

# BAHAMIAN CLUB RULES AND REGULATIONS

The following Rules & Regulations are applicable to all persons (including owners, renters, family members of owners or renters and friends of same) using the Bahamian Club facilities even if you have not signed this document as required by the rental agreement. Nothing in these Rules and Regulations are intended to supersede the Association's governing documents. Some regulations have been condensed and/or re-worded from the Association's Bylaws. Failure to comply with these Rules and Regulations could result in a monetary fine.

## A. GENERAL:

1. All owners/renters including their family members and friends are responsible for reviewing and complying with these Rules & Regulations.
2. To ensure their health and safety, individuals under the age of 25 are not allowed to stay overnight in a rental unit without the supervision of a parent or responsible adult.
3. Only the owner/family members may have small pets on the premises, and they shall always be on a handheld leash. However, pets may be tethered outside as long as the owner/family member is always outside with the pet.<sup>1</sup> The owner is responsible for picking up after their pets on common grounds.
4. Pet doors are permitted on the upper deck if the pet(s) are not a nuisance to any neighbors.<sup>2</sup> No openings are allowed through exterior block walls. ACC approval is needed prior to installation of a pet door.
5. Quiet hours will be observed between the hours of 10:00pm and 8:00am.
6. Garbage must be put in plastic bags before placing in the dumpster.
7. Renovation materials, furniture, appliances, BBQs or the like are not to be placed in or left next to the dumpsters. These items should be neatly placed in the designated area next to the maintenance shed. It is the owners/renter's responsibility to dispose of large items, not the Bahamian Club personnel.
8. Outside contractors must remove their debris from the premises.
9. Recycle bins for newspapers, plastic and cans are located by each dumpster area, please use appropriately.
10. Regarding rental unit properties, no items such as furniture, dishes, linens, etc. shall be removed from the unit.
11. Nothing is to be hung from unit balcony railings except for the American flag and holiday/seasonal decorations.
12. Skateboarding, rollerblading, scooters, hoverboards and the like are not allowed on common property including the tennis/pickleball court. Children under the age of 8 must be accompanied by an adult when riding bicycles on property.
13. Open fires are prohibited on all Bahamian Club property/grounds, this includes but not limited to burning of leaves, garbage, debris and fire pits.
14. The speed limit is 15mph and shall be adhered to.
15. Fireworks of any kind; are prohibited on Bahamian Club property/grounds.
16. No changes, alterations, additions, reconstruction, replacements, or attachments of any nature whatsoever shall be made to the exterior of any unit, until the plans and specifications showing the nature, kind shape and height, materials, locations, color and approximate cost of the same shall have been submitted to and approved by the Architectural Control Committee ("ACC") in writing.
17. To preserve and protect our "hammock," all landscaping alterations to a unit's deeded area as well as contiguous common ground must be approved in advance by the Manager and the Board

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<sup>1</sup> Modifies 3/24/2010 Pet Policy

<sup>2</sup> Modifies 3/24/2010 Pet Policy

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President. This will ensure that all improvements are Florida Friendly and beneficial to our beautiful hammock. The appropriate form can be found at the office or on the website ([bahamianclubowners.com](http://bahamianclubowners.com)). Any maintenance for the modifications becomes the responsibility of the owner as well as future owners. Please refer to the landscaping tab for further information.

18. A smoke free zone which includes smoking and/or vaping has been established at the Bahamian Club in the following common areas: cabana, pool, shuffleboard courts, barbecue grill area, tennis/pickleball court and surrounding areas.
19. A bicycle rack is provided for all bicycles including electric bicycles. No bicycles of any kind are allowed in the cabana, pool area, shuffleboard courts, or tennis/pickle ball courts.

