest parking is for use by the guests of the Owners.

Guests of residents using guest parking staying longer than 24 hours must obtain a guest parking pass from the management company. Violators may be towed.

6. The Board reserves the right to temporarily designate a guest spot as being reserved for hardship candidates. This will have a maximum term of three months. The quarterly fee is \$225. The funds will be held in a special reserve account to be eventually used to expand the number of guest parking spots. Hardship is defined as a third car owned by a visiting family member. Hardship cases will be individually reviewed and approved by the Board. Hardship rights are renewable but each case requires Board approval. No family can reserve more than a single space.

Approved by Board and effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

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

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

# Appendix A: Fining Notice

DATE

## **OWNER NAME AND ADDRESS**

Re: Tuscany Woods Community Association, Inc.  
Owner's Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_

Dear \_\_\_\_\_:

You were previously advised that you must correct \_\_\_\_\_ [nature of violation]\_\_\_\_\_. You have failed to correct the violation, and therefore remain in violation of the Association's deed restrictions, which state in pertinent part as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Due to your failure to cure the above-referenced violation(s) upon previous notice from the Association, the Board of Directors has determined to levy a fine of \$\_\_ [daily amount of fine]\_\_ per day, and has referred the matter to the Fining Committee. The Fining Committee will conduct a hearing on [month], [day], 2020 at \_\_\_\_:\_\_\_\_ a.m./p.m. at \_\_\_\_\_ [location]\_\_\_\_\_, FL \_\_\_\_\_ to determine whether or not to confirm or reject the proposed imposition of the fine. This will be your statutorily provided opportunity to be heard regarding this matter, so you are encouraged to attend the hearing.

Please contact the Association immediately if you believe that you have already cured this violation.

Sincerely,

\_\_\_\_\_

## Appendix B: Notice of Approved Fine

DATE

### **OWNER NAME AND ADDRESS**

Re: Tuscany Woods Community Association, Inc.

Owner's Name: \_\_\_\_\_

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

Dear \_\_\_\_\_:

Pursuant to our letter of \_\_\_\_\_, 2020, a fining hearing was held on \_\_\_\_\_, 2020 before the Fining Committee.

At the hearing, the Fining Committee confirmed and adopted the proposed imposition of the fine. The fine of \$ \_\_\_\_\_ is due and payable to the Association within five (5) days from the date of this letter.

Please contact the Association at \_\_\_\_\_ if you have any questions regarding this demand, or to satisfy the delinquency.

Sincerely,