

JAPANESE GARDENS HOMEOWNERS CORPORATION RULES AND REGULATIONS

Approved and Adopted

November 1, 2016

The purpose of these Rules and Regulations is to promote the comfort, welfare and safety of the members and tenants of Japanese Gardens and to maintain the appearance and reputation of Japanese Gardens. These rules have been established by the Board of Directors of JAPANESE GARDENS HOMEOWNERS CORPORATION, INC. and may be changed from time to time to achieve this and other purposes. Notice of changes in these rules shall be given at least thirty (30) days prior to the date of implementation of the changes.

I. Definitions

1. Corporation – “Corporation” means JAPANESE GARDENS HOMEOWNERS CORPORATION, INC., the owner of the Park, and landlord to both members and tenants.
2. Member – “Member” shall be the person or persons owning a membership certificate issued by the Corporation pursuant to the Articles of Incorporation and the By-Laws.
3. Resident – “Resident” shall be any member, or any person renting a member’s property.
4. Tenant – “Tenant” shall mean an occupant of a mobile home in the Park who is not a member, and who occupies the unit of a member as a renter.
4. Park – “Park” shall mean JAPANESE GARDENS MOBILE HOME PARK.
5. ARC – “ARC” shall mean the Japanese Gardens’ Architectural Review Committee

II. Residency Requirements

1. Applications for new residents, tenants, and caregivers are subject to the satisfactory completion of a background check at a non-refundable cost of \$100.00 to the applicant. Approval by the Board of Directors is required.
2. Japanese Gardens is registered as an Adult Retirement Community and complies with the appropriate Federal and State regulations. Without written consent of the corporation, the unit shall be used only as a private dwelling for members or lessees and shall be permanently occupied by no more than two persons, each of whom must be fifty-five (55) years of age or older, except in the case of a married couple in which event one spouse must be fifty-five years of age or older and the other must be forty-five (45) years of age or older.

III. The Mobile Home

1. Any member intending to remove a mobile home from the Park must give the Corporation 30 days notice in writing prior to removal.
2. Mobile homes are to be 24 feet wide or more and must be at least 40 feet in length. Mobile homes may be smaller based on lot size upon Board approval.
3. Mobile home must be set up to include the following appurtenances within 60 days from date of placement on a lot: carport, aluminum carport roof at least 36 feet long, utility room, and under skirting. The Corporation must approve design, placement, construction and appearance of all appurtenances and additions. Size, maximum height and location of mobile home including appurtenances such as air conditioner, steps, utility room etc. on the site will be under the direction of the Corporation. For further details, refer to New Home Replacement Guideline packet, available in the office.
4. The member or tenant shall attractively maintain mobile homes and comply with all applicable governmental laws, ordinances and regulations.

5. To maintain the safety and beauty of the grounds, no outdoor antennas will be placed in the Park, except for satellite TV dish antennas not exceeding one meter in diameter, with board approval for location.
6. Tie-downs and blocking must comply with all applicable governmental laws, ordinances and regulations.
7. In accordance with Section 18 of our By-Laws – All changes in siding or exterior paint colors must be approved by the Architectural Review Committee (ARC) before work proceeds. Choices in siding, trim and paint colors will be limited to approved colors. Alterations to the unit or its appurtenances including driveway color, home color, trim color, new siding, building additions, landscaping and storage must have written consent of the ARC Committee.. An Architectural Review Committee (ARC) permit is required for all exterior changes, additions, improvements and modifications. Any changes to an owner’s unit submitted to the ARC Committee can be approved in the following manner:
 - A. Changes that can be approved immediately by the Park Manager or the BOD President: New shrub or bush plantings and color changes to the exterior to include new siding, windows, and/or door installations.
 - B. Changes that must be approved by at least 3 members of the ARC Committee: Change from lawn to stone, gravel, or mulch, patios, and any kind of enclosure, additions, and tree plantings. Any enclosure must be at least 5 feet from the lot line.
 - C. No ARC permit is required for plant and bush replacement.
 - D. All ARC permits approved by the ARC Committee are also to be considered as being approved by the Board of Directors. If the Committee receives any request that they do not feel qualified to approve, they may forward it to the Board of Directors for more direction.
8. Storage bins cannot measure any larger than 4’ high x 5’ wide x 32” deep, and must be abutting, secured, and not free standing. All storage bins must be approved by the Board of Directors. Sheds are not permitted.

