

**ORA AT MELBOURNE BEACH, INC.  
A CONDOMINIUM ASSOCIATION**

**Administrative Rules and Regulations  
Revised November 14, 2020**

In compliance with section 17 of the Declaration of Condominium the Board of Directors, with careful consideration, have deemed that these Administrative Rules and Regulations are necessary to insure a safe, orderly, and unbiased operation of the Resort. It is also the intention of the Board to deal with any infractions of these rules in a courteous and diplomatic manner in accordance with the applicable statutes of the State of Florida, (Condominium Act Chapter 718), statutes of the County of Brevard, the Declaration of Condominium and the By-Laws of ORA at Melbourne Beach, Inc., all governing this condominium association.

**REFERENCES:**

**AUTHORITY:**

Per section 17.13 of the Declaration of Condominium, the Board of Directors may from time to time adopt new or amend previously adopted administrative rules and regulations governing details of operation, use, maintenance, and management of the common elements and Units of the Condominium and any facilities or services made available to Unit Owners. These Rules and Regulations shall be reviewed and approved annually by the Board of Directors.

In the event of conflict between the Rules and Regulations, the By-Laws and the Declaration of Condominium; or between the Condominium Documents and the Condominium Act; in each case the latter shall prevail.

For Enforcement Provisions refer the Article VIII, pages ten (10) and eleven (11) of the By-Laws of ORA at Melbourne Beach, Inc., Florida Statute 715.05 Motor Vehicle Towing and the Florida Clean Indoor Air Act.

**PROCEDURES FOR HANDLING VIOLATIONS:**

Violations are failures to follow the requirements of six (6) pertinent documents:

1. Florida Statute 718, The Condominium Act
2. Florida Clean Indoor Air Act
3. ORA Declaration of Condominium, Section 14, "Compliance and Default"
4. ORA By-Laws, Article VIII, "Compliance and Default"
5. ORA Administrative Rules and Regulations, "Procedures For Handling Violations"
6. ORA Hurricane Management Plan

Note: Documents 1 and 2 are Florida Statutes and therefore will prevail over Documents 3, 4, 5 and 6. In the event of conflict between Documents 3, 4, 5 and 6, their relative order of precedence will be 3, 4, 5 and 6.

**Violations Compliance Processes**

1. Authority is granted to the Board of Directors through:
  - a. ORA Declaration of Condominium, Section 14, page 14.

b. ORA Bylaws, Article VIII, pages 10 and 11.

c. ORA Administrative Rules and Regulations, Procedures for Handling Violations.

2. Assessments: Failure to pay an assessment is a violation of the Declaration and the process for compliance is unique to assessments and fully described in Section 9, "ASSESSMENTS."

3. Parking within the Resort:

a. Each parking area within the Resort is hereby designated a "tow-away" zone as posted and defined in Florida Statute 10.12 and with the exception of the parking area adjacent to and East of the center tennis courts.

b. The Resort has no storage facilities. Accordingly, parking in the parking area adjacent to and East of the center tennis courts is hereby limited by the Board of Directors to four (4) days with the advance written permission of the Resort Manager, and with no more than two such parking permits issued to any Owner, Renter or vehicle in a thirty (30) day period. Violators will experience immediate tow-away.

c. A Guest, as defined in the Rules and Regulations, item #1, page 5, of an occupant of the Resort may park a passenger-car type vehicle (no motor home) in any parking area overnight if the lot to which he is a registered Guest does not have a parking space available. The car must display the appropriate vehicle pass, and the Resort Manager must be notified in advance.

d. No overnight parking is permitted in the RV check-in parking area. However RV's with reservations arriving too late (after 10 P.M.) to proceed to an assigned lot may park overnight in the check-in area. Under such conditions generators will not be run. RV's without reservations must depart the Resort immediately.

4. All other violations will be observed by the Condominium Manager (CM), although the awareness may have come from multiple sources. The CM will issue a verbal warning of non compliance and set a reasonable date for compliance.

a. If the violator is a renter, compliance is immediate or the violator is ejected.

b. If compliance occurs, the issue is settled.