### **B. POOL AREA:**

1. Use the pool at your own risk. Lifeguards are not provided. Please comply with the rules posted. The Association is not responsible for any accident or injury in connection with use of the pool.
2. Children under the age of 12 years must be accompanied by an adult.
3. The pool area is open from 8:00am to dusk. No one is permitted in the pool area when the pool is closed for maintenance and repair.
4. Proper swimming attire must be worn when in the pool. Children under the age of 3 must wear disposable swim pants.
5. Always shower before entering the pool.
6. Do not dive into the pool.
7. No food or drink is allowed in the physical pool or placed on the rim of the pool. However, food/drinks are allowed at the tables and chairs around the pool.
8. No glass is allowed in the pool area.
9. Reserving seats is not allowed. Cover chairs with towels when using tanning lotion or sunblock. You must furnish your own towels.
10. Furniture is not to be removed from the pool area.
11. Show consideration to others, do not play loud music, wear earphones.
12. Running, pushing or horseplay in the pool area is prohibited.
13. Pets including emotional support pets are not permitted inside the pool gates at any time or in the cabana. The exception is a qualified service animal per Florida Department of Health regarding swimming pools.
14. No wet attire is permitted in the Cabana.
15. No floats, tubes, boogie boards, surfboards and beach balls or similar flotation devices are allowed in the pool except specifically noodles, exercise weights, and infant floats are permitted.
16. No sitting or hanging on the pool rope is allowed.
17. During the winter season (January – April) only owners and renters can participate in the water aerobics classes, offered Monday-Saturday from 11:00 am – 12 pm.
18. Only owners, renters, or their guests (guests: staying with renters or owners, owner must be at the pool with their guests) are authorized to utilize pool area or any common area facilities (i.e. cabana, shuffleboard, tennis/pickleball court).

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### C. TENNIS / PICKLEBALL COURT:

1. Playing hours are from 8:00am until dusk.
2. All people using the tennis/pickleball court do so at their own risk. The Association is not responsible for any accident or injury in connection with use of the tennis/pickle ball court.
3. The Association is not responsible for any loss or damage to personal property.
4. Proper foot attire must be worn when on the tennis/pickleball court.
5. Children under the age of 12 are not permitted on the tennis/pickleball court unless under the direct care and supervision of a parent or responsible adult.
6. No undue disturbance in or around the tennis/pickleball court will be permitted.
7. Plastic chairs are permitted in the tennis/pickleball court if they are neatly stacked when play is over.
8. Court may be closed as necessary for maintenance or special events as approved by the Board.
9. Pets are not permitted inside the tennis/pickleball court area at any time.
10. Bicycles, scooters, and similar type items are not permitted in the tennis/pickleball court area at any time.

### D. SHUFFLEBOARD COURTS:

1. Do not walk on the shuffleboard court surface at any time.
2. Children under the age of 12 are not permitted on the shuffleboard courts unless under direct care and supervision of a parent or responsible adult.
3. Repair of any damage to the shuffleboard courts or equipment will be charged accordingly.

### E. KAYAK STORAGE:

1. Kayak racks are at the exclusive use of owners and are to be used at owner's own risk. Reserving a kayak rack is done through the office.

### F. BBO GRILLS:

1. Owners and renters are free to use the community grill at their own risk. As a courtesy to the next guest, clean the grill after using it.
2. Personal barbeque grills such as gas, charcoal or electric are prohibited from being placed on the sun decks of the buildings. When using personal barbeques, they must be placed a minimum of ten (10) feet from the building mansards to avoid fire per local fire ordinances.

### G. VEHICLE PARKING:

1. Each unit has a designated parking space clearly marked with the letter of the assigned unit. Unmarked spaces are to be used for visitor parking. All owners must always park in their assigned parking space and not park in a guest or other owner's spot because it is more convenient or because you do not want to park under trees. The above especially applies during the winter season (January – April) and all holidays.
2. Owners may only park up to a maximum of two (2) passenger vehicles (cars, light pick-up trucks, motorcycles and SUV's) overnight on the premises, with the following exceptions: contractor vehicles including trailers and temporary storage units may be parked in the assigned owner's parking spot for a maximum of three (3) days with prior approval from the Manager or the Board of Directors.
3. Parking on the main roads is **not allowed**. Roads are to be always kept passable for emergency vehicles.

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4. Renters are limited to one (1) passenger vehicle per unit and must park in the unit owners designated space. The Bahamian Club will charge a one-time flat fee of \$25.00 per car per rental for the additional car(s) permit requested by the renter. Long-term rentals, i.e., winter rentals, will be given one additional parking pass for the \$25.00 fee for the term of their rental period to be used by any of the guests of the rental during their rental term. The renters that are year-round renters will be charged \$25.00 for one extra car for the parking pass at the first of the New Year or renewal of their contract.
5. Vehicle parking permits for owners, renters and guests must be displayed at all times and will be provided to renters at check-in. Any car without a parking permit will be given a "Notice of Parking Violation" and the car will be towed if parking permit not obtained.
6. There is limited parking for the office and the two spaces provided shall be used for a maximum of thirty (30) minutes during office hours; Monday through Friday, 8:00am – 4:00pm.
7. Golf carts and all-terrain vehicles (ATV's) are not permitted at the Bahamian Club.
8. Owners/renters are not allowed to tow a vehicle, **ONLY** the Manager is authorized to have a vehicle towed.
9. An illegally parked vehicle will receive a "Violation Notice" from the Manager and if not corrected within the time frame stated on the Violation Notice, the Manager will have the vehicle towed.
10. Vehicles will be towed if not properly registered with the state.

