

PORT MALABAR HOLIDAY PARK

**MOBILE HOME PARK RECREATION
DISTRICT**

POLICIES

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ANIMAL TRAP POLICY

1; Animal Traps are available thru the District Office to trap stray or wild animals that are a nuisance or not in compliance with our pet regulations. A \$50.00 fee for its use is required for the trap and is refunded when the trap is returned in the same condition as borrowed.

2. Arrangements can be made on a first come first serve basis to have a designated volunteer set a trap on your property. You may pick up a trap, when available, and set it yourself. In either case, you the Homeowner are solely responsible for the Animal, the use of the trap, and your welfare.

3. It is the resident's responsibility to have the animal removed from the Park if the resident sets the trap or requests the trap to be set for them.

4. It is in the best interest of a resident to use a professional trapper when dealing with wild animals. Animals that are trapped are dangerous.

CARD ROOM POLICY (PENNY-ANTE GAMES)

Gambling is forbidden in all areas of the Port Malabar Holiday Park Mobile Home Park Recreation District as provided by Florida Statue 849.08.

FLORIDA STATUE 849.08 reads:

Gambling – Whoever plays or engages in any game of cards, keno roulette, faro or other game of chance, at any place, by any device whatever, for money or other thing of value, shall be guilty of a misdemeanor of second degree, punishable as provided in s. 775.082 or s. 775.083.

FLORIDA STATUE 849.085 – Certain penny-ante games are not crimes.

1. Notwithstanding any other provision of law, it is not a crime for a person to participate in a game described in this section if such game is conducted strictly in accordance with this section.

2. As used in this section:

(a) “Penny-ante game” means a game or series of games of poker, Pinochle, bridge, rummy, canasta, hearts, dominoes, or mah jongg in which the winnings of any player in a single round, hand or game do not exceed ten dollars (\$10.00) in value.

The Board has determined that any noticed violations of these Statues shall be reported to the Palm Bay Police Department.

Approved 1/14/1991
Revised 12/23/2014
Revised 5/6/2015
Revised 5/12/2015

COMPLAINT POLICY

Complaints are filed only when the owner/resident has a problem, which needs action, or actions taken by the Park or a representative on behalf of the Park. The Park cannot become involved in disputes between neighbors or unlawful actions.

All complaints must be made in writing on forms available at the office and signed. The form must contain the nature of the complaint, with whom and the date of the complaint. The complaint must be turned in or mailed to the office. The office will stamp the complaint form with the date it was received and provide a copy to the complainant.

A member of the staff will contact you within five (5) business days to review the complaint and you will receive written notification of the action taken with ten (10) business days.

Should you receive an unsatisfactory answer, you should contact the office and the complaint will be placed on the agenda for discussion at the next Board of Trustee public meeting. The District Office will notify you of the date and time of said meeting. At this time, you will be asked for your comments and a decision rendered from the Board of Trustees.

Revised	5/16/2000
Workshop	3/27/2000
Revised	5/13/2015

CONTRACTOR ENTERING THE PARK HOLIDAYS OR SUNDAY POLICY

It shall be the policy of the Port Malabar Holiday Park Mobile Home Park Recreation District that contractors not to be allowed to work in the Park on holidays or Sundays except in emergency situations. The District observes the following national holidays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Rules & Regulations	5/10/1994
Workshop	5/23/1994
Public Trustee	7/11/1994
Revised	12/23/2014

DAMAGE TO COMMONLY OWNED DISTRICT PROPERTY POLICY

It shall be the policy of the Port Malabar Holiday Park Mobile Home Recreation District that any resident and/or owner (guest of same) shall be liable for damage costs, including labor, for said damage to commonly owned District property.

Office Affairs	8/17/1993
Rules & Regulations	3/8/1994
Workshop	3/30/1994
Public Trustee	4/11/1994
Revised	12/26/2014
Revised	5/13/2015

FLAG FLYING POLICY

The following flag policy is in effect:

The United States of America flag in Port Malabar Holiday Park Mobile Home Park Recreation District will be flown at half- mast on National and / or State days of mourning as designated by the President of the United State or Governor of Florida.