5. If non-compliance continues beyond the date set, the CM will elevate the issue to a letter (not certified) of warning, detailing the violation(s), and action to be taken if the non-compliance continues beyond 30 days.

a. If compliance occurs, the issue is settled.

b. If non-compliance continues beyond the 30 days, the issue is elevated to the Board of Directors (BOD).

6. The BOD will involve the Covenants Enforcement Officer (CEO), who is charged with determining if there is probable cause of a violation occurring and reporting such to the BOD. If the CEO determines that probable cause exists, the BOD shall thereupon:

a. Provide written notice to the person alleged to be in violation, or the Owner of the lot which that person occupies, of the specific nature of the alleged violation and of the opportunity for a hearing before the BOD *upon a request made within 14 days of the sending of the notice*. The notice shall also specify that each recurrence of the alleged violation of each day during which it continues, shall be deemed a separate offense subject to a separate fine, all fines not to exceed \$50.00 each.

b. If the hearing is timely requested, the BOD will hold said hearing after giving the alleged violator fourteen (14) days' notice written notice of said hearing and shall hear any defense to the charges, including any witnesses that the alleged violator, the Lot Owner, or BOD may produce. Any party to the hearing may be represented by counsel.

c. Owners will be held liable for repair of any damages to park facilities or services as a result of Owner's actions.

**LOT ALTERATIONS:**

**For lot alteration restrictions, refer to section 12.3(q) page twelve (12) of the Declaration of Condominium of ORA at Melbourne Beach, Inc.**

**In addition:**

1. Australian pine trees, Brazilian Pepper (Florida Holly), Ficus (Rubber) trees, Spanish Bayonet or any other bush or shrub with dangerous thorns or spikes are prohibited in the Resort.

a. The primary interest in lot alterations is the maintenance of the general esthetics of the Resort and to avoid hindrance to maintenance or impact pedestrian or vehicular safety. Large trees owned by the Association shall not be removed without the permission of the Manager.

b. To prevent damage to containment walls on the Indian River, Owners are encouraged to maintain plantings at least five (5) feet away from such walls.

2. **Screen rooms – (see Section 12.2 pages nine (9) and ten (10) of the Declaration of Condominium)**

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a. Standard (canvas) recreational vehicle screen rooms are permitted as follows:

- (1) Utilizes the awning the remains on the RV.
- (2) Awning rolls up for storage on the side of the RV.
- (3) Made of a soft vinyl material.
- (4) Panels are screening and canvas or vinyl temporarily held in place by two automatic spring tension rafter poles.
- (5) May have a canvas or aluminum and screen door.

b. These screen rooms move with the RV and do not require a Brevard County permit.

## **BOARD OF DIRECTORS MEETINGS:**

According to F.S. 718, section (2)(c) meetings of the Board of Directors and any committee thereof at which a quorum of the members is present shall be open to all unit Owners.

1. Any Unit Owner may speak at meetings subject to the following:

a. The unit Owner, prior to the meeting, must file a request with the Secretary to speak during the meeting, identifying each agenda item to be addressed.

(1) Before addressing the agenda item, the unit Owner must be recognized by the presiding officer and then be identified by name and unit number for the record.

(2) The unit Owner must speak only about the designated agenda item and at the point in the meeting when that agenda item is being addressed.

(3) The unit Owner may speak no longer than three (3) minutes on any single item and no longer than ten (10) minutes in total on various agenda items during the meeting. b. The presiding officer may, after adjournment, open the discussion to the membership.

2. Any unit Owner may tape record or videotape meetings subject to the following: in order avoid distraction from the business at hand, recording, or videotape equipment used should not produce distracting sound or light emissions. Such equipment should be assembled and located in advance of the start of the meeting and should not be moved during the meeting.

3. All non-agenda concerns will require a formal letter to the Secretary, Board of Directors prior to the start of the meeting.

## **USE AND OCCUPANCY:**

**For Use and Occupancy restriction, refer the section twelve (12) pages eight (8) thru thirteen (13) of the Declaration of Condominium of ORA at Melbourne Beach, Inc.**

The unit Resident shall be responsible to accompany his/her Guest or Visitor when such Guest or Visitor is using any Resort recreational facilities or attending any available program. Any unaccompanied person may be considered a trespasser and may be required to leave the Resort.