### H. HURRICANE PREPAREDNESS:

1. The following items will have to be removed and stored in a secure place:
  - a. Full-time owners must move your exterior items inside, including the following to be "hurricane ready":  
garden hoses, hanging plants, light potted plants, wind chimes, flags, outdoor lights, bikes, portable grills, patio tables & chairs and any other detachable exterior object(s) that could become airborne.
  - b. Absentee, non-rental owner units should already be "hurricane ready" if you are not presently on site.
  - c. As to rental units managed through the Office, the Manager will see to the removal of the exterior items and put inside of the unit of all vacant rental units at a cost of \$25.00 to pull inside and \$25.00 to return. The exterior items will only be returned if there is an incoming renter, otherwise they will remain inside of unit.
  - d. Rental units **rented outside of the office**, will be responsible for making their units "hurricane ready".
  - e. The pool furniture from the pool deck and community grill will temporarily be put in the cabana.

### I. TAPING BOARD MEETINGS:

1. Board or Annual Meetings may be recorded/taped as long as the Board is notified prior to the beginning of the meeting.

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### J. OCCUPANCY DECLARATION:

1. Each owner must provide an annual occupancy affidavit each October 1<sup>st</sup> per New Smyrna Beach code 504.00.
2. The affidavit must specify who is residing in a unit:
  - a. Owner Occupied: those who are named on the deed and if it is their primary, secondary, or seasonal address.
  - b. Long-term Rental.
  - c. Short-term Rental.
  - d. Vacant.
3. **Guests.** Owners of owner-occupied units must notify the office of any overnight visitors and obtain any required parking passes. New Smyrna Beach considers overnight visitors of rental units to be renters. The rental unit owner is required to notify the office of any overnight visitors that are not listed on a rental agreement and must obtain required parking passes.

### K. LEASES and RENTALS:


1. All rentals including those **not booked** through the Bahamian Club Office, are required in accordance with our governing documents CC&R's, Article IV, Section 5, to pay 10% rental fee of all monies collected by an owner or Third Party. The owner is required to provide the Office with the official documentation / rental agreement or lease stating the amount of rental fees collected. If the 10% fee is not paid in a timely manner, i.e. within 5 days of the rental check-in, then the Manager will inform the Board and Fining Committee to handle this delinquent non-payment of 10% fee. The Board will suggest to the Fining committee the following fines: for a 3-day rental a fine of \$150 per rental; a week rental a fine of \$250.00 per rental; one month rental a fine of \$400.00 per rental.
2. Owners must provide each renter with a copy of the current Rules & Regulations, and the renter is required to sign and return to the office.
3. Renters are required to obtain a parking pass from the office (see Section G above for more particulars regarding parking).
4. Owners renting their units long-term, greater than 30 days including annual leases must obtain a New Smyrna Beach Business Tax Receipt and provide annual affidavit required for all residential rentals, confirming owner and emergency contact information, that the property complies with City codes, and that the owner acknowledges responsibility for tenant behavior and property maintenance. This is due by October 1<sup>st</sup> annually.
5. Owners renting their units short-term, 30days or fewer, require the following:
  - a. New Smyrna Beach Business Tax Receipt.
  - b. Florida Department of Business and Professional Regulation (DBPR) Vacation Rental License.
  - c. City Short-Term Rental Certificate.
  - d. Zoning verification.

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6. All rental owners must provide a copy of their BTR (Business Tax Receipt) which is provided from the City of New Smyrna Beach.
7. All short-term rental owners must provide a copy of their DBPR Vacation Rental License. This is not required for long-term rentals.
8. All rental owners must provide a copy of their Rental Affidavit (Certificate of Use).
9. All short-term rental owners must provide a copy of their Short-Term Rental Certificate.
10. Owners must provide the office with a copy of any New Smyrna Beach inspection reports within 30 days of an inspection.

Section L- Records Maintenance has been put on the website as a separate document under Governing Documents tab.

