

# Water Oak Homeowners Association of Manatee County Inc.

*A Corporation Not-for-Profit*

Resolution Number 001 2023

## Nuisance and Noise Resolution

WHEREAS, Article IV Section 4.1 and Article V of the Covenants, Conditions, and Restrictions (CCRs) of the Water Oak Homeowners Association of Manatee County Inc. (WOHA) gives the Board of Directors (BOD) the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the BOD deem in the best interests of the Association.

WHEREAS, the BOD has determined that this resolution is reasonable, consistent with the CCRs and State Statutes, and does not exceed the authority given to the BOD.

THEREFORE, for the health, safety, welfare, comfort, and convenience of all residents, the BOD wishes to establish rules, enforcement policies, and procedures so that the BOD may fairly and consistently enforce the governing documents of WOHA.

WHEREAS residents have complained to the BOD about noise and other nuisances not clearly covered under Article IV Use Restrictions, Section 4.1, General—paragraph (I) Nuisance.

CONSEQUENTLY, the BOD has resolved to clarify further what constitutes noise and nuisance, as indicated in sections 1 and 2 following.

NOW, THEREFORE BE IT RESOLVED that the following rules enforcement policies are adopted by the Water Oak BOD effective May 9<sup>th</sup> 2023 and that notice of their adoption shall be given to the membership within 15 days of its adoption.

Notwithstanding what is written in Section 1 or 2, the BOD or its assignees shall retain the right to decide what constitutes a nuisance or noise. The Water Oak Homeowners Association Of Manatee Inc. has adopted the following:

### Section 1 - Nuisance

Any behavior that makes it difficult for a resident to benefit from or interferes with the individual's use and quiet enjoyment of their property, disturbs or affects their peace or privacy, endangers their health, annoys or disturbs or causes embarrassment or discomfort to residents while occupying their own property shall be considered a nuisance at any time of day or night.

For example, a nuisance can be, but is not limited to:

- Noise.
- Unauthorized burning of materials.
- Posting indecent or obscene signs or pictures visible outside the residence.
- Foul, Vulgar, Profane or Obscene gestures.
- Odors or noxious smells.
- Parking in the street overnight, blocking neighbors' cars or driveway, parking on others' property or common areas, blocking a fire hydrant, etc.
- Failing to clean up after dogs or allowing dogs to run off-leash, etc.

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## Section 2 - Noise

Over a prolonged period, noise may start to damage hearing. Therefore, to protect all residents, the BOD had found that it is a violation to produce noise that can be clearly heard from 50 feet or more by others who are not in your home between 10 p.m. and 7 a.m.

Further, noise cannot be produced at any time that can be heard at 300 feet or more with windows and doors closed.

For the purpose of this resolution, noise shall mean any sound which unreasonably interferes with the individual's use and enjoyment of their property or annoys or disturbs a reasonable person of ordinary sensibilities or causes or tends to cause an adverse physical or psychological effect, endangers their health, causes embarrassment or discomfort to residents while occupying their own property.

For example, noise can be, but is not limited to:

- Loud noises or music.
- Profanity, Foul, Vulgar, Expletive, Obscene or Offensive language.
- Loud voices, arguing or screaming, etc.
- Loud music or sound from a TV, radio, etc.
- Pets barking or meowing, crying, squawking, chirping, etc.
- Loud parties or gatherings, etc.
- Fireworks, etc.

## Compliance / Fines

Each member and the member's tenants, guests, and invitees are governed by and shall comply with this resolution. Failure to comply will result in penalties outlined in ARTICLE 3 - 9 of the Declaration, Articles and these Bylaws, and the rules of the Association.

The BOD has determined that fines of One Hundred Dollars (\$100) per violation, for each day of a continuing violation, shall be levied against a member or any tenant, guest, or invitee, but in no event shall such fine exceed One Thousand Dollars (\$1,000) in the aggregate.

Such fine shall be as provided for and governed by FSS Section 720.305(2).

Approved By:

*N. R. Cichielo*

Signature

Board President

Title

Nicholas Cichielo

Print Name

*Joanne P. Fernandes*

Signature

Board Secretary

Title

Joanne P. Fernandes

Print Name



*Lori Cichielo*  
Lori Cichielo

5/11/23