IV. The Mobile Home Site

1. Members and tenants are responsible for the overall appearance of the mobile home site. It shall be kept orderly, neat, clean and free of litter. Trimming, watering, weeding and general care of lawn and shrubs are the responsibility of the member or tenant. In addition, planter boxes must be maintained neat and weed free, and can only contain ornamental shrubs, live flowers, small statues, small non-commercial signs, and seasonal decorations. Year-round shrubs would be recommended, but seasonal plants are acceptable for those residents who live in the park year around. Planter boxes are no longer required in the front of the unit; however, decorative landscaping is still required.
2. Storage on the carport will be limited to items in general use such as furniture specifically designed for outdoor use, bicycles, barbecues, and closed storage bins. Garbage and recycle containers, tools, lawn equipment and the like will be stored out of sight. Hanging of towels, rugs, rags or wearing apparel on awnings will not be permitted. Garden hoses may be stored on a suitable hanger on the outside of the unit.
3. The Corporation will maintain mobile home sites not maintained to standards satisfactory to the Corporation and the owner of that site will be responsible for the costs involved in the Corporation’s properly maintaining the unit. All fees to maintain the unit will be billed to the owner. The owner will have 14 days to comply with the “friendly reminder”.
4. Enclosures for patios, air conditioning units, showers, trash cans, etc. are allowed with the approval of the ARC Committee. No fences are permitted.
5. Electric meters, telephone lines and TV cables are installed at each mobile home site. The member or tenant will make his or her own application for service and will pay all bills rendered by the utility companies. Any change in utility service to meet the requirements of the member will be done at the member’s expense.
6. Repair, maintenance or replacement of any and all parts of any utility service, such as water or sewer, which serves an individual unit, is the financial responsibility of that unit’s owner.
7. Only hand-held sprinklers may be used to water lawns, flowers, shrubs and trees. Residents shall follow water restrictions outlined by the county.

- .8 Minor repairs of autos owned by members or tenants will be permitted only in the member or tenant's driveway. Owners may wash their vehicles anytime as long as they use a hand held hose with a shut-off nozzle.
9. No feeding of birds, wild animals or alligators is allowed by residents or visitors in the park. An exception is that humming bird feeders are allowed.
10. Nothing may be attached to the perimeter fence. All bushes, shrubs, trees, tree limbs, etc., are to be cut back a minimum of six inches (6") from the fence. Nothing is to be thrown over the fence or stacked outside of the fence. Any trellis is to be a minimum of one foot (1') away from the fence and is to be free standing.
11. Energy efficient devices as described under FS 163.04: including solar panels, clothes, lines, drying racks, and/or any other energy saving devices.
 1. Solar Panels
 - a. Solar Panels may be approved by ARC if the solar panels are going to be installed and located on the homeowner's roof.
 - b. No solar panel installation will be allowed on the ground.
 - c. If a Sarasota County permit is required, a copy must be brought to the park office.
 - d. Installation must be by a licensed contractor.
 - e. The permit must be finalized with the County after installation.
 2. Drying Racks
 - a. May be used in carports, and/or behind or beside the shed.
 - b. Drying racks must be set up and taken down with each use.
 - c. Drying racks cannot be left out overnight.
 - d. Drying racks must be stored out of sight and in your shed when not in use.
 3. Clothes-Lines
 - a. The only type of clothes line that will be allowed is the umbrella type.
 - b. ARC must approve the location of the base of the umbrella type clothes line.
 - c. The clothes line must be at least 5' from neighbor's property line.
 - d. The clothes line must be at least 40' away from any park existing sidewalk.
 - e. The clothes line must be set up and taken down with each use.
 - f. The clothes line must be stored out of sight and in your shed when not in use.