Board Approved Date: 3/18/26

  
\_\_\_\_\_  
Dan DiLullo - President

Owner/Guest Signature \_\_\_\_\_ Unit No. \_\_\_\_\_

Date \_\_\_\_\_

Printed Name of Owner/Guest \_\_\_\_\_

Date \_\_\_\_\_

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## L. RECORDS MAINTENANCE:

1. The Association will maintain the following records:
  - a. Copies of any plans, specifications, permits, and warranties related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace.
  - b. A copy of the bylaws of the association and of each amendment to the bylaws.
  - c. A copy of the articles of incorporation of the association and of each amendment thereto.
  - d. A copy of the declaration of covenants and a copy of each amendment thereto.
  - e. A copy of the current rules of the homeowners' association.
  - f. The minutes of all meetings of the board of directors and of the members, and of which minutes must be retained for at least 7 years.
  - g. A current roster of all members and their mailing addresses and parcel identifications. The association shall also maintain the electronic mailing addresses and the numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. The electronic mailing addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the electronic mail address or the number for receiving electronic transmission of notices.
  - h. All the Association's insurance policies or a copy thereof, which policies must be retained for at least 7 years.
  - i. A current copy of all contracts to which the association is a party, including, without limitation, any management agreement, lease, or other contract under which the association has any obligation or responsibility. Bids received by the association for work to be performed must also be considered official records and must be kept for a period of 1 year.
  - j. The financial and accounting records of the association, kept according to good accounting practices. All financial and accounting records must be maintained for a period of at least 7 years. The financial and accounting records must include accurate, itemized, and detailed records of all receipts and expenditures, a current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due, all tax returns, financial statements, and financial reports of the association and any other records that identify, measure, record, or communicate financial information.
  - k. A copy of the disclosure summary described in F.S. 720.401(1).
  - l. Voting Records are to be held for one year.
  - m. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.
  - n. Annual audit report.
  - o. Board of Directors meeting packages.
  - p. Rental contracts and associated rental documents.
2. When feasible, Association records will be posted to the Association website.
3. Records will be maintained in hard-copy form. The previous year's records will be taken to external site storage following the audit. When feasible, records will be backed up externally offsite.

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4. Inspection of Association records. As F.S. 720 permits owners to inspect Association records to establish non-compliance penalties, the Association may adopt rules and regulations for the inspection of Association records. Owners and their designated representatives are permitted to inspect Association records, subject to the following process per F.S. 720. If an owner designates an authorized representative, the authorization must be notarized and a copy of the authorization provided to the Association. The listed process must be followed:
  - a. The request to inspect records must be in writing and mailed to the Association office by certified mail/return receipt requested.
  - b. The Board of Directors has designated the Association Manager to be the agent responsible for records inspection requests.
  - c. A reason for the inspection is not required; however, the request must be specific of what records the owner/representative requests to view and not a “fishing expedition.” For example, a general request for every record the Association has produced over the past 7 years will NOT be entertained.
  - d. The Association’s Manager must prepare the requested documents hard copy within 10 business days. Weekends, federal, and state holidays are not business days.
  - e. The records will only be permitted to be viewed in the Cabana on a business day during the hours of 8:00 AM until 4:00 PM. The records are NOT permitted to be viewed in the Association office. Viewing of electronic copies is not permitted unless the owner is using their own electronic device and the records are capable of being emailed to the requester, but the requester must provide a return receipt to acknowledge the records were received.
  - f. Records excluded by F.S. 720 will NOT be provided for inspection.
  - g. Owners are allowed to make one inspection request per calendar month. An owner is not allowed a subsequent request until any outstanding inspection fee balances have been satisfied.
  - h. An owner/representative may use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the Association’s providing the owner or his or her representative with a copy of such records. The Association will not charge a fee for the use of a portable device.
5. Owner/representative fees for inspecting records:
  - a. For records of the current year that are maintained in the office, there is no charge.
  - b. For records that must be retrieved from external storage, the individual retrieving the documents will be reimbursed at the IRS milage rate. The individual retrieving the records must provide the office with an itemized invoice.
  - c. Labor for retrieving the records after the first 30 minutes will be charged at rate of \$20 per hour in 6-minute increments. The individual retrieving the records must provide the office with an itemized invoice.
  - d. Copies. An owner/representative may request up to 25 pages of Association records without any labor fees. The owner/representative will be charged 25 cents per page. Requests for copies more than 25 pages will be made at an outside vendor and will incur the cost of the copies, labor (per 4.c.), and milage (per 4.a.).