Revised 4/6/2004
Revised 12/26/2014
Revised 5/13/2015

**GIFTS to SPECIAL DISTRICT OFFICIALS
SPECIAL DISTRICT'S CHIEF ADMINISTRATIVE
EMPLOYEE**

SOLICITATION OR ACCEPTANCE OF GIFTS: No Trustee, officer or employee of the District shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service.

DOING BUSINESS WITH THE DISTRICT: No employee of the District acting in his or her official capacity as a purchasing agent, or public office acting in his or her official capacity, shall either directly or indirectly purchase, rent or lease any realty, goods or services for the District from any business entity of which the officer or employee or the officer's or employee's spouse or child, has a material interest.

UNAUTHORIZED COMPENSATION: No Trustee, officer or employee of the District or his or her spouse or minor child shall accept any compensation, payment, or thing of value when such person knows or should know that it was given to influence a vote or other action.

Approved 11/17/2016

MARQUEE POLICY

Port Malabar Holiday Park Mobile Home Park Recreation District owns a lighted Marquee located near the gatehouse. It is the policy of the District that items on the south side of the marquee be given to the District for business purposes.

The north side of the marquee is given to the Holiday Park Property Owners Association (HPPOA) for advertisement of social events. However, the District's business takes precedent should space be required on the north side as per statutory requirements of special taxing District.

Revised 5/13/2015

NEW OWNER REGISTRATION POLICY

On or before occupancy, new owners must register with the District Office in order to gain access to Park.

Within fifteen (15) business days, a new owner must provide the District Office with a copy of the recorded warranty deed of the property purchased upon registration. If the recorded warranty deed has not been obtained at the time of registration, the unrecorded deed or a closing paper will be temporarily acceptable. The owner will provide the District Office with a copy of the recorded deed when received.

The District Office will make copies of the deed for the office file at no cost. New owners need to provide the District Office with a copy of their driver's license or other legal identification for Fair Housing compliance.

The District Office will provide a vehicle decal upon registration. (*See, Deed Restriction, Article III, Section II.*) The owner will need to provide his/her vehicle registration to the District Office at which time a copy will be made at no cost and kept in owners file. If more than one car is registered, the owner should provide all vehicle registrations.

Bureau of Administration	9/23/1997
Workshop	10/27/1997
Public Trustee	11/10/1997
Public Trustee	3/12/2001
Revised	12/26/2014
Revised	5/13/2015

OWNER IN GOOD STANDING POLICY

Reference: Non Payment of Taxes

On April 13, 2015, the Board of Trustees adopted the Amended, Consolidated and Restated Declaration of Restrictions, Conditions, Convents and Reservations affecting property located in Port Malabar Holiday Park, Unit One and Unit Two. In order to document the process for enforcement, the following procedure was adopted for property owners who do not qualify as an "Owner in Good Standing" as defined in, Article I, Definitions.

In May of each year, the District office shall request, from Brevard County Tax Assessor, a list of all resident properties in Port Malabar Holiday Park who are not current with taxes/assessments. Upon review of this list, it shall be determined what, if any, amenities are used by the owners that do not meet the "Owner in Good Standing" definition. A 15-day notice shall be generated that advises the owner(s) of amenities that will be suspended. Amenities will be reinstated when **proof of payment** has been provided to the District.

The following amenities will be suspended if proof of payment is not received by the District:

Rental Property (lease property): Suspend right to lease the delinquent property. In the case of rental property, a notice to both the owner and the tenant shall be generated which includes a statement that the Board may pursue eviction of the tenant, suspension of a renter's decal or non-renewal of a renter's decal. In the event that eviction of the tenant is pursued, the owner shall be responsible for attorney fees and costs incurred by the District in pursuing such eviction.

Compound Storage:

If an owner has a vehicle/boat/trailer or R.V. in the Compound, the District shall suspend/remove the decal and the owner shall have 15 days to remove the vehicle or have the vehicle towed at the owner's expense.

Original Adopted 4/13/2015
Revised & Approved 1/14/2019

OWNER in GOOD STANDING
Reference: No Violations of
Deed Restriction, Rules and Regulations and A.C.C. Policy

A Property Owner who has no outstanding violations of Deed Restriction (D.R.) Rules and Regulations (R.R.) and Architecture Control Committee (A.C.C.) Policy is considered “Owner in Good Standing”.

