

# **SANDESTIN OWNERS ASSOCIATION, INC.**

## **TRAFFIC ENFORCEMENT RULE**

Board of Directors Approved 11/17/2011

WHEREAS Sandestin Golf and Beach Resort is a mixed community, combining residential with commercial activities, and continues to grow in population, both permanent and transient, and in an effort to promote and enhance the safety aspects of living in and visiting the property for the best interests of all concerned; and

WHEREAS Article III, Section 1 of the Sandestin Declaration of Covenants, Conditions & Restrictions requires every property owner at Sandestin to be a member of the Sandestin Owners Association, Inc. (SOA); and

WHEREAS Article VI of the Articles of Incorporation of Sandestin Owners Association, Inc. provides that "The affairs of the Association shall be managed by a Board of Directors..."; and

WHEREAS Article VI 1 (d) of the By-Laws of Sandestin Owners Association, Inc. expressly authorizes the SOA Board "...to adopt and publish rules and regulations governing the use of the Common Area or Common Roads or any parcels thereof and the personal conduct of the members and their guests thereon,..." and

WHEREAS Article IV, Section 4 d & e of the Sandestin Declaration of Covenants, Conditions, & Restrictions gives the Association the right to adopt reasonable rules and regulations pertaining to the use of Common Properties and any facilities included therein and the right to control and regulate all types of traffic on the Common Roads by traffic or vehicles which would or might result in damage to Common Roads or pavement; and

WHEREAS, Article IV, Section 4 C of the Sandestin Declaration of Covenants, Conditions & Restrictions gives the Association the right to suspend the rights and easements of enjoyment of any member, lessee or guest of any member for any period, not to exceed sixty (60) days, for any of its published rules and regulations; and

WHEREAS, Article IX, Section 1 of the By-Laws of Sandestin Owner Association, Inc. authorizes the SOA board to appoint such committees as it deems desirable;

ACCORDINGLY, in order for the Board to provide safety and protection for pedestrians, children, bicyclists, golfers, joggers and drivers on the common roadways through Sandestin, this rule is hereby adopted and provides:

1. Motor vehicles must yield the right-of-way to all pedestrians (including children, bicyclists, golfers, and joggers) on the roadways, expressly including designated or marked crosswalks and/or bike and jogging paths or lanes, throughout Sandestin.
2. Pedestrians and bicyclists will comply with Florida law where applicable. Pedestrians should remain on the sidewalk where provided, and if none, walk on the left side of the roadway in relation to the direction of travel, facing traffic. Cyclists should travel in a bicycle lane if available and if not the right most portion of the roadway in the direction they are traveling and will travel not more than two abreast. A cyclist travelling on a sidewalk will give right of way to any pedestrian and give an audible signal when passing. Neither pedestrians nor bicyclists shall impede the normal flow of traffic. Roller skates or blades or toy vehicles should not be operated in the roadway except where crossing the street.

3. With the exception of maintenance vehicles and those vehicles designated to assist the handicapped, no motorcycles, mopeds, go-carts, all terrain vehicles or other motorized cycles or scooters shall be allowed to operate on common areas, limited private areas, parcels, common roadways or any part of the property. For rules regarding the operation of golf carts or other low speed vehicles, please refer to the Golf Cart Operations Policy.
4. All drivers of motor vehicles on the roadways in Sandestin are required to drive safely, to yield the right-of-way to all pedestrians, to have a valid driver's license, current vehicle registration, current insurance, to observe posted speed limits and other traffic control signs and to respect and obey instructions from any Security Officer at any time while using the roadways in Sandestin.
5. All drivers are required to stop at all gates that are in the closed position until the gate arm is raised or opened, either manually or by electronic means (including Radio Frequency Identification ("RFID"), access code, or remote transmitter). Any person who knowingly enters a gate without authorization, including by "tailgating" and/or or by accelerating in order to have more than one vehicle pass through the gate without authorization, may be subject to removal from the property or to fines as outlined in the Schedule of Violation Fines and Points. Unless due to direct negligence by the Sandestin Owners Association, or mechanical malfunction, the Sandestin Owners Association shall not be liable for any damage or injury that occurs during the operation of any gate by electronic means.
  - A. All Security Officers are authorized to stop vehicle operators who are violating or suspected of violating traffic control regulations, including speed limit regulations, and to issue citations for any violation of this rule. Additionally, all Security Officers shall possess the basic knowledge of the operation and use of RADAR speed measuring devices. Security may conduct periodic photographic speed monitoring by use of video radar surveillance equipment. All issued citations will be pursuant to the Schedule of Violations, Fines and Points. All violators will be required to sign and accept a copy of the citation and will be provided the fine amount in accordance with the "Schedule of Violations Fines and Points" incorporated into this rule and options for appealing the citation. The citation will bear the operator's name, address, vehicle description, and nature of violation along with any other pertinent information that may be required. Any citation issued as a result of the use of surveillance equipment will be mailed to the violator along with a photograph of the vehicle, date, time, and speed. The acceptance of the citation is the notice of fine to be assessed as required by Chapter 720 of the Florida Statutes.
  - B. Fine payments shall be made to the SOA and paid within 30 days.
  - C. Appeals shall be made to the SOA in writing within 30 business days, and the violator will be notified of the next Committee meeting.
    - i. The violator may appeal the content of the citation to the Traffic Safety and Security Committee at the next meeting following the receipt by the SOA of the notice to appeal. This Committee will not be tasked with the decision to impose the fine or not. However, if the Committee determines the citation was issued in error, there will be no need for the imposition of the fine. The appeal of the fine must be brought before the Grievance Committee.
    - ii. A Grievance Committee will be comprised of 3 Members of the Association whom are in good standing, but may not be members of the Board of Directors of the Association, employees of the Association, or a family member of a Director or employee. All appeals will be heard not less than 14 days from the date of the notice to the person sought to be fined was received. The decision of The Grievance Committee will be final.

