

# PGA PROPERTY OWNERS ASSOCIATION INC.

## INTRODUCTION

The PGA Property Owners Association, Inc. ("POA") is a Florida not-for-profit corporation which was established by the Developer of the PGA National Resort Community as the Master Homeowners Association for the entire development known as "PGA National". The purpose of the POA is to promote the recreation, health, safety and welfare of all property owners within PGA National and, in particular, for the improvement, operation and maintenance of certain properties, services and facilities within PGA National. These properties are described in the PGA National Declaration of Covenants and Restrictions, and amendments thereto (the "Declaration"). POA services include: (1) maintenance of certain common property, area street lighting, drainage facilities and roadways; (2) payment of taxes and insurance upon property owned by the POA; (3) arrangements and payment for security and emergency forces; (4) operation and management of the POA and its committees; (5) payment of expenses and liabilities incurred by the POA in connection with the enforcement and performance of its rights and duties under the Declaration and its Rules and Regulations; and (6) making and collecting assessments and other financial arrangements to carry out the duties and obligations of the POA.

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**THIRD AMENDED AND RESTATED RULES AND REGULATIONS OF  
PGA PROPERTY OWNERS ASSOCIATION, INC.**

All initially capitalized terms, unless otherwise defined herein, shall have the meanings assigned to such terms in the PGA National Declaration of Covenants and Restrictions, recorded in official Record Book 3085 Page 0777 of the Public Records of Palm Beach County, as amended (the "Declaration"). The rules and regulations set forth in this document (the "Rules and Regulations") shall supersede and replace the Second Amended and Restated Rules and Regulations of the PGA Property Owners Association, Inc., recorded in official Record Book 17357, commencing at page 585 (and any amendments recorded prior to the recording of this document).

1. **ARCHITECTURAL REVIEW.**

- 1.1 The PGA National Architectural Review Committee ("ARC") of PGA Property Owners Association, Inc. (the "POA") consists of not less than three (3) nor more than seven (7) persons, at least one of whom is a member of the Board of Governors of the POA. The ARC normally meets every other week, and otherwise as it deems necessary, in order to monitor the architectural and landscaping control, and the development of the various construction and maintenance activities within PGA National Resort Community ("PGA National") and **TO ENFORCE THE ARCHITECTURAL AND LANDSCAPING CONTROL REQUIREMENTS CONTAINED IN THE POA DESIGN REVIEW MANUAL, THE DECLARATION** and other applicable Homeowner Association (HOA) or Condominium Association (Condo) Declarations within PGA National.

The ARC approves or disapproves all initial building and landscaping plans and specifications proposed by owners within PGA National as well as subsequent additions or revisions. There are detailed requirements for landscaping plans relating to the type, size, quantity and quality of materials and siding, from the Declaration and from the City of Palm Beach Gardens. The ARC is empowered to establish such procedures as it deems necessary to the accomplishment of its purposes and has implemented the following, which the POA would like to call to your attention:

- 1.1.1 Plans must be submitted to the ARC and written approval received by owners prior to the commencement of any construction. Please contact the POA office for preliminary information prior to drafting and submission of plans.
- 1.1.2 Front elevation skylights are prohibited.
- 1.1.3 All types of hurricane shutter installations must be approved in writing by the ARC before installation. Galvanized finish removable panels, "Fabric Shield" and plywood, may only be installed after a hurricane WARNING is issued and must be REMOVED no later than seven days after the warning is canceled or the hurricane passes, whichever is later. Removable metal panels

factory finished or equivalent to match the building or trim color, as approved by the ARC, or clear plastic panels may be installed during hurricane season, June 1st through November 30th. Bahama, roll, accordion shutters, and the like, as approved by the POA ARC, which are permanently fastened to the building MAY NOT BE CLOSED except from June 1st through November 30th as noted above.

Types of shutters which may be readily approved are as follows:

- 1) Removable metal panels factory finished or equivalent to match the house or trim color (at the discretion of the ARC) or transparent plastic-type panel shutters.
- 2) Galvanized panels or plywood as noted in the exception above.
- 3) The metal channel designed to hold panels in place may be left mounted in most cases, provided it is painted to match the color of the building surface to which it is attached. NOTE: Tracks over octagon or other decorative windows (other than square) must be removed (ie: they may *not* remain, even if painted to match the surface of the house).
- 4) Operable Bahama or colonial shutters may be used if finished as required by ARC.
- 5) Roll and accordion shutters in locations at the discretion of the ARC.

General guidelines: It is the intention of the ARC that shutters appear to be integral to the design of the building. The ARC may have specific requirements as to the method of installation or type of shutter to accomplish this.

1.1.4 Only mailboxes approved by the ARC are permissible for single family houses. No alterations to mailboxes are permitted, i.e., no added names, no unapproved replacement of numbers to different style or type. Mailboxes must be kept in good condition. Order and payment will be made through the POA office after approval of final plans.

1.1.5 Only certain types of fencing have been approved. Documentation detailing these designs is available from the POA office, including related landscape requirements. Standard "shadowbox" type wood fencing is prohibited. No fencing is permitted in front lot area within six feet (6') of the lot line; however, block walls and decorative type fences may be approved in the front by the ARC on an individual basis at its sole discretion. The maximum allowable height of a fence is six feet (6'). Fences will be placed two feet (2')

inside the property line with hedge plants thirty-six inches (36") high planted two feet (2') on center within the two feet (2') of property outside the fence. No fencing in front of front facet of house, i.e., no fencing in front yard. When approved by both adjoining Owners, a fence could be placed on the property line with each respective property maintaining the hedge on his side of the fence. Any such approval must be in writing and recorded on each lot. The fence maintenance becomes a joint responsibility of both Owners and its removal would have to be approved by both Owners.

1.1.6 All single-family homes must be pre-wired for CATV and operable security systems.

1.1.7 All antennas and aerials (including parabolic antennas) for Residential Property must be concealed inside attic space or locations approved by the ARC and applicable FCC rules. Antennas shall be permitted on Non-Residential Property, provided such devices are not visible at the street level or from off the property, subject to applicable FCC rules. The POA shall be notified of an owner's intent to install an antenna. The installation of satellite dishes as protected by federal law shall not be subject to approval by the ARC.

- a) Locations in which dishes are to be **discouraged**:
  - 1) Tops of roofs.
  - 2) At the peaks of gable walls.
  - 3) On poles out away from house walls or other house elements (fences, screen enclosures, etc.).
  - 4) On the eave line of a roof where the dish protrudes above the fascia line.
  - 5) Attached to trees or other landscaping elements.
  - 6) In full view from a street or golf course, such as how a flag or other intentionally displayed ornament would be positioned.
  
- b) Recommended dish installation locations:
  - 1) At a low elevation, at the rear or sides of a house, where it is out of view from the streets, neighbors, and/or golf courses.
  - 2) Inconspicuous locations on building walls.
  - 3) Mounted to the wall of the house or fence, preferably no higher than 9' above ground level.
  - 4) Mounted on a pole in the rear of a house, up against a wall or fence with the top of the dish no higher than 9' above ground level (paint pole and dish to match house).
  - 5) Hidden by landscaping.
  - 6) Painted to match the wall or building elements it is placed against.

