

Rules and Regulations for Hurricane Shutter Installations

Resolution of the Board of Directors Gasparilla Condominium Association *Revised December 12, 2009*

WHEREAS, Section 718.113(5), Florida Statutes (2008) state that "each board of administration shall adopt hurricane shutter specifications for each building within each condominium operated by the association which shall include color, style, and other factors deemed relevant by the board. All specifications adopted by the board shall comply with the applicable building code."

The Board of Directors of Gasparilla Condominium Association establishes the following rules governing the installation of Hurricane Shutters:

Definition: "Hurricane shutter" shall mean any device, installation, equipment or appliance, whether permanently or temporarily affixed or attached in any manner to any portion of the exterior of the building or any portion of the building so as to be visible from the exterior of the building, used, either directly or indirectly, as its main purpose or incidental to its main purpose, as protection against storm damage, water penetration by driven rain or rising water, wind damage or damage from physical objects or projectiles carried by wind or storm.

Installation Requests: Any person desiring a hurricane shutter shall submit a written request form to the Board no less than fourteen (14) days prior to the proposed commencement of installation. The written request shall contain the:

- (1) name and address of the person desiring the hurricane shutter,
- (2) unit number to which the hurricane shutter will be installed,
- (3) name, address, telephone number, proof of insurance and state license number of the proposed contractor and proposed subcontractors who will install the hurricane shutter
- (4) proposed location(s) for installation of the hurricane shutter,
- (5) proposed type, style, brand, color, material and name and address of the manufacturer of the hurricane shutter, including a brochure of the proposed installation,
- (6) proposed manner of installation of the hurricane shutter.

Technical Specifications: The hurricane shutter and the installation will conform, in all respects, to the State Minimum Building Codes. All hurricane shutter installations must be permitted with the Sarasota County Building Department. This is the responsibility of the contractor. Any fines related to not obtaining the appropriate building permits will be the responsibility of the property owner of record.

Types of Shutters: No Hurricane Shutter except those approved by the Board of Directors shall be permitted. All specifications adopted by the Board of Directors shall be permitted. All specifications adopted by the Board of Directors shall comply with applicable building codes. The unit owner shall choose from the following list of shutter types (a combination of these may be used):

- Clear polycarbonate type panels, i.e. ClearTek, Lexan
- Aluminum panels – ivory/cream or white. No raw aluminum is permitted
- High impact Wind Screens – ivory/cream, gray, brown, black or matching exterior wall color
- Fabric type – ivory/cream or matching exterior wall color
- Roll down – ivory/cream, gray, or matching exterior wall color
- Accordion Shutters – ivory/cream, gray, or matching exterior wall color

Framework: Framework and tracks must be ivory, white or color of soffit trim or color of exterior building

Maintenance and Owner Obligations: As a condition of approval, all record owners of a unit requesting installation of hurricane shutters agree to maintain the shutters. If the project is abandoned or the shutters are removed from the home the owners agree to return building to its original condition i.e., no holes are left in walls; no unpainted areas, etc.

Hurricane season is from June 1st through November 30th. If homeowners are leaving prior to June 1st, or they return after November 30th, permanent shutters can remain closed, i.e. up or in use, while the house is vacant. Shutters should go up no earlier than 5 days before leaving prior to June 1st, and should be removed no later than 5 days after returning.

Contractor Requirements: No person (hereinafter Contractor) shall install, construct, affix, attach or place a hurricane shutter, unless authorized by the manufacturer as a qualified manufacturer's installer, licensed and insured

Liability: The owner of the unit to which the hurricane shutter is installed shall be liable for any and all damage to the common elements, Association property or the property of other owners arising out of or concerning the construction, installation or maintenance of the hurricane shutter.

Miscellaneous/Remedies:

1. The Association shall not be required to approve or permit any hurricane shutter, unless and until the person requesting the installation has fully and completely complied with each and every provision of these rules.
2. Disapproval of a hurricane shutter, for any reason, shall entitle the Association to remove the hurricane shutter, or any portion thereof, or bring an action to force the removal thereof, or force compliance with these rules, as provided in the Condominium Documents including, but not limited to, an action for an injunction or damages or both. The prevailing party to any such action shall be entitled to an award of attorney's fees and costs.
3. No contractor, subcontractor, laborer or material person shall be permitted entry upon the condominium property, for purposes of actual installation, construction or delivery of materials, unless and until, the proposed hurricane shutter installation request has been approved by the Association.
4. Nothing in these rules shall be construed as a limitation or restriction upon any of the Association's rights or remedies, or act as an election of remedies. All rights and remedies available to the Association shall be cumulative.
5. The Board of Directors must be notified of installation delays.

TEMPORARY PROTECTION:

Temporary protection is raw aluminum or galvanized aluminum panels; plywood panels-painted or unpainted. Plywood should be not less than a thickness of 7/16" and a maximum span of 8' – pre-cut to cover glazed opening.

The unit owner may put up temporary protection to protect his property. Temporary protection may not be put up prior to 72 hours before a storm is predicted to reach the area as reported by the National Weather Bureau. All temporary protection must be removed no later than 5 days after the storm has left the area. Failure to remove the temporary protection within the specified timeframe shall be authorization for the Association to have it removed by a licensed contractor at the owner's expense.

The unit owner shall be liable for damage caused by temporary hurricane protection. Refer to liability paragraph above.

Adopted by the Board of Directors of
Gasparilla Condominium Association

12/12/2009 _____
Date Adopted by the Board of Directors: