

GAIL WADSWORTH, FLAGLER Co.

This instrument prepared by and)
should be returned to:)
))
Robyn Severs Braun, Esquire)
TAYLOR & CARLS, P.A.)
444 North Oceanshore Boulevard)
Suite 107)
Palm Coast, Florida 32137)
(386) 446-5970)
))
Cross Reference Declaration of Protective)
Covenants, Conditions and Restrictions)
for Hammock Dunes, O.R. Book 392, Page 343,)
Public Records, Flagler County, Florida)

**RULE REGARDING THE OPERATION OF NUISANCE VEHICLES
WITHIN THE HAMMOCK DUNES COMMUNITY**

WHEREAS, Section 6.05 of the Declaration of Protective Covenants, Conditions and Restrictions for Hammock Dunes dated May 11, 1989 and recorded at Official Records Book 392, Page 343 of the Public Records of Flagler County (hereinafter "Declaration") provides that the Hammock Dunes Owners Association, Inc. (hereinafter "Association") through its Board of Directors has the right to promulgate and impose rules with respect to the use, operation and enjoyment of the residential property and the common areas; and

WHEREAS, Section 6.01(q)(2) of the Association's Declaration provides that no person shall be permitted to keep any vehicle on the Committed Property which is deemed to be a nuisance; and

WHEREAS, Section 6.01(x)(3) of the Association's Declaration, as amended by the First Amendment to the Declaration, dated June 11, 1991 and recorded at Official Records Book 449, Page 1809, Public Records of Flagler County, Florida, provides that the Board may exclude those vehicles that the Board considers nuisances; and

WHEREAS the Board of Directors of the Association, has determined that vehicles that exceed the state noise limits per section 403.415 and section 316.293, Florida Statutes, are nuisance vehicles;

WHEREAS the Board of Directors of the Association, has determined that it is in the best interest of the Association to establish a Rule regarding the operation of nuisance vehicles within the Total Property;

NOW THEREFORE, the Board of Directors of the Association promulgates the following Rule:

1. **DEFINITIONS:** The definition of any word or phrase not defined in this rule shall be given the same meaning and definition as those words and phrases defined in Article I of the Association's Declaration, as amended from time to time or in sections 403.415 and 316.293, Florida Statutes:

A. VEHICLE: Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

i. MOTOR VEHICLE: any vehicle which is propelled by its own power.

ii. AUTHORIZED EMERGENCY VEHICLES: Fire department vehicles, police vehicles, sheriff vehicles, ambulances and emergency vehicles of municipal departments, public service corporation vehicles operated by private corporations, Department of Environmental Protection vehicles, Department of Health vehicles, and Department of Transportation vehicles.

iii. MOTORCYCLE: Any motorized vehicle having a seat or saddles for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding any bicycle or electric personal assistive mobility device.

2. RULES:

A. The Board intends to enforce state noise standards for all vehicles and motorcycles operated within the Total Property as provided in sections 316.293 and 403.415, Florida Statutes.

B. The Board believes it can best enforce the noise standards outlined in this Rule using a voluntary complaint system. Gate access control persons and members are requested to participate in the noise enforcement outlined in this Rule.

C. Vehicles that repeatedly leave a trail of noise to the same address should be reported to the Association, or its designated agent, by make, model, color and license plate number.

D. All motorcycles owned by members of the Association shall be registered with the Association, or its designated agent. Registration must include the make, model, serial number, a copy of its current registration card, license plate number and address within the Total Property where the motorcycle will be parked. Motorcycles not registered with the Association shall not be permitted to be operated, driven or otherwise used within the Total Property.

E. If a member or gate access control person is of the opinion that a vehicle violates the state noise standards, the member shall submit a written complaint to the Board, or its designated agent, identifying the vehicle by its make, model, color, license plate number, its residence destination inside the Total Property, or any other reliable unambiguous identifying factors. If the complaint fails to include the requested information, fails to include enough information to locate the alleged violator or is submitted anonymously, it will be rejected.

F. Upon receipt of a written complaint, the Association or its designated agent, shall notify the alleged violator about the complaint and advise the alleged violator of the opportunity to have the vehicle tested, at no cost, by a designated agent of the Association. Such test must be requested by the alleged violator within fourteen (14) days after the alleged violator receives notice of the complaint and the test will preliminarily determine if subject vehicle is in compliance with the state noise standards. If the alleged violator fails to contact the Association,

or its designated agent, within fourteen (14) days after receipt of the notice of the complaint, the vehicle shall not be permitted to be operated, driven or otherwise used within the Total Property.

i. If the test provided by the Association reveals that the vehicle is in compliance with the state noise standards, then the complaint will be rejected and the complaining party will be notified of such rejection.

ii. If the test reveals that the vehicle is not in compliance with the state noise standards, then the vehicle shall not be permitted to be operated, driven or otherwise used within the Total Property unless and until the alleged violator provides a certificate of compliance with the state noise standards from an independent testing specialist or mechanic approved by the Board of Directors. The Flagler County Sheriff's office is a Board-approved testing specialist. There may be a cost to the member to have the independent test performed.

G. The Board approved independent testing specialist or mechanic shall use testing procedures in substantial conformance with the applicable standards and recommended practices established by the Society of Automotive Engineers, Inc. or the American National Standards Institute, Inc. for the measurement of motor vehicle sound levels.

H. This rule does not apply to all authorized emergency vehicles.

SO RESOLVED by a majority of the Board of Directors of the Association at a duly called and noticed Board meeting, this 18 day of June, 2007.

Signed, sealed and delivered in the presence of:

Lonnie Eilbeck
Printed Name: Lonnie Eilbeck

Tequis Houk
Printed Name: Tequis Houk

HAMMOCK DUNES OWNERS
ASSOCIATION, INC.

By: [Signature]
Printed Name: George BAGWELL
Title: President
Address: _____

(CORPORATE SEAL)

ATTEST:

Lonnie Eilbeck
Printed Name: Lonnie Eilbeck

Tequis Houk
Printed Name: Tequis Houk

By: Cosmo J. DiBernardo
Printed Name: Cosmo J. DiBernardo
Title: Secretary
Address: _____

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 18 day of June, 2007, by George Bequart and Costa Williams, as President and Secretary, respectively, of THE HAMMOCK DUNES OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. They [] are personally known to me or [] have produced _____ as identification.

(NOTARY SEAL)

Fred Annon, Jr.
NOTARY PUBLIC - STATE OF FLORIDA

Print Name:

Commission No. _____

Commission Expires _____