- 1.1.8 Solar panel location and installation must be approved in writing by the ARC prior to construction.
  - 1.1.9 Homes designed for Florida weather and lifestyle are encouraged.
  - 1.1.10 Any change in the physical appearance of the exterior of any single family/multi-family residential unit or other property within PGA National is subject to prior written approval of the ARC. This includes, but is not limited to, exterior colors of buildings, landscaping, any elimination or reduction in landscape irrigation, and signage.
  - 1.1.11 All signs must obtain ARC approval before installation. Signs for Residential Property Owners must conform to the ARC approved written specifications on file with the ARC. "For Sale", "For Rent" and "Open House" signs are not permitted. Security Yard signs are prohibited, however, 5"x8" window decals or other signs with the name of the security company are permitted on first floor windows.
  - 1.1.12 All street lights in PGA National shall be limited to white lights regardless of location on or near the driving surfaces within the community and regardless who maintains such lights. This rule shall apply to all street lights presently existing as well as to all replacements and street lights which may be installed in the future. Any existing street light of another color must be replaced with white bulbs. The term "street lights" when used herein, shall not refer to any lights which are attached to any single or multi-family residential structure.
  - 1.1.13 All landscape lights shall be white, subject to the ARC Design Review Manual provisions, which may permit deviations from this rule.
  - 1.1.14 Swimming pools and screen enclosures require ARC approval before installation.
- 1.2 Any approval granted by the ARC applies only to the particular plans and specifications which it may approve in writing. Any deviation or modification from the plans and specifications approved by the ARC will be deemed to be a violation of the Declaration and these Rules and Regulations, for which the Owner shall be responsible. In order for the ARC to carry out its duties and obligations for the mutual benefit of all Owners at PGA National, it is necessary to have strict standards as to construction and design, and therefore, the ARC wishes to advise all Owners that it shall be their responsibility to comply strictly with the plans and specifications as approved. Approvals of the ARC must be in writing and signed by an officer, authorized agent, or Board member of the ARC. No verbal alterations or deviations will be permitted. Each Owner shall be deemed to agree to take

immediate corrective action, at his own cost and expense to correct any deviations or violations of the plans and specifications if the ARC determines that any construction or activity is taking place which is in violation of, or not in conformity with, the approved plans and specifications including matters relating to landscape and irrigation. The POA reserves the right to take whatever other action it deems necessary to correct any existing violation if an Owner fails or refuses to do so within the time specified by the ARC. All costs and expenses of any such actions undertaken by the POA shall be chargeable to the Owner. Nothing contained herein shall, however, require either the ARC or the POA to correct defects of nonconforming construction.

- 1.3 The POA, through the ARC or otherwise, shall have the right, but not the obligation, to enforce all maintenance and repair obligations of Owners and of other associations under the Declaration, these Rules and Regulations and under any other declaration of condominium or declaration of covenants and restrictions encumbering property in PGA National. Each Owner shall perform such maintenance and repair to their property to keep it up to the community standards of PGA National, as determined by the ARC; this shall include, but not be limited to, the painting of exteriors, roof maintenance and repair of exterior premises.
- 1.4 The POA's right to enforce maintenance and repair obligations shall extend to property owned by individual owners, as well as common property ("Common Property") owned or operated by HOAs or Condo associations within PGA National. Nothing contained herein shall, however, require the POA to enforce any such repair or maintenance obligations under the Declaration or the declaration of any Condo or HOA within PGA National.
- 1.5 The Owner or builder of a single-family house at PGA National is required to give the POA a deposit as required by the Design Review Manual at or before the time that the plans and specifications are approved by the ARC. This deposit is required, whether for a new home or modification of an existing home. Such deposit shall be used as assurance that the Owners/builders will keep their lot and the construction site and rights-of-ways adjoining in a neat, clean and reasonable fashion before, during and after construction, and as assurance that the Owner/builder will not cause any damage to the property of the POA, including, but not limited to, rights-of-way, pavement, other driving surfaces, shrubs, trees, drainage structures and grading and as assurance that the Owner or builder will comply with all duties and requirements placed upon them under these Rules and Regulations and under the Design Review Manual for PGA National. The POA shall cause the deposit to be placed in a separate interest bearing escrow account with interest being for the benefit of the POA, as compensation for administering this aspect of the construction program. Upon completion of construction, as evidenced by issuance of a certificate of occupancy and after the site is left in a clean condition without damage to private property or with any such damage having been repaired by the Owner/builder, the POA shall immediately

refund the deposit or so much of the balance of the deposit as remains after deductions are made to correct deficiencies.

1.6 Recognizing that ongoing construction activity, if not completed in a prompt and expeditious manner after the commencement of construction, could be a source of annoyance or dissatisfaction to nearby residents, the ARC requires that once commenced, construction on each individual single-family or multi-family residential building be prosecuted to completion in a prompt, continuous and diligent manner. All construction of single and multi-family residential buildings shall be completed within one (1) year from the date of issuance of a building permit for each structure or within one (1) year from the date of actual commencement of construction, whichever occurs sooner. Notwithstanding this requirement to complete construction within one (1) year, all Owners of single or multi-family property with homes or units under construction shall prosecute the construction at the earliest possible time. Any interruption in construction for a period of thirty (30) consecutive calendar days shall be deemed to create a presumption that such construction is not being carried out in a prompt, expeditious and continuous manner as otherwise required by this rule. Dumpsters and portable toilet facilities are required for all new construction and renovation of existing structures. They should be placed in such a way as to be unobtrusive to surrounding neighbors as much as possible. Dumpsters must be emptied regularly; no debris may exceed the top of the enclosure walls.

1.6.1 Any requests for time extensions with respect to this rule must be made in writing and submitted to the ARC. Such request shall indicate the current status of construction, the reasons for the time extension request, and the new estimated date for completion.

1.6.2 Construction not completed within the stipulated time period or a project upon which construction is not continuous as required by this rule may be treated as a nuisance and a violation of these Rules and Regulations.

1.6.3 This rule may be enforced in the same manner as all other Rules and Regulations of the POA by the levying of fines, or by an action at law or in equity for injunctive or other relief and costs of enforcement shall be charged against the Owners of the property together with reasonable attorneys' fees and costs.

1.7 Re-roofing of any single family residence requires ARC approval and must be completed within forty-five (45) calendar days from the date of commencement. Commencement is defined as the date on which any portion of the existing roof is removed from the residence. Completion shall be defined as the date on which the last of the new approved roof materials are affixed to the single family residence.

If there is a delay in obtaining the selected roof material, and it is mandatory to replace

the existing roof due to leaks, then work can commence on replacement of the faulty membrane and a delay in completion will be permitted; however, all construction material and debris must be removed from the site upon completion of the membrane installation. When re-roofing resumes, completion must be accomplished within twenty-one (21) calendar days from the date that the approved roof material is delivered to the site.

Re-roofing of any multi-family property or homes or units which are being re-roofed by the authorized home owners association, property owners association, or condominium association, rather than by an individual property owner, shall be completed (as to the entire project) within one (1) calendar year from commencement as defined above (i.e. - the re-roofing of each unit or home must be completed within 45 days of commencement on that unit or home, and the entire project must be completed within 1 year of commencement on the first unit or home). All other provisions of Rule 1.7 (and subsections within Rule 1.7) shall apply to re-roofing of multi-family property or homes or units being re-roofed by the authorized home owners association, property owners association, or condominium association.

**\*ALL EXTERIOR CHANGES MUST BE APPROVED BY THE ARC.\***

2. **TRANSFER OF PROPERTY.** Transfer of any Property within PGA National by an Owner of Residential Property is subject to the prior approval of the POA, as provided in the Declaration. Pursuant to Article VII, Section 5(g) of the Declaration, Non-Residential Property is exempt from the provisions of this paragraph 2.1 except as to 2.2.5.

2.1 **Sale or Lease.** No Owner of Residential Property may transfer his Property, or any interest therein by sale or lease without the prior approval of the POA. Moving vans and/or any vehicle used to move residents' personal property are only permitted between the hours of 8:00 a.m. – 5:00 p.m., Monday through Saturday. No moving in/out and no furniture delivery is permitted on Sundays or Holidays.

2.2 **Other Transfers.** No Owner of Residential Property may transfer his Property or any interest therein by any other means whatsoever, except as specifically provided or by operation of law or by court decree in connection with probate or guardianship proceedings, without prior approval of the POA.

2.2.1 **Sale or Lease.** Any Owner of Residential Property intending to make a bona-fide sale or lease of his property, or any interest therein, shall give the POA notice of such intention by filing a Resale Notice and Acknowledgment, or a Notice of Lease and Acknowledgment, as applicable, on the form available at the POA office. Such notice shall include the name and address of the intended purchaser or lessee, the purchase price, or rental amount, the terms, and such other information concerning the intended purchaser or lessee as the POA may reasonably require, together with an executed copy of the proposed contract or

lease.

- 2.2.2 **Application Form.** All applications for approval of transfer of Residential Property shall be presented to the POA on the form prescribed by the POA and titled Resale Notice and Acknowledgment, or Notice of Lease and Acknowledgment, whichever is applicable. This form shall request such information as may reasonably be required by the POA. The application package requires an Acknowledgment form to be executed by the neighborhood association.
  - 2.2.3 **Filing Fee.** A filing fee of twenty-five dollars (\$25.00) will be charged to the Owner of the Residential Property for the purpose of defraying the costs associated with processing these requests, changing books and records and other matters associated with the transfer.
  - 2.2.4 **Certificate of Approval.** In the case of a sale of Residential Property, if the proposed transfer is approved by the POA, such approval shall be stated in a recordable certificate executed by the President, Vice President, Secretary, Assistant Secretary or Executive Director of the POA, which certificate shall be recorded among the Public Records of Palm Beach County, Florida, at the expense of the seller. In the case of a lease of Residential Property, any approval must be in writing executed by an officer of the POA. The POA will attempt to expedite the handling of all approval requests.
  - 2.2.5 **Proof of Transfer.** Upon every transfer of title to Property within PGA National, it shall be an obligation of the current Owner and successor Owner to provide the POA with a copy of the deed of conveyance and settlement statement within thirty (30) days after closing or transfer of title to document proof of change of ownership. Failure to provide such documents may result in the POA not having correct and up to date records which could place an Owner at a disadvantage in not receiving notices of assessments, vehicle bar codes, and/or other information and services. The POA shall not have any responsibility or liability for any lien placed upon property as a result of non-payment of an assessment if the copy of the deed and settlement statement were not timely provided to the POA to enable the POA to properly address assessment notices. This Section 2.2.5 shall apply to both Owners of Residential Property and Non-Residential Property Owners.
- 2.3 **Violations.** The POA shall have the right and authority to deny any request for approval for the sale or lease of property within PGA National as to any Owner of Residential Property who is in violation of any of the duties and obligations imposed by the Declaration, these Rules and Regulations or any other regulatory matter within the jurisdiction of the POA.

2.4 **Non-Residential Property**. The POA shall have no right to review any Lease or Purchase Agreement or other document, affecting any portion of the Non-Residential Property.

3. **SECURITY**. The security contractor ("Security") for the POA maintains a close working relationship with the City of Palm Beach Gardens Police Department by reporting violations of city laws for necessary action. Security is authorized by the POA to inform Owners if, and to what extent, they are in violation of regulations established by PGA National. PGA National is patrolled by the City of Palm Beach Gardens. Security also patrols each community. In the event of a police or medical emergency, residents should first call 911 and then Security (at 561-627-1600).

Deleted:

3.1 **POA Gate House/Information Booths and Decals.**

3.1.1 GATE ACCESS CONTROL is in effect at the PGA National Main Gates located on Ryder Cup Blvd at Northlake Blvd and at PGA Blvd and on Tournament Blvd and Ave of the Masters at Ave of the Champions. The booth on Avenue of the Champions immediately south of the traffic circle is the main information and communication booth and is open 24 hours per day, 7 days per week.

3.1.2 PGA POA has issued and affixed Bar Codes to registered vehicles of Owners and Authorized Tenants and supplied each with a Personal Security Access Code. Procedures for telephone and internet web-based guest authorization have been provided to all residents and authorized tenants.

3.1.3 Vehicles with a PGA Bar Code may enter via the Residents Lane (Right Lane); all others must use the Visitor's Lane (Left Lane). The right Resident's Lane will ONLY open with a PGA Bar code. Residents who enter using the left Visitor's Lane between the hours of 9:00 p.m. until 6:00 a.m. will be asked for a photo ID or their Personal Security Code to gain entry. City, County and State officials have the right to enter at all times.

3.1.4 All vehicles entering via the left Visitor's Lane will be allowed entry without further delay (after coming to a complete stop at the stop sign/barricade) between the hours of 6:00 a.m. until 9:00 p.m. As to vehicles entering via the left Visitor's Lane, between the hours of 9:00 p.m. – 6:00 a.m., the security officer will ask the destination and, if the party is on a resident's guest list, the guard will request identification and allow access. Any guest who is not registered will be denied entry if the resident/owner cannot be contacted by phone to allow entry. The security officer shall have the right to telephone or otherwise notify any resident of a guest who is present to visit such resident. In the event of any activity reasonably deemed to be suspicious by the security officer, the license plate of the vehicle will be noted, the POA security will

attempt to monitor such situation through one of its patrol cars and security may notify the Palm Beach Gardens City Police Department, depending upon circumstances.

- 3.1.5 Only residents of the internally gated Championship/Eagleton and Preston/Preston Court communities will need to authorize guests at ALL times due to the additional gate at their entry which is access controlled 24 hours per day. All other residents of PGA National will only need to authorize guests between 9:00 p.m. – 6:00 a.m. Residents of the Island and Devonshire must still contact their community gate to authorize guests (in addition to contacting the POA access control number or website). At such time as Devonshire and/or The Island modifies their gate to be compatible with the PGA main gates, these directives may change.
  - 3.1.6 EXIT gates have been installed at all four of the PGA POA main gates identified above. These exit gates are activated at 9:00 p.m. until 6:00 a.m. All vehicles must come to a complete stop at the exit gate stop sign and, after the gate opens, proceed forward with caution. Loop sensors in the road cause the gate to close after the vehicle passes. **ALL VEHICLES MUST COME TO A COMPLETE STOP BEFORE EXITING THROUGH THE GATE OR IT WILL CLOSE ON THE VEHICLE.** PGA POA and its Agents are not responsible for damage to vehicles or property caused by the gates.
  - 3.1.7 The operational details regarding the gate house/information booths on the major loop roads within PGA National are subject to change, from time to time, based upon applicable requirements of the City or by the POA.
  - 3.1.8 In connection with all gate house/information booths and gates, in the event of heavy traffic where vehicles are backed up causing unreasonable or unsafe conditions or blocking traffic on PGA Boulevard, Northlake Boulevard or Avenue of the Champions, the security officers are instructed, upon request of the City Police Department or the POA, to open the gates and permit traffic to flow so as to avoid unreasonable congestion and unsafe conditions.
  - 3.1.9 The POA has given an indemnification and hold harmless agreement to the City of Palm Beach Gardens ("Agreement") with respect to any suit or claim which may be brought against the City, the District or PGA National by anyone in connection with operation of the gate house/information booths, the mechanical gates, the operation thereof or any other provision of the Agreement. The POA has reasonable liability insurance to cover certain liability situations with limits which may change from time to time. Owners can check with the POA office for details.
- 3.2 No vehicles may be parked on or within the driving surface and rights-of-way of the

main loop roads, consisting of Avenue of the Champions, Avenue of the Masters, Ryder Cup Boulevard, Tournament Boulevard, Medalist Avenue and Coventry Lane. No vehicles may be parked on or within any golf course areas, drainage areas, or unimproved sites of future single or multi-family construction. This provision shall not apply to any construction or maintenance vehicle properly on site in connection with the performance of any bona fide construction or maintenance activity approved by the POA, providing: (a) such vehicles do not cause any damage to property; (b) any damage to property is promptly repaired to the satisfaction of the POA by the person responsible; and (c) such vehicles obtain approval of the POA as to the area where such vehicles may be parked. No vehicle may be parked on any driving surface of any private road so as to obstruct traffic on said road, or so as to block all or a portion of a sidewalk, bike path or driveway.

- 3.3 For security and aesthetic reasons, garage doors must be closed except during ingress and egress to and from the garage.
- 3.4 Commercial solicitations of any kind, including free newspapers, are not permitted at PGA National. Please notify Security of this problem should it arise.
- 3.5 Any unregistered, unauthorized or illegally parked vehicles of any kind may be towed off the property at the expense of the owner of the vehicle.
- 3.6 Posted speed limits and other traffic control signs must be strictly observed. Please report any violations to security. Note: The Palm Beach Gardens police have jurisdiction within PGA National. There is a police patrol car in PGA .
- 3.7 The POA'S operation of the gate house/information booths, employment of security staff or undertaking any other measures relative to access to PGA National or any community or road therein, or monitoring of activities within PGA National shall in no manner constitute a warranty or representation as to the provision of or level of security within PGA National or any Condo, HOA, or community located therein. **THE POA DOES NOT GUARANTEE OR WARRANT, EXPRESSLY OR IMPLICITLY, THE MERCHANTABILITY OF FITNESS FOR USE OF ANY SECURITY SYSTEM OR SERVICES, OR THAT ANY SYSTEM OR SERVICES WILL PREVENT INTRUSIONS, FIRES OR OTHER OCCURRENCES, OR THE CONSEQUENCES OF SUCH OCCURRENCES, REGARDLESS OF WHETHER OR NOT THE SYSTEM OR SERVICES ARE DESIGNATED TO MONITOR SAME; AND EVERY OWNER OR OCCUPANT OF PROPERTY WITHIN PGA NATIONAL ACKNOWLEDGES THAT THE POA, ITS EMPLOYEES AND ASSIGNS ARE NOT INSURERS OF THE OWNER'S OR OCCUPANT'S PROPERTY OR OF THE PROPERTY OF OTHERS LOCATED ON THE PREMISES AND WILL NOT BE RESPONSIBLE OR LIABLE FOR LOSSES, INJURIES OR DEATHS RESULTING FROM SUCH OCCURRENCES.** Further, the POA reserves the right

to, at any time, to increase, decrease, eliminate or add manned or unmanned gate house/information booths, sensors, gates and other access or monitoring measures as it deems appropriate in its sole discretion.

Security is available for assistance to the HOAs and Condos at PGA National for the enforcement of any violations noted in the above Rules and Regulations.

**4. FISHING; LITTERING; BOATS; HUNTING; WILDLIFE; PARKING.**

- 4.1 No fishing is permitted at PGA National without a current PGA National Fishing Permit ("Permit") issued by the POA. If such a permit is issued, any special restrictions applicable will apply. Purchasers of permits between 16 and 65 years of age are required to hold a valid Florida Fishing License under Florida law.
- 4.2 The charge for a PGA National Fishing Permit is \$10.00 per year. Children (age 10 to 16) Permits are \$5.00. Note: No permit is required for children 9 years or younger but restrictions apply (see section 4.5 below). Permits expire one year from date of purchase. Permits may be purchased at the POA office at 7100 Fairway Drive, Suite 29, Palm Beach Gardens, during normal business hours.
- 4.3 Owners are eligible to purchase a Permit. Renters may purchase a Permit if a valid lease is on file with the POA and the lease has been approved by the POA.
- 4.4 Permit holders are limited to having not more than two (2) guests (non-family members) who must fish, if at all, within sight of the Permit holder unless such guest has a guest permit. Each resident wishing to fish must obtain his/her Permit. A temporary guest permit will be issued to guests of residents and hotel guests, valid for not more than 5 days, without charge.
- 4.5 Children 10-16 years of age wishing to fish separately must have their own Permit. Children 9 years of age and younger do not need a Permit, but they may only fish when accompanied by a person 18 years of age or over.
- 4.6 No fishing whatsoever is allowed from the golf course or from private property, except as to Owners from their own land, if otherwise licensed. No person is authorized to go upon golf course property or private property of another, such as on a single-family lot, in connection with fishing privileges at PGA National.
- 4.7 Fishing Permits may not be loaned to any other person and are only valid in the possession of the person to whom they are issued.
- 4.8 Fishing Permits must be carried in the brightly colored holders in which issued and conspicuously pinned to exterior clothing.

- 4.9 No littering, dumping of debris, grass or tree trimmings is permitted in or around any waterway. Littering is a misdemeanor under Florida Statute 403.413. Please report any apparent violation to security.
- 4.10 No privately owned boats of any kind are permitted within PGA National lakes or waterways, except for PGA National Resort & Spa ("Hotel") guests or members using Hotel or PGA National Golf & Sports Club ("Club") boats on Lake Llywd and except as to the Northern Palm Beach County Improvement District for water control and/or maintenance purposes. No privately owned boats of any kind are permitted to be parked or stored within PGA National, except in an enclosed garage.
- 4.11 All rules and regulations of the Florida Game and Fresh Water Commission must be obeyed. **ALLIGATORS.** Please be advised that PGA National and other communities in the State of Florida have received reports that alligators have been sighted in lakes, drainage and/or wooded areas. While this is not uncommon and these animals normally avoid people, you should be aware of this potential problem. If you should see an alligator, it is advisable for you to contact Security, which will in turn contact the proper authorities. These animals are protected by law but removal, in some cases, is possible by authorized personnel. Please refrain from feeding alligators as it is very dangerous and a violation of Florida law. Swimming, golf ball retrieving and wind-surfing in lakes (except as to hotel guests in Lake Llywd) or drainage ponds is prohibited. The POA and their affiliates, and their officers, directors, partners, agents and employees accept no responsibility for injury or damage from any such activity.
- 4.12 No hunting of any kind is permitted within PGA National, including the Wilderness Area.
- 4.13 No vehicles may be operated on the levee around the Wilderness Area, except POA authorized construction and maintenance vehicles on site to perform bona fide construction or maintenance functions. Except as set forth in these Rules and Regulations, parking in or driving through swales is not permitted.
- 4.14 Within PGA National, trailers, campers or habitable motor vehicles of any nature, mopeds, boats (on or off trailers), jet skis, skidoos and the like, golf carts, inoperable vehicles, vehicles without current tags, vehicles which are an eyesore, vans and trucks (other than those of a type, if any, expressly permitted by the POA and as defined below), must be kept inside a fully enclosed garage **at all times.**

Service vehicles, vehicles having printing or advertising on exterior surfaces (other than auto dealers license frames) or visible from the exterior, commercial or construction vehicles or equipment may not be kept, stored or parked between the hours of 5:00 p.m. and 8:00 a.m. or between the hours of 5:00 p.m. on Saturday and

8:00 a.m. the following Monday (or at any time, if not actively engaged in commercial/construction activities), on any single-family driveway, lot or swale or street adjacent thereto; or upon any street, swale, driving or parking area within any multi-family residential area.

4.14.1 STORAGE TRAILERS – HOA/CONDO ASSOCIATION CONTRACTED LENGTHY PROJECTS – Notwithstanding any other provisions contained in these Rules and Regulations, in the event of a community contracted lengthy project (ie: anticipated to last two weeks or longer) the HOA or Condominium Association may request POA approval for the sub-association’s contractor to keep certain equipment on site overnight (such as paint or roofing materials under the following conditions:

- a) No self-propelled vehicle may be kept, stored or parked between the hours of 5:00 p.m. and 8:00 a.m. or between the hours of 5:00 p.m. on Saturday and 8:00 a.m. the following Monday.
- b) However, community association contractor’s storage trailers of no more than 20 feet in length may be kept in a location (within the sub-association’s property) that is as inconspicuous as reasonably possible.
- c) Any such storage is subject to advance written approval from the POA, and any request for such storage shall provide specifics as to the number of trailers to be stored, the precise location, and the completion date by which all such trailers shall be removed.

4.14.2 No pick-up trucks, motorcycles or vans (except as defined below) may be parked overnight on any single family or multi-family parcel of land, including any single family driveway, lot or swale adjacent thereto or upon any street, swale, driving or parking area within any multi-family residential area. The term "overnight" shall mean parking of any such vehicle at any time between the hours of 2:00 a.m. and 6:00 a.m. of the same day.

4.14.3 For the purpose of this rule, a vehicle is deemed to be a permissible van so long as it meets **all** of the following criteria: has permanent enclosed seating for at least five (5) persons, windows on both sides to the rear of the driver and right front passenger seat, and does not exceed the manufacturers standard length, height and width of a custom conversion van.

A pick-up truck or similar vehicle having any size flat bed area without seats, whether covered or not, is deemed to be a pick-up truck for the purpose of this rule.

4.14.4 No maintenance or repairs shall be performed on any boat or vehicle except inside a fully enclosed garage.

- 4.14.5 **ALL OWNERS AND OTHER OCCUPANTS OF UNITS ARE ADVISED TO CONSULT WITH THE POA PRIOR TO PURCHASING, OR BRINGING ONTO THE PROPERTY, ANY TYPE OF VEHICLE OTHER THAN A PASSENGER CAR INASMUCH AS SUCH OTHER TYPE OF VEHICLE MAY NOT BE PERMITTED TO BE KEPT WITHIN THE PROPERTY.**
- 4.14.6 The use of a vehicle cover does not cure a violation as to any vehicle parked in violation of these rules.
- 4.14.7 These rules do not bar the parking, at any time, of uniform marked governmental law enforcement vehicles on the property, except that pick-up trucks used by Law Enforcement are required to be kept within a garage between the hours of 2:00 a.m. and 6:00 a.m. Other Law Enforcement vehicles which are expressly prohibited by the POA as defined in section 4.14 must be kept within a garage.
- 4.14.8 There are no areas where unauthorized vehicles may be kept or stored within PGA National except in a fully enclosed garage. Any unauthorized vehicles parked on commercial property sites (such as Shoppes on the Green, office building parking lots, PGA parks, etc.) are subject to towing at the vehicle owner's expense.
- 4.14.9 The above Section 4.14 and its subsections apply to Residential Property which is subject to the Declaration, including, but not limited to, single family lots, multi-family parking areas and Common Property, except as otherwise specified herein.
- 4.15 **TOWING OF VEHICLES.** ALL PROPERTY WITHIN PGA NATIONAL SHALL BE DEEMED TO BE A "TOW-AWAY" ZONE FOR VEHICLES PARKED IN VIOLATION OF THESE RULES AND REGULATIONS.
- 4.15.1 Subject to applicable laws and ordinances, any vehicle parked in violation of these Rules and Regulations or other restrictions contained herein may be towed away by or at the request of the POA, at the sole expense of the owner of such vehicle, if such vehicle remains in violation at any time between twenty-four (24) hours and forty-eight (48) hours from the time a notice of violation is placed on the vehicle or, if such vehicle has been cited for the same violation on at least three (3) prior occasions or, if such vehicle is causing an obstruction or safety hazard on the Common Property within PGA National, in such lesser time period as the POA, in its sole discretion, determines. The notice will provide the name and current telephone number of the person or firm towing or removing the vehicle. Owners of vehicles towed shall be required to pay the costs of towing and

storage charges of the towing company.

4.15.2 The POA and its officers, directors, agents and employees, shall not be liable to the vehicle's owner or any other person or entity or any owner for trespass, conversion, property damage, other damage or cost or expense, nor guilty of any criminal act, by reason of such towing. Once the notice is posted on the vehicle or personally served to the owner of the property upon which the vehicle is parked, neither its removal, nor failure of the owner to receive such notice for any other reason, shall be grounds for relief of any kind against the POA. An affidavit of the person posting the aforesaid notice stating that it was properly posted shall be conclusive evidence of proper posting. For purposes of this paragraph, a "vehicle" shall also mean vans, campers, mobile homes, boats and trailers.

4.15.3 NOTE: Other HOAs or Condos within PGA National may have restrictions on vehicles that are more stringent than the rules of the POA. In any such event, all of those restrictions shall apply. The foregoing restrictions do not apply to Non-Residential Property unless otherwise stated.

5. **PETS.**

5.1 Pets are regulated and limited by the City of Palm Beach Gardens Animal Ordinance Chapter 91. Also, Chapter 134 regulates the frequent or long continued barking or howling of dogs. Each association has pet restrictions which apply. In addition to these restrictions and the City's Ordinances, all owners must keep ALL pets on a leash when outside of a visibly fenced lot. Pet owners are responsible to immediately remove the animal's droppings. Any person walking a dog or other animal without carrying a receptacle for droppings may be presumed to be in violation of this rule. No person shall keep any pet which disturbs the peace of other residents.

5.2 Feeding any wildlife (including birds) is prohibited within PGA.

6. **GENERAL**

6.1 No Owner or a tenant, invitee, family member, or agent of an Owner shall make or permit any disturbing noises in or about the buildings or engage in any conduct which will interfere with the rights, comforts, or conveniences of other Owners or residents. No Owner or a tenant, invitee, family member, or agent of an Owner shall play or permit to be operated, a phonograph, television, radio or sound amplifier in such a manner as to disturb or annoy other Owners or residents.

6.1.1 Between the hours of 10:00 p.m. and 8:00 a.m. Monday through Saturday and

10:00 p.m. Saturday and noon on Sunday, no one shall operate, play or cause to be operated or played, on or within any Residential Property or recreational property of a multi-family development within PGA National, any radio, phonograph, television, stereo system, sound amplifier of any kind, appliance, lawnmower, machine, instrument or motor which makes any music, noise or vibration, in such a manner as to be heard beyond a distance of twenty feet (20') therefrom or which is an annoyance or nuisance. This provision shall not apply to any golf course maintenance activity.