## **DEFINITIONS:**

1. A **Guest** is any person other than a spouse or a member of the immediate household residing with the Resident of record, who shall stay in the recreational vehicle on the unit at least overnight, or who occupies a recreational vehicle on the unit with written permission of the Owner.

a. The Resort Condo office or Rental office will issue a Vehicle Identification pass for the length of stay.

2. A **Visitor** is any person entering the Resort to spend time with the occupant of a particular unit and who shall not stay overnight.

- a. A person or persons presenting themselves to the Resort Condo Office or Rental Office as a visitor(s) to a particular unit will not be permitted to enter the Resort unless the occupant of the unit can be contacted and agrees to authorize the visit.
  - b. Unauthorized visiting or sightseeing is detrimental to the security of our park, is not permitted and is deemed trespassing.
3. Each Guest or Renter expected to be in the Resort for at least a week will be provided with a copy of an abridged version of the Rules and Regulations by the Resort Condo Office or the Rental Office.
4. When an Owner has conveyed his/her unit to others through the Rental program, he/she shall forfeit his/her privileges of the conveyed property. Thus, if the property is in the Rental program, the Owner will deposit both magnetic gate cards with the Rental office.

### **GENERAL RULES:**

1. A maximum of two (2) automotive vehicles and one motorcycle or two motorcycles and one automotive vehicle other than the primary recreational vehicle are permitted on a lot.
  - a. On street parking is prohibited and no vehicle shall be parked in a manner that results in the vehicle extending into the road right-of-way.
  - b. Vehicles, boats, boat trailers, and car-tow trailers shall only be parked on the 1400 sq. ft. of approved concrete and pavers on the lot. Those vehicles, boats, boat trailers, car-tow trailers, or golf carts being parked on stone on lots prior to April 20, 2013 will be grandfathered. Golf carts will be allowed to be parked on stone.
2. Per our Declaration of Condominium section 12.3, page 11, no second recreational vehicle over twenty one (21) feet exterior length may be allowed on a unit unless it is the sole means of transportation. In no instance may a second recreational vehicle be used as living quarters or be attached to utility services.
  - a. All primary recreational vehicles within the Resort must meet R VIA standards and in particular must possess a sewer hose connection adequate to satisfy the State of Florida and Brevard County regulations.
3. Removable slide-in campers cannot be placed or stored on any unit when separated from the automotive unit.
4. Recognizing that a day at the beach or pool for occupants and guests can generate a need for additional drying capacity, a clothesline is permitted. Consistent with our park beautification efforts, minimum time on the clothesline will make our neighbors view more pleasant. Owner's electing to install a clothesline must consider:
  - a. **Visibility:** Clotheslines should be behind the unit or towards the rear of the patio side of the lot.
  - b. **Safety:** Clotheslines need to be out of the normal walkways around your lot so as to avoid harming persons traversing the site. Any clothesline located within the walkways need be of the size and type that will collapse rather than injure people.

**c. Liability: Any liability arising from the existence of a clothesline, of necessity, is the responsibility of that Lot Owner.**

**5. Antennas and recreational vehicle satellite dishes must be mounted on the recreational vehicle or the storage shed. The existing 14ft height limitation must be maintained, except for CB and "ham" radio operators who are limited to a vertical antenna not to exceed 25 feet in height.**

**6. All Owners' motorized vehicles (This includes recreational vehicles, cars, trucks, scooters, mopeds, golf carts, bicycles, or other conveyance driven by other than manual effort.) must be registered with the Resort Condo Office. The Park Manager or designated agent will issue identification markers to be placed on each vehicle as prescribed by the Board of Directors.**

**7. For the safety of everyone in our park, to operate a motorized vehicle within the Resort the operator must be at least sixteen (16) years old.**

**8. For the safety of all people in the Park, vehicles including bicycles must obey the posted speed limits, traffic signs and other rules governing traffic within the Resort. Following rules and common sense goes a long way toward elimination of potential hazards.**