V. Recreation Facilities

1. Recreation facilities are only for the use of members, tenants and guests of members or tenants. During rental period of unit, member relinquishes all privileges of facilities to member's tenant.
2. Rules regarding use of each facility, recreation buildings, pool, shuffleboard courts and bocce courts are posted in respective areas and must be observed by all users of these facilities.
3. Children under the age of 16 years will not be allowed to use shuffleboard courts, bocce courts, pool hall, ping pong table, library or recreation buildings unless supervised by an adult.
4. Bathing attire shall be worn only in the pool area. In all other public areas, (to and from the pool, etc.) male members and guests shall wear shirts and ladies shall wear cover-ups or robes.
5. Hours for using the shuffleboard courts, bocce courts, and swimming pool are 8:00 A.M. until 10:00 P.M. Recreation halls may be used until 11:00 P.M. unless hour is extended by Corporation.
6. Children not toilet trained are not permitted to use the pool. All children under 16 years of age must be accompanied by an adult and may not use the pool from 1:00 P.M. to 5:00 P.M. or during scheduled park activities
7. The seating area adjacent to the pool will allow food and beverages in plastic or aluminum containers but no closer than 4 feet to the pool per County and State Ordinance.
8. No radios, CD players, etc., with the exception of battery powered devices with earphones will be permitted in the pool area.
9. No smoking permitted in pool area.

VI. Guests

1. Any guest staying overnight for any duration in any unit must be registered at the office by the owner.
2. No guests are permitted to stay overnight in any unit unless a member or tenant in that unit is in attendance, or unless prior approval is received by the Board of Directors. The only exceptions to the previous sentence are the following individuals:
 - A. Immediate family which is defined as children and siblings of the owners. Grand children of the owners must be accompanied by a parent or an owner.
3. Members and tenants are responsible for acquainting their guests with the rules and regulations of the park and making sure they abide by them.
4. Members are permitted to have overnight guests for no more than 30 nights per person per calendar year providing an owner is present. If an owner is not present, guests may stay no longer than 14 nights per calendar year. Longer stays are permitted with permission given in advance by the Board of Directors.
5. Tenants are permitted to have overnight guests for a total of 7 nights in each month they rent in the park.

VII. Pets

1. Only members owning units in the designated dog section will be permitted to keep a small dog not to exceed 40 pounds. The designated dog section is limited to any unit that backs up to the fence that surrounds the park. Tenants renting units located in the dog section may be allowed to keep a house dog as defined above, but only with prior written consent of the unit member, and additional charges may apply.

Members living anywhere in the park may keep 1 (one) indoor cat. Cats taken outdoors must be leashed and kept on the member's property. Tenants renting anywhere in the park may be allowed to keep 1 (one) cat but only with prior written consent of the owner, and additional charges may apply.

Guests of members may only have dogs if they are of the appropriate size and the member resides within the designated dog section. Guests of members residing in the park may have visiting indoor cats. All rules regarding pets apply to visiting pets.

2. All pets must be approved by and registered with the Corporation and must have a current license. The Board of Directors may approve other household pets on a case-by-case basis.
3. Within the park, dogs are to be walked on a leash let out no longer than 12 feet, and only on the side of the street next to the dog section. They may also be walked in common areas adjacent to the dog section. However, in order to provide a safer experience walking dogs on Teahouse Road due to its higher traffic, either side of Teahouse Road may be used between Gloriosa Drive and Belvidere Road. See the associated map. In all cases non dog walkers have the right of way. All damages are the responsibility of the pet owner and pet litter must be removed and properly disposed of by the owner.
4. Pets are not permitted to be unleashed outside of their units and must always be in the company of the member or tenant that owns or is caring for the pet. Pets are never allowed in the recreation area, laundry or Park buildings.
5. In event of complaints relating to pets, if investigation reveals complaints are warranted, one warning will be issued to the owner of the pet. On the second justified complaint, the owners of the pet will be assessed a monetary fine as determined by Florida Statute 719. Continual complaints may result in the pet owners being asked to vacate the unit. All complaints relating to pets must be in writing using the Japanese Gardens Complaint form, signed by the complainant, and delivered to the office of the Corporation.
6. Please see final page for the Dog Walking Map.