A Property Owner who has outstanding violations of D.R., R.R. and A.C.C. shall have certain rights and privileges suspended. Those rights and privileges may include the following:

Compound Storage: Suspend right to use space in compound storage area. In the case of the Compound Storage, the District shall suspend/remove the decal of the R.V., boat or trailer and the vehicle owner shall have 15 days to either show proof of correcting the violation to the District office or remove the vehicle from the storage area. If the vehicle is not removed, the District shall have the vehicle towed at the owner’s expense. Once a vehicle/boat/trailer is removed from the compound for outstanding violation(s), the space shall be assigned to another owner on the waiting list. Once violation(s) are cured, the owner can request to be put on the waiting list and assigned another space, once a space is available.

Decal: At the first opportunity after the required notification process is complete, the District shall remove the vehicle decal from personal vehicles owned by the owner and renter. Also, the District shall remove decal on any boat, trailer, R. V. Motor Home, camper stored in the compound.

Recreation Facility: Use of Recreation Hall and Swimming Pool will be suspended. Owner and renter will not be permitted to attend any function at the recreation hall.

Rental Property (lease property): Suspend right to lease the delinquent property. In the case of rental property, a notice to both the owner and the tenant shall be generated which includes, a statement that the Board may pursue eviction of the tenant, suspension of a renter’s decal or non-renewal of a renter’s decal. In the event that eviction of the tenant is pursued the owner shall be responsible for attorney fees and costs incurred by the District in pursuing such eviction

Approved 6/8/2015
Rewritten & Approved 1/14/2019

Owner in Good Standing: Ref. No Violations cont.

Voting: Suspend right to vote in a District wide ballot (suspension of the right to vote shall not apply to the election of District Board of Trustees).

A Property Owner shall have the suspended rights/privileges reinstated upon satisfactory proof of correcting all outstanding violations as determined by the District Manager or an appointee designated by the Manager. Proof of such suspended rights/privileges shall be noted on the violation notice sent by the District Office, of which a copy will be given to the Property Owner, original to be filed in Property Owner's file.

Approved 6/8/2015
Rewritten & Approved 1/14/2019

REALTOR PROCEDURE & POLICIES

Realtors entering the park will present identification to the gate attendant stating which broker they represent. Holiday Park Deed Restrictions, Rules and Regulations and Policies have been mailed to all realtors in the area. It is the responsibility of the real estate offices to inform and provide said rules of Holiday Park to interested buyers before final closing.

Realtors must familiarize themselves with all the Deed Restrictions, of Holiday Park including the placement of their signs. Real estate signs must be placed in planter boxes or in close proximity to the home. Failure to comply can result in said company being denied entry into the Park until corrected.

The homeowner selling without a realtor must supply their buyer a copy of Holiday Park Deed Restrictions, Rules and Regulations and Policies before the close of a home.

Approved	1/11/1993
Revised	12/26/2014
Revised	5/6/2015

RECREATION HALL RENTAL POLICY

RENTAL:

It shall be the policy of Port Malabar Holiday Park Mobile Home Park Recreation District, that the Recreation Hall and Kitchen may be rented when the facilities are not reserved for use by either the District or Holiday Park Property Owners Association (HPPOA).

An owner/resident of Holiday Park may rent, when available, the Recreation Hall and Kitchen, for an event and that person shall be responsible for the event as set forth in this Policy. By Florida Law, the General Public may rent, when available, the Recreation Hall and Kitchen. The District requires that the renter sign the required documents, pay all fees and shall be responsible as set forth in this policy.

REQUIREMENTS FOR RENTAL

Each person or representative of an organization who desires to rent the Recreation Hall must sign the HOLD HARMLESS AGREEMENT, RENTAL AGREEMENT and pay 50 % of the RENTAL FEES plus a SECURITY DEPOSIT.

Renter must complete and submit the attached hall setup form to the District Office a minimum of seven (7) days prior to the event.