- 6.2 No Owner of Residential Property or lessee of an Owner of Residential Property shall be permitted to operate or advertise any business activity within PGA National unless first approved in writing by the Board of Governors of the POA. Any Non-Residential Property Owner whose advertising refers to or references any residential subdivision within PGA National must first obtain POA approval. Owners and lessees of Owners of Residential Property are prohibited from conducting any business activity from their residences in PGA National which in any way involves or could be expected to involve having employees, customers, clients or other persons visit such residences or the ways adjoining or which involve deliveries of any kind being made to the residences.
- 6.3 No "For Sale" sign, "Open House" sign, advertisement, notice or other lettering shall be exhibited or displayed in, on or upon any part of a residence or adjacent area without prior approval by the ARC. This restriction also applies to vehicles (ie: no signs are permitted in the windows of vehicles or elsewhere on vehicles parked on the property of homes for sale or lease).
- 6.3.1 Real estate brokers and sales people shall be permitted to provide location maps which shall identify Property listings for dissemination by the Association at the main entrance gate house/information booth.
- 6.4 Other than the United States Flag, or flags regulated by the Florida Statutes for HOA/Condominium Associations, no other decorative flags or banners shall be displayed on any property.
- 6.5 All playground equipment and swing sets shall be placed only in the rear of the residence after approval by the ARC. Any such facilities must be screened from view with adequate landscape shrubbery to the requirements of the ARC so they are not visible from adjoining properties, roads, golf courses and common areas of the POA. Trampolines are discouraged but permitted with prior ARC approval provided the device is fully screened from view with landscape shrubby as required by the ARC.
- 6.6 Basketball hoops (permanent and portable) are permitted only with prior written approval by the ARC as to location.

- a) Under no circumstances are basketball hoops permitted to be attached to any part of a residence.
  - b) Use of basketball hoops is restricted to between the hours of 9:00 a.m. and 8:30 p.m., or sunset, whichever comes first.
  - c) Pole supports of basketball hoops must be black and the backboards clear.
  - d) Play must take place on the owner's lot and may not extend into the street.
- 6.7 Exterior outdoor recreation sports and athletic apparatus, mechanically operated or otherwise, such as tennis ball machines, archery targets, racquetball/handball walls, baseball/softball batting cages, golf practice nets, soccer goals, etc., are not permitted.
- 6.8 It is the obligation of all Owners to maintain their lots free from trash, debris, and unsightly growth of grass or weeds. This provision also applies to vacant lots.
- 6.9 When a residence is under construction, (whether a new home or a renovation/addition) the Owner or builder must restrict any debris to a fenced area or commercial dumpster and removal should be made frequently at regular intervals as determined from time to time by the POA. At no time may debris be mounded higher than the top edge of the dumpster. Dumpsters must be located within the lot boundary and may not encroach into streets or sidewalks.
- 6.10 It is the duty and responsibility of each Owner to maintain his property in a neat and clean manner at his own expense. The POA reserves the right, but has no obligation, to enter any lot within PGA National to perform remedial and continuing repair and maintenance functions where an Owner has failed to perform same and/or an association having jurisdiction over the community in which said lot is contained has failed to perform the required maintenance or repairs in the absence of the Owner doing so.
- 6.11 Pyramid type street marker buttons, rocks or boulders are prohibited. Rounded type street marker buttons (standard at PGA National) are permissible and must be maintained as approved by the POA. Boulders are prohibited, unless first approved in writing by the POA ARC. Only Grade "A" Cypress Mulch is permitted in landscape bed areas. Use of rocks, marble chips or stones of any type in lieu of mulch or for drainage or other purposes, is prohibited unless first approved in writing by the POA ARC. Stones used for drainage (as in a "French Drain") must be completely covered with sod.
- 6.12 All Residential Property within PGA National, including improvements thereon, must be maintained to standards acceptable to the Board of Governors of the POA.

- 6.13 Exterior holiday lights and home decorations should be dismantled and removed within a reasonable time after the passing of the holiday.
- 6.14 Golf carts, mopeds, gopeds, gocarts, scooters and other motorized equipment are not allowed on pedestrian/bike paths, sidewalks, parks, parking areas or grass and swale areas except in the course of maintenance duties, or, as to golf carts, for the purpose of crossing such paths or areas in a direct route along a golf cart path where the golf cart path intersects with the path or area. **PLEASE NOTE: VIOLATIONS OF THIS RULE MAY RESULT IN THE IMMEDIATE SUSPENSION OF GOLF CART PRIVILEGES. ADDITIONALLY, PURSUANT TO THE DECLARATION, FINES MAY BE IMPOSED FOR EACH SUCH VIOLATION.** Notwithstanding the foregoing, this section shall not prohibit the use of vehicles specifically designed for the disabled; such use shall be subject to the prior written approval of the POA.
- 6.15 No lot, unit, improvements thereon or any interest therein shall be sold, marketed or conveyed by onsite auction, nor shall auctions of any real or personal property or interests in real or personal property be conducted within PGA National. Garage Sales or other similar sales are prohibited from being conducted on any lot, unit, common areas, sub-association Common Property or common elements or South Florida Water Management Improvement District property. Notwithstanding the foregoing, this section shall not prevent auctions upon any Club facilities for charitable purposes, which auctions shall be subject to the express prior written approval of the POA.
- 6.16 No garbage can or trash container shall be kept upon or adjacent to any road, Common Property, front yard, side yard, or other place within the view of persons using the roads, of PGA National except that:
- 6.16.1 Placing for collection. Not earlier than dusk on the evening preceding or later than 7:00 a.m. of the morning upon which garbage and refuse collections are customarily made from the premises, the garbage cans and trash containers shall be placed within six feet (6') of the road for the purpose of permitting the collection of garbage and refuse therefrom. Garbage cans and trash containers shall be removed from such place on the same day collection is made. Contact the POA office (627-2800) for the pick-up schedule for your area.
- 6.17 Landscaping activities within PGA National shall be conducted only between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No such activities shall be permitted other than within the hours and on the days specified, nor on any holiday, except for good cause shown in the discretion of the POA, in which case special written permission may be granted in advance of such activity. Landscaping activities shall mean and include any and all lawn and landscape maintenance, installation and construction activities including, but not limited to, landscape irrigation. This provision shall not apply to any golf course maintenance activity.

6.18 Furniture Delivery, Residential Relocation Services (ie: moving vans/vehicles), and construction, exterior repairs and maintenance activities on Residential Property and Common Areas or on non-Residential Property that abuts Residential Property shall be conducted only between the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. Construction and maintenance activities on Non-Residential Property that does not abut Residential Property shall be conducted only between dawn and dusk, Monday through Saturday. No construction or exterior repairs or maintenance work is permitted on Sundays or holidays unless special advance permission is obtained from the POA. Emergency work, required by lightning or storms, necessary to make a residence or other building wind and/or water tight shall be permitted at any time.

7. **NON-RESIDENTIAL PROPERTY RULES AND REGULATIONS, AND MINIMUM MAINTENANCE STANDARDS FOR RESIDENTIAL AND NON-RESIDENTIAL PROPERTY.** The following Non-Residential Property Rules and Regulations, and Minimum Maintenance Standards shall apply to all Property at PGA National, except as specified otherwise.

7.1 No interior or exterior signs, placards, advertisements, posters, display racks, brochure holders, "For Lease" or "For Sale" signs, or other similar materials or displays which are visible from the exterior of buildings situated on Non-Residential Property shall be installed, exhibited or displayed in, on, or from any part of the Non-Residential Property or structures existing therein, including from or near windows or walls, without the prior written approval of the ARC, which approval shall not be unreasonably withheld.

7.2 The Owners or lessees of businesses located on Non-Residential Property shall maintain their premises in a neat, clean and presentable condition consistent with the high standards of PGA National and will not engage in any activities which will detract from the overall appearance of the Non-Residential Property of which they are a part or PGA National, or which, in the judgment of the Board of Governors of the POA, constitutes a nuisance.

7.3 Prior approval of the POA shall be required in the event that a Non-Residential Property Owner wishes to promulgate advertising, in any form, that references or names a residential subdivision at PGA National. The POA shall not have the right to regulate or review the advertising of Non-Residential Property Owners so long as such advertising does not reference any of the residential subdivisions located within PGA National.

7.4 All landscaping maintained by an Owner of any Property shall be subject to the following minimum Maintenance Standards.

7.4.1 **GENERAL.** No landscape activity shall be carried out in a manner that will

endanger any Owner, guest or employee.

At the end of each maintenance day, all walks, drives, road, parking lots and Common Property will be free of any loose materials, trash or debris.

All personnel shall be required to wear appropriate attire, and maintain a professional code of conduct.

All maintenance vehicles shall be maintained in good working order, painted, with no visible rust and shall be parked only on pavement in Common Property or within the boundaries of Non-Residential Property. Protection of paving from loading ramps shall be provided using tarps/plywood to protect from oil.

#### 7.4.2 **TURFGRASS.**

- a) **Mowing:** All fully developed turfgrass areas shall be mowed at least twice each month, and more often as needed. Mowing time shall be between the hours of 8:00 a.m.-5:00 p.m., Monday through Saturday. No mowing shall occur on Sundays or national holidays. Times may be amended to be less restrictive depending on community standards or needs. If there is unseasonable weather, provisions for additional or fewer mowings may be made.

Fueling mowers, edgers, etc. shall be completed prior to unloading equipment. Re-fueling, addition of oil, etc. shall be done with care and preferably over concrete.

Grass clippings, from mowing St. Augustine turf areas, are to be collected on an as needed basis and removed from the Property the same day as collected. Grass clippings from Bahia turf areas may be scattered, through use of a mulching mower provided that any accumulation of mulched grass is not noticeable. All debris from mowing, trimming, and edging must be picked up and removed from the property immediately after mowing. Small loose debris is expected to be swept or blown off of walkways, driveways, patios, etc.

Mowing heights are to be maintained at 2 - 3 inches for both Bahia grass and St. Augustine grass. Alternate mowing pattern should be used to avoid mower wheel ruts.

- b) **Edging:** "Edge" or "edging" is to be defined as a sharp, distinct, visually discernable, vertical line of sod at all junctions of turf grass and any other material (concrete, asphalt, mulch).

Concrete edging (curbs, sidewalks, patios, etc.) shall be done with every cut. Bed edging will be done with every cut. Note: Plant beds include tree rings (18" from outside of trunk, minimum). A mechanical blade edger will be used for all bed edging. Edging with string-type trimmers is not acceptable. (String-type trimmers may, however, be used around lake edge sod.) **NO CHEMICAL EDGING WILL BE ALLOWED** without written authorization from the POA.

- c) **Weed Control:** Control weeds in all lawn areas as necessary. Weed control shall be performed at the early signs of weed growth by manually removing weeds when they are seen or through pre-emergent and post-emergent herbicides and shall be repeated as required. Use of pre-emergents shall be used only with the written approval of the POA. "Round-Up" or other similar sprays may be used to control weeds in pavement areas. Pavement areas include sidewalks, driveways, curbs, roads, and any cracks within.

#### 7.4.3 **SHRUBS, GROUND COVERS, ANNUALS.**

- a) **Pruning:** (for all shrubbery/trees with clear-trunk under 10')

Plants shall be neatly trimmed as needed in conjunction with an approved landscape plan. Diseased or deadwood, whenever visible, will be removed during regularly scheduled landscape maintenance.

Prune or trim shrubs to keep the manicured shape of the hedge or shrub mass. Ground cover plants may need some cutting back to encourage lateral growth, per industry standard.

Prune at the time of season proper for the variety per industry standard. Prune flowering trees and shrubs (such as gardenias/azaleas) after the blooming period.

Shrubs under canopy trees shall be maintained below the height of the clear trunk to exhibit a clear break between shrubs and trees. Generally, shrubs under palms and open shrub masses will be maintained at mature height. Shrubs shall be maintained, to one foot over FPL boxes, level to Southern Bell boxes, to one foot over air conditioning units. Shrubs shall be sheared to prevent exterior damage to buildings, and allow air flow around air conditioner units.

**NOTE: Chemical trimming or pruning will not be allowed under any circumstances!!**

All trimming and pruning debris is to be picked up and removed from the property on the day of each trimming.

b) **Weed Control:**

Plant beds shall be weeded by hand. All weeds and refuse shall be removed from site the same day. Weeding is to be done as needed. Chemical weed control will not be allowed, unless specifically approved in writing by the POA. Annual beds shall be hand weeded only on an as needed basis.

c) **Hedge Maintenance:**

1. Hedges are to be composed only of material suitable for such use and maintained so as to be neatly trimmed.
2. Hedges between homes shall not exceed six feet (6') in height and may not continue forward of the front walls of the house.
3. Hedges between the property line and golf course shall no longer be required by the POA ARC but, if used, shall comply with 1 and 2 above.
4. No hedges shall be permitted to interfere with safe sight lines at intersections.
5. The POA ARC is authorized to grant exceptions and variances from the above requirements upon application in appropriate cases and to interpret such requirements as to maintain the appearance of PGA National.
6. Shrubs along community boundary walls shall be maintained at one foot (1') below the top of the wall.

7.4.4 **TREES AND PALMS.**

- a) **Pruning:** (for trees with clear trunks above 10') Prune, thin and trim all trees per National Arborist Association specifications for pruning of shade trees to keep the trees healthy, to maintain the natural character of the variety, to control shape and to prevent crowding. Pruning shall include the following items:

- Dead, dying, or unsightly parts of the tree.
- Sprouts growing at or near the base of the tree trunk.
- Branches that grow toward the center of the tree.
- Crossed branches that may rub together.
- Multiple leader of the tree that normally has only a single stem.
- Nuisance growth that interferes with view, traffic signage walks or lighting.
- Nuisance growth includes the removal of all dangerous thorns, spikes, or appendages that show potential conflict with people.
- Branches that have strong potential for damage from storms.

Pruning will also be required from time to time to remove damaged branches from storms or when blocking or intruding on signs, parking lots, walkways, etc.

Cuts should be made with sharp and proper tools. When cutting parts of branches, leave a lateral bud on the end of the stub. Flowering trees shall be pruned over an outside bud.

Make cuts sufficiently close to trunk or parent stem, so that healing can readily start under normal conditions. Limb cuts shall be clean and flush with the trunk. Treatment of cuts and wounds, with tree wound dressing, is optional except where open wound in certain trees may attract insects that carry disease or allow fungus invasion. If such treatment is made, materials non-toxic to the cambium layer must be used, and care taken to treat only the exposed wood with a thin coat of dressing. Asphalt tree paint is unacceptable.

On trees known to be diseased, tools are to be disinfected with 70 % methyl alcohol solution (denatured wood alcohol diluted appropriately with water) or bleach solution after each cut and between trees where there is known to be a danger of transmitting the disease on tools.

Branches, dead wood and cuttings shall be removed from the job site at time of pruning and disposed of in an acceptable manner.

Dead or dying palm fronds are to be removed from the palm trees, as often as necessary to maintain a neat appearance.

b) **Weed Control:**

**NOTE: Under no circumstances will any tree, planted in a sod**

**area, be weeded with a string-type weed trimmer!!! Hand-weed only! Tree-ring (18" minimum radius from outside of trunk) shall be edged with mechanical edgers only.**

All plant beds and tree pits (except pine/native areas) shall be mulched as needed.

7.4.5 **FERTILIZER.**

- a) **Sod:** The fertilizer shall be a commercial grade produced and recommended for use on the St. Augustine and Bahia type grasses: recommended 8-10 sulfur coated, time-release, with micro nutrients.

- b) **Trees, Shrubs & Ground Cover:**

Fertilizer shall be applied to all trees, shrubs and GROUND COVERS with the exception of pines, saw palmettos and other established native (existing) areas. Trees shall be fertilized as needed. All shrubs and GROUND COVERS shall be fertilized by broadcasting as needed.