VIII. Vehicles, Traffic and Trailers

1. Speed limit for all vehicles is 15 mph. All vehicles, including bikes, mopeds, golf carts and motor scooters must come to a full stop at side streets, entering Teahouse Road, before proceeding. Motorists must follow all stop signs and applicable road markings.
2. Pedestrians have the right-of-way over all vehicles. Bicycles have the right-of-way over motor vehicles, mopeds, golf carts and motor scooters. Bicycles, mopeds, golf carts and motor scooters must obey traffic laws as applied to automobiles.
3. Motorcycles, mini-bikes, go carts and skateboards, are not allowed to be driven in the Park. Motorcycles and mini bikes may be left in the main parking lot at the entrance of the park, or walked to the home site.
4. Golf Carts, mopeds and motor scooters, must be registered with the office by completing a Registration/Informational Form signed by applicant(s) prior to operation within the park. Drivers must operate golf carts, motor scooters and mopeds, in a safe manner and will follow all motor vehicle and park rules, regulations and policies. Guests of unit owner must be eighteen (18) years of age to operate either golf cart, motor scooter or moped within the park. Golf carts, motor scooters and mopeds must be parked in the owner's driveway/carport with all vehicles clearing the sidewalk. Golf carts, mopeds and motor scooters must be secured under carport when not in residence for an extended period.
 1. Golf carts must be electric, and only one (1) cart allowed per unit. Golf carts must have park unit number in three (3) inch contrasting color block numbers displayed on each side of golf cart. Golf cart must be equipped with operational headlights, taillights and a rear view mirror. Golf carts must adhere to all Park regulations pertaining to designated parking locations. Owner must park Golf cart at residence only on driveway or under carport.
 6. Motor Scooters can be electric or gas. Motor scooter must be step thru frame type and must have factory stock muffler only. Motor scooter must have operational headlight, taillight and rear view mirror. Motor scooters must be parked only in designated parking locations. Owner must park motor scooter at residence only on driveway or under carport.
 7. Bicycles are not to be ridden on sidewalks or on walks around recreation buildings or on pool patio.
 8. Vans are permitted, but they may not be vans with bath or kitchen facilities, such as those equipped with sinks, refrigerator, stoves, etc.
 9. Travel trailers, motor homes, boats, campers, and other recreational vehicles owned by members of the park will be permitted to park for a period not to exceed 24 hours and only for the purpose of loading and unloading. This provision is applicable only if the vehicle does not impede ingress and egress of emergency vehicles on the street. Recreational vehicles are not permitted to be parked at the front parking area on teahouse Road and are not allowed to house individuals at any time. Recreational vehicles of guests will not be permitted to park overnight within the park or in the front parking area on Teahouse Road
10. Pickup trucks will be permitted in the Park by members and tenants under the following restrictions:
 - a) Pickups may not exceed three quarter (3/4) ton in size; no diesel engines; length not to exceed 19.5 feet; single rear wheels only; original manufacturer's exhaust system; original manufacturer's suspension system; no off-road tires.
 - b) Vehicles must be in good and safe operable condition; must be used solely as a passenger vehicle; no ladder racks or work equipment of any kind may be stored in the truck; no commercial vehicles or markings, permanent or temporary, are permitted. One small, enclosed tool box in the bed of the truck will be allowed with the approval of the manager. Nothing else can be stored in the bed of the truck.
 - c) Approved pickups will be issued a Japanese Gardens parking permit by the Manager. Disputes will be resolved by the President of the Board.
 - d) Trucks that do not meet the established criteria shall not be allowed to remain in the park and are subject to the following consequences:
 - 1) Failure to display a park permit will result in a warning to remove the vehicle from the park within 24 hours.