DEPOSIT and FEE:

The SECURITY DEPOSIT of two hundred (\$200.00) dollars plus fifty percent (50%) of the full RENTAL FEE is required at the time of signing. These payments are refundable under certain circumstances (refer to SECURITY DEPOSIT, RENTAL FEE and CANCELLATIONS).

SECURITY DEPOSIT:

The SECURITY DEPOSIT will be returned within thirty (30) days after the event if it is determined by the District that there is no damage to the property. If the District Manager determines there is damage to District property, a detailed written report will be mailed to the renter within ten days (10) days after the event. If District Personnel reports to the District Office that areas other than the Recreation Hall, Kitchen and Bathrooms have been used, the Security Deposit may be forfeited. This decision shall be at the discretion of the District Manager. Any dispute between the District and the renter may be appealed in writing to the Board of Trustees who shall render the final decision.

RECREATION HALL RENTAL POLICY cont.

RENTAL FEE:

Rental Fee shall be payable to the District based on a Fee Schedule approved by the Board of Trustees. Fifty percent (50%) of the Rental Fee shall be paid at the time of signing the required documents. The remaining fifty percent (50%) must be paid in full within five (5) business days of the event. Balance not paid within five (5) business days may be subject to a penalty of 25% of the RENTAL FEE. The District Office will not send notices of payments due.

CANCELLATIONS:

Should the event be cancelled by the signer the 50% Rental Fee shall be forfeited. When an event is cancelled, the Security Deposit will be refunded within thirty (30) days.

GATE ACCESS

Holiday Park is a gated community. Therefore, five (5) business days before the event the Renter must provide the District Office a list of persons who reside outside Holiday Park and who will be attending the event. Non-compliance with this requirement could result in individuals not being permitted to enter the park.

DISTRICT RESPONSIBILITIES:

The District Office will supply a copy of this policy to the Renter at time of signing the Agreements.

The DISTRICT shall be responsible for and in control of the following:

- Hall set up per layout sheet.
- Sound System
- Thermostats for heat and air condition
- Electric lights throughout the Recreation Hall
- Ceiling fans in the Recreation Hall
- Supplies in the restrooms
- Trash bags for rolling trash bins
- Removal of all trash to the outside receptacle

FEE SCHEDULE

	SECURITY DEPOSIT	RENTAL OF RECREATION HALL & KITCHEN	MUST PROVIDE INSURANCE
HPPOA Sponsored Activity	No Charge	No Charge	Currently provided through HPPOA
HPPOA Encouraged Activity	No Charge	No Charge	No
Holiday Park Resident	\$200.00	No Charge	No
General Public	\$200.00	\$500.00	Yes

RECREATION HALL RENTAL POLICY cont.

NOTES:

1. Use of hall for setup shall be no more than two hours.
2. Rental Fee for the event is for four hours. Use of hall in excess of four hours, with a maximum of six hours, will be charged at \$125 for each hour or part of the hour.
3. Clean up of kitchen after event is responsibility of the renter.
4. A bereavement kit may be purchased from HPPOA.

THIS RENTAL POLICY AGREEMENT SUPERSEDES
ALL RENTAL POLICY AGREEMENTS
APPROVED BY THE TRUSTEES PRIOR TO THIS DATE.

Approved by Board of Trustees May 11, 2015

**PORT MALABAR HOLIDAY PARK
MOBILE HOME RECREATION DISTRICT
215 Holiday Park Blvd. NE
Palm Bay, FL 32907
321-724-2240 FAX: 321-724-8166**

RECREATION HALL RENTAL AGREEMENT

ORGANIZATION/APPLICANT: _____

CONTACT PERSONS:

PRIMARY; _____ Daytime Phone: _____

Email: _____ Nighttime phone: _____

Address: _____ City: _____ State: _____ Zip: _____

SECONDARY: _____ Daytime Phone: _____

Email: _____ Nighttime phone: _____

Address: _____ City: _____ State: _____ Zip: _____

DATE OF FUNCTION: _____ DATE OF CONTRACT: _____

TYPE OF FUNCTION: _____

EXPECTED ATTENDANCE: _____

RENTAL TIME: SETUP TIME FROM _____ TO _____

FUNCTION TIME FROM _____ TO _____

RENTAL FEE (based on attached schedule) \$ _____

50% of RENTAL FEE \$ _____

SECURITY DEPOSIT \$ _____

AMOUNT PAID AT TIME OF SIGNING \$ _____

[] Cash [] Check Number _____

Date Paid _____

BALANCE DUE \$ _____

Due Date _____

Date Paid _____ [] Cash [] Check Number _____

WE DO NOT ACCEPT CHARGE CARDS

RECREATION HALL RENTAL AGREEMENT

RESPONSIBILITIES OF THE APPLICANT:

- 1. Person(s) signing this Rental Agreement shall be in attendance at the event from beginning to end.
- 2. Provide hall layout sheet to District Office seven (7) days prior to event.
- 3. If rented the kitchen and all equipment used shall be left clean. Ovens are intended to warm food not to cook entire meals.
- 4. If alcohol is present a Palm Bay Off-duty Police Officer must be present during the event. If alcohol is to be sold, the applicant must obtain an appropriate State of Florida Alcoholic Beverage Permit, and contract with the City of Palm Bay for the police officer. A copy of the permit and contract must be on file with the District Office.
- 5. Smoking is not permitted in the building.
- 6. The Park is a gated community. Therefore, five (5) business days before the event the Renter must provide the District Office a list of persons who reside outside the park and who will be attending the event.
- 7. Activities must be confined to the Recreation Hall.
- 8. Animals are not permitted in the building except service animals.
- 9. Place all trash in bags provided by District Personnel.

I _____ certify I am authorized to represent the organization. I acknowledge I have received a copy of the POLICY and RENTAL HALL AGREEMENT. I agree to the terms stated above and will abide by the policy.

RENTER

DATE

RENTER

DATE

Authorized by:

DISTRICT REPRESENTATIVE

DATE

RECREATIONAL VEHICLE VISITORS POLICY

Upon arrival at Port Malabar Holiday Park Mobile Home Park Recreation District and with authorization from a resident host, visitors with Recreational Vehicles will be issued a one-day pass and are not permitted to park at resident property.

With District office permission only, a visitor's recreational vehicle may be parked at the Recreation Hall parking lot for no longer than forty-eight (48) hours. The recreational vehicle must be parked as far away from the building as possible in such a way that it does not hinder the flow of traffic.

Residing in the Recreational Vehicle is not permitted. All facility rules must be obeyed.

Revised 6/6/2002
Revised 12/26/2014
Revised 5/6/2015

ROLLERBLADING, ROLLER-SKATING and SKATEBOARDING POLICY

It shall be the policy of the Port Malabar Holiday Park Mobile Home Park Recreation District that rollerblading, roller-skating and skateboarding shall not be permitted or allowed on any of the streets, roads, sidewalks, parking lots, recreational facilities or any other property of the District. The District Manager and the District Attorney shall be authorized to institute appropriate civil legal action in order to retain and enjoin violators of this policy.

The gate access personnel will provide a verbal warning to violators. Signs are posted by the entrance and other places stating "Rollerblading, Roller-Skating and Skateboard are prohibited in Holiday Park". If any repeat violations are observed, the next step in the enforcement process would be a written warning from the District Manager. Further violations would result in legal action seeking a restraining order against the violator.

Administrative	5/14/1996
Workshop	5/28/1996
Attorney's Review Policy	5/30/1996
Operations Bureau	6/4/1996
Public Trustee	6/10/1996
Revised	12/26/2014
Revised	5/6/2015

SMOKING POLICY

The Board of Trustees has established a Policy regarding smoking around the recreation building and pool area. There is no smoking allowed in any area of the recreation building. The area inside the chain link fence which surrounds the pools and patio, bocce courts, horseshoe pits, and shuffleboard courts has been designated as a smoke free area.

A designated smoking area is set aside and outside the pool fenced area on the west side of the pool and away from the shuffleboard courts. A table and cigarette urn has been placed in this area for that purpose.

Additionally, cigarette urns have been placed away from the doors, at the front entrance, and at the breezeway entrance.

Approved 3/26/2012