**9. All Owners must ensure that their lots (bushes, shrubs, trees, and the like) do not obstruct an operator's view at intersections or in neighboring driveways.**

**10. All bicycles and golf carts operated within the Resort shall be operated so as to impose no hazard to the occupants of the Resort. This includes speed and operating on the correct side of roadways. Bicycles and golf carts other than staff golf carts are not permitted on pedestrian walkways including those walkways at the River Club and Post Office. All bicycles and golf carts must have adequate lights and reflectors when operated between sunset and sunrise**

**11. Due to their propensity for accident and injury, skate boards are not permitted. Roller blades and roller skates are permitted only on streets from sunrise to sunset.**

**12. Consistent with our beautification efforts, ice boxes, refrigerators, freezers, clothes washers/dryers or any dangerous, dirty or dilapidated items may not be installed or left on any lot outside the recreation vehicle, screen room or shed.**

**13. The disposal of sanitary items or diapers, etc. into the toilets in the recreational vehicles or bath houses frequently causes blockages and dangerous backup in drains and is prohibited.**

**14. The use, sale or possession of controlled substances (narcotics, marijuana, crack cocaine, etc.) other than prescription drugs is illegal and sufficient reason to call law enforcement.**

**15. Vehicles emitting objectionable smoke or noise shall not be allowed to operate within our Park.**

16. To ensure the reasonable peace and tranquility for all, quiet hours will be observed throughout the Resort from 10 P.M. until 7 A.M. These hours may be extended for scheduled activities sponsored by the Recreation Director. Pool Areas and Common Buildings will be closed at 10 P.M. All activities must cease and these areas vacated at that time unless the activity has been scheduled with concurrence of the Recreation Director. The health/sauna room shall have the same restrictions as the Owners Lounge. (i.e. NO one under 18 years of age unless accompanied by an adult.)
17. Smoking is not permitted in any common building or in the swimming pool areas.
18. Children under twelve (12) years of age must be accompanied by an adult at the Recreation Building, Card and Crafts room, Pools, or other recreational areas unless participating in an Association sponsored event. Anyone under eighteen (18) must be accompanied by an adult in the River Club or Owners Lounge.
19. No person(s) under the age of 18 may occupy a recreational vehicle within the Resort overnight without adult Resident.
20. Living aboard a boat secured to a pier or to a containment wall within the Resort is prohibited.
21. Pets are permitted within the Resort:
  - a. The number of all pets is limited to two (2), must have rabies immunization shots and pet owners must have a current certification of such immunization.
  - b. All pets must be on a leash no longer than six (6) feet, in compliance with Brevard County law, at all times when outside the recreational vehicle.
  - c. No pets shall be allowed to create a disturbance.
  - d. Pets are to be exercised on roadways and are not permitted on private lots except their own.
  - e. Excreta are to be picked up immediately.
  - f. Pets are not allowed in common buildings, sports areas, Pool areas or Fishing Pier. Service animals are accepted.
22. Flea Markets or lawn sales sponsored by the Recreation Department are permitted. Door-to-door commercial solicitation is prohibited. Items for sale may be posted on the several bulletin boards throughout the Resort.
23. The use of fireworks of any kind is dangerous under the best of conditions, supervision and fire protection and are, therefore prohibited anywhere on the grounds, common or private, of Outdoor Resorts at Melbourne Beach, Inc. Florida Statutes prohibit fireworks as well.
24. Recreation area rules:
  - a. Pools: Pool hours are 8 A.M. to 10 P.M., weather permitting. Children under twelve (12) years of age must be accompanied by an adult. Swim at your own risk. Pool hazards are most frequently due to misuse of facilities. Wet painted surfaces, haphazardly arranged furniture and improper movements are likely causes of accident and injury.