- 2) Failure to obtain a permit or to remove the vehicle from the park within 24 hours will result in an assessment of a \$100 per day fine, up to a maximum of 3 days.
 - 3) If the vehicle remains on park property on the 4th day, the vehicle may be towed at the owner's expense in accordance with County Ordinance.
- e) In the case that an owner's truck does not meet Park restrictions, and the owner wishes to use the vehicle for remodeling or moving, the individual must receive prior approval from the Park Manager. Such approval will be limited in duration.
 - f) Any guest of a member or tenant may park a pickup in the carport of a member or tenant, with prior approval from the manager. Such use will be only in accordance with Park Rules and Regulations.
11. No street parking is permitted at any time between the hours of 12:30 A.M. and 5:30 A.M. except as defined in item 9 only if the vehicle does not impede ingress or egress of emergency vehicles on the street.
 12. No unlicensed or inoperative automobile(s) are permitted and may be removed by the Corporation at the member or tenants expense.
 13. Automobile parking is permitted only on paved surfaces in the Park, never on the grass.
 14. Guest parking is located in the back NE corner of the park. Guest parking runs parallel along the East fence. Each vehicle will display a tag issued by the office. The tag will show the date of issuance and the length of stay. The length of the vehicle will not exceed 24'. There is no fee for guest parking.
 15. Temporary paid parking is in the back NE corner of the park. Temporary paid parking will be to the left when entering the storage building area. This parking is for residents only. Resident must be on the title. Vehicles parked in this area will not exceed 24' in length and will not exceed the height of the existing fence. The area will be on a first come, first serve basis at a monthly rate of \$1.50 per foot.

IX. Laundry

1. The laundry located in the recreation area is open for use by members and tenants only between 8:00 A.M. and 10:00 P.M.
2. Rules for use of the laundry are posted in the laundry and must be observed by all users.

X. Refuse

1. Garbage and refuse must be placed in either plastic bags or garbage cans with lids, and placed at street side on days designated for trash pick-up. Containers must not be put at street side prior to 6:00 P.M. on evenings before. Garbage, refuse, yard waste and recyclable items shall be disposed of in accordance with the rules and regulations of applicable governmental units and the designated waste disposal company.
2. No burning of trash, leaves or other material is allowed.
3. Members and tenants must arrange with the Disposal Company for unusually large trash disposal requirements.
4. Members and tenants will not dump refuse in any area of the Park or outside the perimeter of the fence.

XI. Purchase, Rent, Transfer, Occupancy

1. Japanese Gardens is a community for persons of 55 years of age or older. It is the specific policy and intent of the Corporation that the Park be designed, operated and maintained for the use and benefit of and to meet the social needs of persons 55 years of age or older. Therefore, every resident must be 55 years of age or older, or the spouse aged 45 years or older of a resident 55 years of age or older. No more than two persons may occupy any unit without prior written consent of the Board of Directors.
2. All sales, rentals, transfers and occupancy are subject to an application fee and approval by the Board of Directors as per the amendment to the By-laws adopted by the membership and recorded in the

public records on March 9, 1989. Members must notify the office 30 days prior to listing the unit on the market for sale.

