

“RULES & REGULATIONS - HARTSFIELD VILLAGE III HOMEOWNERS ASSOCIATION”

Effective September 1, 2020

The Board of Directors (“Board”) for the HARTSFIELD VILLAGE III HOMEOWNERS ASSOCIATION (“HOA”) adopts the following *Rules and Regulations* in accordance with Chapter 720, Florida Statutes, and Article VII of the HOA *Bylaws* (“*Bylaws*”) as part of the governing documents of the community. Some of these *Rules and Regulations* may result in fines imposed by the Board when violated while some are merely statements of fact; however, others will be enforced by local authorities having jurisdiction, such as the City of Tallahassee (“City”) or the Tallahassee Police Department (“TPD”).

1. HOA Dues

a. Hartsfield Village is a private neighborhood. As such, all homeowners/tenants are responsible for maintaining everything in our neighborhood. While the neighborhood does have City water and electricity, homeowners/tenants must clear all debris that is in or near any drainage ditches, the HOA pays the City monthly for our street lights, and the HOA pays for the paving of our streets.

b. The payment of annual dues is the homeowners’ obligation in order to help with these expenses. The Board takes its fiduciary responsibility to the HOA and all homeowners very seriously, and it strives to be a good steward of its homeowners’ money; in return, we ask that all homeowners pay fully and on time.

c. Annual dues are assessed and notice of the same is mailed out by December 15 of each calendar year; accordingly, payment of said assessment is due every January 1st and are considered late if not received by February 1st.

d. HOA dues – currently in the amount of \$150.00 – are due by January 1st of each calendar year and are subject to adjustment annually as provided in the *Covenants and Restrictions* and *Bylaws* of the HOA.

e. Dues are to be paid by mailing a check to Kirby Management Group, 3972 North Monroe Street, Tallahassee, FL 32303

g. Failure to pay dues in full by February 1st may result in having to pay interest on the amount owed at the rate of 18% per annum. Additionally, homeowners are ineligible to vote at the annual HOA meeting – held every third Monday in February – if dues remain unpaid prior thereto.

h. On April 17, 2017, the Board passed a motion that “effective 5/30/2017 a lien will be placed on any homeowner not current on dues.”

2. Speaking at Monthly Board and Annual Meetings

a. HOA members have the right to speak at any quarterly Board and Annual HOA meetings for at least three (3) minutes on any item.

b. Time has been set aside in the agenda for every Board meeting to allow homeowners/tenants to speak on items that may not appear in the agenda.

c. A maximum of 30 minutes has been set aside for this portion of the agenda.

3. Littering and/or Dumping

a. Littering and/or dumping of items is prohibited; this includes but is not limited to dumping of refuse, yard material, leaves and limbs onto paved streets or into drainage ditches.

b. Littering and/or dumping of these items may be subject to a fine imposed by the Board, as set forth in the Fines for Violations (see www.HartsfieldVillage3.org).

4. Trash/Waste Receptacles

a. Trash/recycle pickup for our community is every Tuesday morning, unless otherwise stated by the City, due to holidays or emergencies. Only items placed in the trash and recycling receptacles will be collected – items left on the ground will not be picked up.

b. Per City Municipal Code Chapter 21, Article XI. Solid Waste Collection and Disposal, Division 1, §21-487(b)(1)a.: “Owners or residents of single-family residential establishment receiving standard residential service shall place the

assigned refuse and recovered material containers at the curb for collection no earlier than the day before the scheduled collection day and shall retrieve such containers and return them to the appropriate storage location no later than the day after the actual collection day. Such containers shall be stored within the residence, carport, garage, or other building or stored adjacent to the front, side, or rear wall of the residence.” (Emphasis added.)

c. Trash/recycle bins left on the street 48 hours after pickup are subject to being fined.

d. Per the fines set out in Fines for Violations – following the third offense and fine of \$100.00 – the record of violations will be submitted to the City for review along with a request from the Board to remove all waste receptacles from the offending residence. The homeowner must contact the City to submit a request for return of waste receptacles.

e. City pickup of bulky items/yard waste is every other Friday **denoted in RED** on the Garbage/Yard Waste pickup schedule (see www.talgov.com/Uploads/Public/Documents/you/red_blue.pdf).

5. Community Towing

a. Towing Contract. Towing in the community is governed by a contract executed with American Eagle Towing and Recovery effective August 16, 2016, a copy of which is available by request.

b. Roam towing. This clause authorizes the contracted towing company to remove any vehicle that is illegally parked between the hours of 12:00 a.m. to 6:00 a.m. without the necessity of a Board member making a tow request.

c. Non-Roam Towing. There are no time parameters for non-roam towing, as it is done on an as-needed basis. Such towing will occur only if requested by a current Board member.

d. Illegal Parking.

1) Any vehicle parked fully on or partially on the street/asphalt is subject to towing at any time.

2) Any vehicle parked where “No Parking” or other “HOA Parking Restriction” signs are posted is subject to towing at any time.

3) Any vehicle blocking a sidewalk is subject to towing at any time, unless the vehicle is parked in a driveway and no portion of it is on the street/asphalt.

e. Payment for Towing Services. Violators will be towed at the vehicle owner’s expense.