- c) **Palms:** All palms shall be fertilized as needed. Frequency may be adjusted as needed.

- d) **Annuals:**

Winter annuals should be sprayed with water-based fungicide as needed. Summer annuals should be sprayed with water-based, broad spectrum insecticide as needed.

Any plants damaged by over-fertilizing or by the use of the wrong type of fertilizer shall be removed in accordance with an approved landscape plan. All fertilizer residue shall be removed from any pavement, immediately.

- e) **Conditions For Use:**

Chemical controls shall be applied by a licensed operator using EPA approved material under the direction of a Certified Pest Control Operator. Copies of current licenses must be provided to POA prior to chemical use.

The Contractor may use a herbicide required for and recommended for

the control of the types of weeds encountered. The manufacturer's written instructions and E.P.A. criteria shall be strictly adhered to for application rates, etc.

However, before any herbicide or insecticide is used on the project site, the Contractor or Owner shall notify POA of types to be used, application rates, and all particulars with reference to chemical composition and advise of any possible damage associated with the use of these products (i.e. to avoid personal contact with sprayed areas, etc.). Non-Residential Property owners must receive POA written approval prior to each application.

Residential Property Owners may not use poisonous bait on the outside of any property. Non-Residential Property owners are granted permission to use such herbicides, insecticides, sterilants, poison and humane animal traps as may be necessary and advantageous in ground maintenance activities, relative to above stated restrictions. Herbicides, insecticides, sterilants and animal traps must be used responsibly and in conformance with Federal, State, and Local laws and regulations. The Non-Residential Property Owner assumes all liability for damage and/or injury resulting from accident or misuse of these products and/or equipment. The POA retains the right to prohibit the use of any insecticide, sterilant, poison, or animal trap that may be judged to be undesirable for any reason.

Products leaving an undesirable residue or odor (i.e. weed oil) shall not be used.

Apply insecticides as needed to protect all plant materials from damage. The program shall include control of scale insects, aphids and other sucking insects, spider mites, etc. and advance preventive spraying for twig borers and oleander worms.

No spray applications shall be allowed when the potential of adversely affecting the natural areas and water bodies exists (i.e. wind drift, runoff, etc.)

Any chemical damaged plant material shall be removed or replanted, if required, in accordance with an approved landscape plan.

8. **GOLFERS AND GOLF COURSE PROPERTY**. The following is only a brief statement of some of the rules applicable to use of the golf course facilities at PGA National and is not intended to be a complete statement of all golf rules.

- 8.1 The golf courses are for members of the Club only.
- 8.2 Owners, tenants and their guests are permitted on the golf course property solely for golf purposes through membership rights in the Club, unless and only to the extent otherwise posted. Owners and their guests shall not walk or curb their dogs on the golf cart paths or other golf course property.
- 8.3 The golf courses are maintained strictly for golfers' use and are not to be used for looking for golf balls.
- 8.4 All Club members and other players are required to register at the Club pro shop before playing, in order to insure the privacy of the Club.
- 8.5 Practicing on the golf course, including behind residences, at any time is prohibited. Using your own golf balls on the driving range after the range is closed is prohibited.

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9. **TENNIS.** The following is only a brief statement of some of the rules applicable to Tennis and is not intended to be a complete statement of all Tennis rules:

- 9.1 You must be a member of the PGA National Health & Racquet Club ("Tennis Club") to use the courts.
- 9.2 All tennis players are required to register at the Tennis Club pro shop before Playing.
- 9.3 Bicycles, skateboards and any other device which might, in the sole judgment of the Tennis Club, be harmful to the tennis courts are not permitted on tennis courts nor on the Tennis Club porch at any time.

10. **PGA NATIONAL SHOPPING CENTER (L.A. FITNESS PLAZA F/K/A SHOPPES ON THE GREEN).** No interior or exterior signs, placards, advertisements, newspapers, balloons, novelties, posters, display racks, brochure holders, "For Lease" signs or other similar materials may be installed, exhibited or displayed in, on or from any part of the shopping center or the premises leased therein, including from or near windows or walls, without the prior written approval of the POA.

- 10.1 The owner or lessees of businesses within the PGA National Shopping Center shall maintain their premises in a neat, clean and presentable condition consistent with the standards of PGA National and will not engage in any activities which detract from the overall appearance of the Shopping Center and PGA National.
- 10.2 All deliveries to the businesses within the PGA National Shopping Center shall be made, and all service vehicles shall be parked, behind the Shopping Center. This

requirement is to keep the fire lanes and main driving surfaces clear of parked vehicles and also for aesthetic purposes. In no event shall any deliveries or service vehicles be parked in the fire lane at the front of the Shopping Center.

10.3 All signage affixed to windows and doors within the PGA National Shopping Center shall be approved by the POA. Lettering for identifying the business name across the storefront windows shall be no larger than 4" in height and 2" in width per letter. All lettering on doors shall be limited to the name of the professional business establishment, and hours of operation. All lettering on glass shall be professionally applied on the interior of the storefront.

11. **POA DUES; ANNUAL MEETING; ROSTER**. The POA dues are due and payable on July 1st of each fiscal year. Deposit of partial payments of disputed amounts by the POA shall not be deemed to be an acceptance of such payment as payment in full or other compromise of the dispute. The POA has lien rights as to assessments not timely paid. The POA Annual Meeting is held annually between November 1st and January 31st and all Owners will be notified at least thirty (30) days prior to the meeting date.

The POA will attempt to maintain a current roster of all Owners and their addresses. It is the Owner's responsibility to notify the POA Office of any change of address or Ownership.

The POA office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. unless otherwise posted on the POA office door and/or PGA Community TV channel 63

12. **HOA'S AND CONDO ASSOCIATIONS: REQUIREMENTS OF CITY**. While each Owner of Residential Property within PGA National is automatically a member of the POA, subject to proper registration in connection with resales, each Owner is similarly a member of one or more HOA or Condo associations for their specific community within PGA National, which will have their own budgets, assessments, rules and regulations and duties. The rules and regulations of any of those other HOA'S or Condo associations are in addition to the Rules and Regulations of the POA, but such rules and regulations are subject to the approval of the POA.

Use of property, within PGA National is also subject to ordinances and requirements of the City of Palm Beach Gardens.

13. **PROHIBITION AGAINST FURTHER AMENDMENT**. These Rules and Regulations cannot be further amended to adversely impact or regulate Non-Residential Property without the consent of two-thirds of the votes held by all of the Owners of Non-Residential Property.

14. **"HOLIDAYS"**. The term "Holidays" as used in these rules means days declared by legislative acts as national or state holidays.

15. **ENFORCEMENT**. The POA shall have the full right and authority to enforce these Rules

and Regulations through injunctive and/or other means and to obtain reasonable attorneys' fees and costs, at the trial and appellate levels, if it is the prevailing party in such litigation. In addition, pursuant to Article XIII of the Amended and Restated Bylaws of the POA, entitled "Enforcement", fines and/or suspensions of rights may be imposed for the violation hereof.

16. **CONCLUSION.** By virtue of ownership, leasing or use of property or facilities at PGA National, each Owner, lessee, Club member, hotel guest or other person is bound by and agrees to comply with all of these Rules and Regulations as set forth above, which may be amended from time to time by the Board of Governors of the POA. The foregoing Rules and Regulations shall in no way amend or alter the Articles of Incorporation of the POA or its By-Laws or the Declaration, but shall only be supplemental thereto. In the event of conflict, the order of authority shall be the Declaration, Articles of Incorporation, By-Laws and then these Rules and Regulations.

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