- D. Any violator, who fails to pay the fine, or appeal the citation, will be levied additional fines. These fines will be cumulative beginning on day 31 after the citation was issued, will be \$100 per day and will not exceed \$1,000 as prescribed in Florida Statute. Any fines not collected at that point may be subject to civil litigation which will include collection of all legal fees incurred by the Association.
  - E. The violator who fails to pay the fine may be subject to the de-activation of any remote gate opening device, provided the device does not impede ingress or egress to the violator's residence.
  - F. Unless the fine is dismissed by the Committee, any person who fails to pay may have their driving privileges on the common roadways revoked for a period of 60 days. In the case of a homeowner, access to the common roadways will be limited to ingress and egress to the violator's residence.
  - G. Any person requesting a decal or RFID will not be permitted to obtain one if any fines are in arrears or driving privileges are currently suspended.
- 6. All vehicle operators on the property, owners or leasers, their guests, visitors and employees, will be required to obtain a pass, decal or RFID for ingress to the property. Passes will be obtained at the Security Gate and decals or RFID's at the Association office.
  - 7. All contractors, sub-contractors, and their laborers, and any commercial vehicle will be required to purchase annual decals for their vehicle. In lieu of a decal the contractor may purchase an RFID which will be subject to the access limitations and requirements described herein. Each contractor shall provide driver's license, insurance, and registration. Each contractor may obtain one (1) thirty (30) day pass in lieu of a decal, however for workers requiring more than 30 days, an annual permit decal must be purchased. The price of these decals shall be set by the Association and is subject to change without notice. The Association Management may waive these requirements in the interest of major projects or at their discretion.
  - 8. This rule applies to all members of the SOA, to the members of their households, their guests, employees, and all other drivers and vehicle owners using the roadways at Sandestin. Sandestin Property Owners shall assume responsibility for vehicles operated by persons they have issued owners decals to, or their guests, and will be responsible for any fines due to the Association.
  - 9. The Board may waive the procedures described herein in an emergency or a severe situation because of the Board's responsibility to advance the peace and safety within Sandestin.
  - 10. This rule shall be adopted and enforced and continue in force unless modified, amended or rescinded by the SOA Board of Directors, and may be reviewed annually for content revisions.
  - 11. Notice of the adoption of this rule shall be distributed in writing or by appropriate electronic publication.

## SCHEDULE OF VIOLATION FINES AND POINTS

<u>VIOLATION</u>	<u>TRAFFIC FINE</u>	<u>POINTS ASSESSED</u>
SPEEDING		
1-4 MPH OVER POSTED LIMIT.....	\$0.....	1 POINT
5-10 MPH OVER POSTED LIMIT.....	\$20.00 .....	2 POINTS
11-15 MPH OVER POSTED LIMIT.....	\$40.00.....	3 POINTS
16+ MPH OVER POSTED SPEED LIMIT....	\$100.00.....	6 POINTS
STOP SIGN      EACH OFFENSE	\$50.00.....	2 POINTS
FAILURE TO YIELD RIGHT-OF-WAY - EACH OFFENSE	\$50.00.....	2 POINTS
UNAUTHORIZED PARKING - EACH OFFENSE	\$25.00.....	1 POINT
HANDICAPPED (WITHOUT PROPER PERMIT) EACH OFFENSE	\$100.00.....	2 POINTS
FAILURE TO PROPERLY REGISTER VEHICLE    EACH OFFENSE	\$25.00.....	1 POINT
UNAUTHORIZED GATE ENTRY - EACH OFFENSE	\$100.00.....	6 POINTS
UNAUTHORIZED USE OF RFID OR DECAL		
EACH OFFENSE	\$100.00.....	6 POINTS
	AND RFID DE-ACTIVATION	
ANY OTHER VIOLATION HEREIN - EACH OFFENSE	\$100.00.....	6 POINTS
CARELESS OPERATION (operation detrimental to safety or as the result of an accident)		
EACH OFFENSE	\$100.00.....	6 POINTS

- Speed in excess of 16 mph above the speed limit or careless driving will result in 6 points for reckless operation.
- Suspension will be for sixty (60) days.
- All assessed points will be removed from the violator's record after a six (6) month period from the date of citation.
- Accumulation of 6 points in a one year period will result in restriction or suspension of driving privileges on the common roadways.