6. Personal Towing

If a homeowner’s personal property is infringed upon, they may contact a towing company of their own choosing to handle the matter.

7. All-Terrain Vehicles/ATVs (2-Wheelers; 4-Wheelers)

a. Chapter 316, Florida Statutes, regulates traffic control in Florida. Section 316.2074 defines ATVs/4-wheelers and sets forth requirements for riding these “motorized off-highway” vehicles which includes, but is not limited to, the following:

b. Section 316.2074(3) states, “*No person under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards and eye protection.*”

c. Section 316.2074(5) states, “*[A]n all-terrain vehicle may not be operated upon the public roads, streets, or highways of this state, except as otherwise permitted by the managing state or federal agency.*”

d. The Board recommends this statute be reviewed in full by anyone considering using these types of vehicles in the neighborhood.

e. Any violation of Chapter 316, Florida Statutes – as perceived by any resident and/or homeowner in Hartsfield Village – should be reported to the **TPD non-emergency line at (850) 891-4200**, online at **www.talgov.com**, or via the **DigiTally app** on your electronic device. If TPD is called, it is requested that the reporting resident and/or homeowner also notify the HOA Board President in case follow-up is needed.

8. Noise Ordinance

Tallahassee has a noise ordinance in place for residential properties that requires reduced noise from 10:00 p.m. to 7:00 a.m. An acceptable level of noise is at the conversation level during those hours. Violators may be fined by TPD.

Any resident can report this violation to the **TPD non-emergency line at (850) 891-4200**, online at **www.talgov.com** or via the **DigiTally app** on your electronic device.

9. HOA Records

These records are available for inspection by any member of the HOA. Authorization for records review is governed by §720.303(5)(c), Florida Statutes. This includes prohibited records and the following procedure:

- a. The property owner must submit a written request to Kirby Management Group, 3972 North Monroe Street, Tallahassee, FL 32303. The written request must include the owner's street address, phone number and email, along with the records requested for review.
- b. Within fifteen (15) business days of receipt, Kirby Management Group will notify the property owner of a scheduled date, time and place for the review.
- c. If the property owner is not available at the proposed time, then they must notify Kirby Management Group at least three (3) days prior to the proposed time and seek an alternate time. If the property owner fails to comply, then the request will be considered closed and Kirby Management Group's obligation will have been met.

10. Speed Limit

The community speed limit is 15 miles per hour, so please monitor your speed and ask your guests to comply as well. Violators can be fined by the TPD.

11. Unregistered Vehicles

The City prohibits motor vehicles without a current license plate tag to remain on a homeowner's property for more than 72 hours. The City will impound any such vehicle.

12. Burning

Household garbage (including paper) may not be burned in a homeowner's yard within the City limits. This requirement is enforced by the Florida Forest Service and the City's Fire Department. Yard waste such as grass clippings, brush, leaves, tree limbs, etc. that are a result of yard maintenance may be burned in a homeowner's yard if the following conditions are met:

- a. The burn pile must be at least 25 feet from any home and at least 150 feet from other occupied buildings.
- b. Burning must be at least 50 feet from a paved road and at least 25 feet from a wooded area.
- c. Burning hours are from 9:00 a.m. until one hour before sunset.

13. Violation Fines

- a. Section 720.305, Florida Statutes, outlines the process for an HOA Board to assess a fine against a homeowner for a violation of the governing documents which includes adopted *Rules and Regulations*. This remedy is in addition to any other remedy authorized by the Governing Documents or Chapter 720, Florida Statutes.
- b. The first time a violation is brought to the Board's attention, a friendly "reminder" postcard will be mailed or hand delivered to the homeowner, or tenant if applicable. The postcard will identify the violation and provide contact information for questions.
- c. If the violation continues or is reported a second time and is approved by the Board, the HOA may issue a *Notice of Fining Hearing* by mail advising that:
 - 1) A violation has been observed;
 - 2) The Board has levied a fine for the asserted violation; and
 - 3) A hearing before the Standards Committee has been scheduled.
- d. The homeowner, or tenant if applicable, has the option to either pay the fine or attend the hearing to dispute the asserted violation.
- e. The *Notice of Fining Hearing* must be mailed no less than fourteen (14) days in advance of the hearing.
- f. If confirmed by the Standards Committee, payment of the fine is due at least five (5) days prior to the meeting.
- g. A confirmation notice will be sent from the Board to the homeowner, and tenant if applicable.

h. Violation fines are as follows:

- 1) First violation\$25.00
- 2) Second violation.....\$50.00
- 3) Third and subsequent violations\$100.00

14. Standards Committee

- a. In compliance with §720.305, F.S., our HOA will use a “Standards Committee” to make determinations as to levying of fines within the community.
- b. This committee will be composed of three homeowners* appointed by the Board who are not officers, directors or employees of the HOA, or the spouse, parent, child, brother or sister of an officer, director or employee.
- c. If this committee does not approve a proposed fine by majority vote, then the fine cannot be imposed.
- d. The role of this committee is limited to determining confirmation or rejection of the fine levied by the Board.