3. No person, persons, trust or business entity of any sort holding a membership certificate or proprietary leasehold interest in a unit in the park, or any other person occupying that unit, may purchase or otherwise acquire a membership certificate or leasehold interest in another unit in the park. However, the Board of Directors may grant an exception where a member desires to purchase another unit in the park to replace the unit he or she occupies and said member: (1) requests such exception in writing and is granted the exception prior to such purchase, (2) agrees to make and continue to make all reasonable efforts to sell the unit previously occupied and (3) agrees in writing that neither unit may be rented for no more than 24 months after the closing of the new unit. It is the intention of the Corporation that, except for the situations listed in the immediately preceding three sentences, only one unit in the park shall be owned by a business entity of any sort or a member and/or his or her spouse (or a trust or other entity in which that member and/or his or her spouse is/are the grantor(s), trustee(s) or beneficiary(s) or the principal shareholder(s) or member(s) and this rule shall be interpreted and enforced accordingly.
4. Homes may not be rented to any tenant for less than one month or for more than 6 consecutive months in any twelve (12) month period. Rentals may be only to one or two people of age 55 years or older, or to one person of age 55 or older and a spouse aged 45 years or older. Tenants must obey Park rules, or they will be asked to leave the Park.
5. If a unit in Japanese Gardens is in poor condition, it will not be rented by the park until it has been brought into proper standards to the satisfaction of the Park Manager or Japanese Gardens Realty Board.

XII. Miscellaneous

1. Selling, soliciting, peddling or commercial enterprise within the mobile home park is permitted only with the consent of the Corporation.
2. Loud and annoying parties or language are not allowed at any time. The member or tenant must exercise special care regarding use of TV, radio, stereo, etc. between 10:00 P.M. and 9:00 A.M. in order to avoid disturbing other residents.
3. Members and tenants shall promptly report vandalism of private or Park property to the Corporation.
4. No park property, such as tables or chairs, etc. may be loaned to members or tenants for use outside of the clubhouse or other common recreational areas.
5. A Park member wishing to place gravel or mulch in a yard area must create a barrier around the perimeter and maintain the gravel or mulch at least 1” below the top of the barrier. It is recommended those currently with gravel or mulch also install a barrier. However, in all cases the homeowner is responsible to maintain the sidewalk and street free of gravel and/or mulch and free of weeds at all times. If the gravel or mulch washes out onto the sidewalk and/or into the street, other arrangements will have to be made with the ARC Committee..
6. Diseased palm trees can be removed and new trees can be planted in their place at the manager’s discretion.
7. DELINQUENT MAINTENANCE FEE
 - A. DELINQUENT LATE FEE – maintenance fees are due on the first day of each month and are considered delinquent by the 10th of that month.
 - B. Second letter states an administrative late fee of \$25.00 per month plus interest of 1.5%.
 - C. If after 2 months and 10 days we have no response from the Homeowners the matter is turned over to our Attorney and lien is filed on the home.
8. No signs of any kind, other than name and address type, may be exhibited on a property except that one “house for sale” sign measuring no larger than 18” x 24” may be displayed in the planter box.
9. Legitimate complaints concerning infractions of these rules must be reported to the Corporation in writing and signed by the complaining party. Japanese Gardens Complaint Forms can be obtained in the office of the Corporation or downloaded from the Japanese Gardens website.
10. Actions that require Board of Directors or committee approval must receive the approval in writing prior to that action being taken.

XIII. Responsibilities

1. The Corporation shall not be responsible for loss or damage caused by accident, fire, theft or act of God to any mobile home or personal property left by the member or tenant or their guests within the Park boundaries. The Corporation will not be responsible for supplies or equipment sent to the recreation hall for private use by any member or tenant.
2. The Corporation shall not be liable for accident or injury to any person or property through the member or tenant's use of recreational facilities. The members and tenants and their guests avail themselves of these facilities at their own risk and assume liability for such physical damage or personal injury caused by such use.
3. The members and tenants are responsible for damages caused by their guests.
4. It is strongly recommended by The Corporation that each member purchase and maintain liability insurance on his or her property.

XIV. General

1. If any provision of these Rules and Regulations be contrary to any law or any jurisdiction in which the Park is located, it shall not apply nor be enforced; however, the other provisions of these Rules and Regulations shall not be affected and shall continue in full force and effect.
2. A rule in the Japanese Gardens Rules and Regulations, the Bylaws, or the Proprietary Lease that has not been enforced at any time does not negate current enforcement.
3. A written inquiry must be sent to the legal address of record 6181 Teahouse Road by certified mail and the Board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquirer. The failure to provide a substantive response to the inquirer as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry.
4. The Association will be obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