## **LIFEGUARDS ARE NOT ON DUTY**

**Diving or jumping into the water is not permitted because they may injure persons swimming under water or cause waves hazardous to people nearby who are not strong swimmers.**

**Cut-offs, street clothes or street shoes are not permitted in pool(s).**

**Food or beverages are not permitted in pool area(s) within 4 feet of the pool edge due to the potential filter damage or water cleanliness.**

**Glass containers are subject to breakage and further hazard and, therefore, are not permitted within the pool area.**

**Pets are not permitted in pool area(s). They are not allowed in the pool and there is no acceptable reason for their presence in pool areas.**

**No floats, balls or ball playing permitted in pool area(s). Throwing of anything could be hazardous.**

**Woggles (noodles) may be used for the purpose of exercise but non-swimmers must be aware that they are not approved lifesaving devices.**

**Radios, "boom boxes," or the like may be used only with personal earphones in pool area(s) so as to not become irritants to others.**

**Bicycles, mopeds, roller blades, or roller skates have no use in a pool and, therefore are not permitted in the pool area(s)**

**Pool furniture shall not be removed from the pool area(s) without express permission of the Park Manager.**

**b. Jacuzzi: The same rules that apply to the pools apply to the Jacuzzi except that no one under sixteen (16) years of age, infants in particular, are permitted in the Jacuzzi.**

**c. Exercise room, sauna, or shower:**

**(1) Individuals eighteen (18) years of age or younger must be under adult supervision to use the exercise room equipment, sauna or shower**

**(2) Shirts and dry clothing are required in the exercise room. No wet bathing suits**

**(3) Wipe down the exercise equipment after use.**

**(4) Turn off the treadmill electric switch after use**

**(5) Return weights and other equipment to proper location after use**

**(6) No food or beverages other than water are permitted in these areas**

**d. Tennis Courts: Court hours are 8 A.M. to 10 P.M.**

**(1) Proper tennis shoes must be worn.**

**(2) No bathing suits or street shoes allowed. Shirts must be worn.**



The Recreation Committee has the authority to reserve courts for tennis tournaments which they support. When tournaments are authorized, there will be notices posted on the tennis courts to be impacted and on the bulletin boards three days in advance of the event.

(3) If others are waiting, limit playing time to one hour.

(4) Children, with adult supervision, may play tennis.

(5) No bicycle, mopeds, roller blades, or roller skates are permitted.

(6) No chairs, benches, etc. are allowed on the playing surfaces.

e. **Bingo:** Participants must be at least eighteen (18) years of age to attend or play. Players must be able to produce proof of residency or Guest status (required by Florida law covering Bingo).

**27. Trellises, Arbors or Privacy Lattice Panels.** While fences are expressly prohibited by the ORA Condominium document, one of the following may be installed (single trellis, single arbor, or single privacy lattice panel) on each lot with an approved lot alteration form on file with the condo office. The item (single trellis, single arbor or single privacy lattice panel) can be installed on the rear or patio side of lot. If your lot abuts a street on both ends, the rear of your lot is the end opposite the driveway entrance at the street. No part of the item of choice may infringe on the utility side easement. It shall not be closer to the road than the front leading edge of the park model/RV or ten feet from the edge of the road whichever is greater. The single trellis, single arbor or single privacy lattice panel may not be more than eight (8) feet in length and six (6) feet tall. Natural foliage (not artificial flowers) must be planted and attached to the trellis. All owners must complete a lot alteration form prior to the erection of new or replacement trellises, privacy lattice panels. There are presently certain structures which have been grandfathered since they have been erected before the current requirements were established. Should these structures require replacement or modification, the new or modified structures must be in compliance with the current requirements and covered by an approved lot alteration request.

**28. No setting up of or residing in tents of any type, canopies or structures to provide shade, pop-up vans or free standing screened in enclosures. RV's must be fully self-contained with three inch (3") sewer connection**

**29. No open fires are permitted. All grills must have legs or be on some sort of metal stand.**

**30. Furniture (tables and chairs) may not be moved from one ORA recreation facility to another without the approval of the ORA manager and can then only be moved by the ORA staff.**

**IN ACCORDANCE WITH ARTICLE XVI, BY-LAWS OF ORA AT MELBOURNE BEACH, INC., THE ADMINISTRATIVE RULES AND REGULATIONS HAVE BEEN AMENDED BY THE BOARD OF DIRECTORS ON March 9, 2017**