

**LAKES BY THE BAY SOUTH  
COMMUNITY DEVELOPMENT DISTRICT**

**GATE FACILITIES**

**RULES**

Resolution 2019-01, adopted October 8, 2018

Amended August 24, 2021 (Resolution 2021-08)

# LAKES BY THE BAY SOUTH COMMUNITY DEVELOPMENT DISTRICT

## GATE FACILITIES RULES

### Gate Facilities Rules.

(1) Title. This rule may be cited and referred to as the Lakes by The Bay South Community Development District Gate Facilities Rules (the “Gate Facilities Rules”).

(2) Gate Facilities, defined. The Lakes by the Bay South Community Development District (the “District”) funds, operates, and maintains certain security and security-related improvements, facilities and equipment, including guardhouses, gates, gate arms, cameras, video and audio equipment, lighting, wiring, cabling, and electrical facilities, and other appurtenant security or security-related improvements benefiting the residents and property owners within the District (collectively, the “Gate Facilities”), which Gate Facilities are located at the two means of ingress and egress for the Isles at Bayshore development at (1) SW 93<sup>rd</sup> Path, south of SW 216 Street, and (2) SW 88 Place, south of SW 216 Street.

(3) Damage to Gate Facilities. Any damage to the Gate Facilities shall be assessed against the registered owner or driver of the vehicle or against the individual causing damage to the Gate Facilities, as the case may be in accordance with the Gate Facilities fees set forth in Section (8) of these Gate Facilities Rules.

(4) Gate Access Cards.

(a) The District Gate Facilities are designed to include a non-resident lane and a resident lane for purposes of entering the Isles at Bayshore community. Those utilizing the resident lane gain access through the use of a District-issued gate access card, electronic reader, transponder or bio-metric identifier, depending on the access system approved and in use by the District (the “Gate Access Card”).

(b) Gate Access Cards are non-transferable and may be obtained at the Isles at Bayshore Clubhouse or at other locations designated by the District, the cost of each Gate Access Card shall be determined by the District Board.

(c) The District, by resolution of its Board of Supervisors, may limit the number of Gate Access Cards issued to owners and residents of each residential unit within Isles at Bayshore. The District shall maintain a record of valid Gate Access Cards issued to each unit within Isles of Bayshore. Each Gate Access Card shall be assigned to a particular vehicle

and may not be transferred to another vehicle. Owners shall present proof of ownership, whether by deed or by record of the Miami-Dade County Property Appraiser. Before the issuance of any Gate Access Cards to tenants or lessees, the following items must be presented to the District:

- (i) Approved renter or lessee affidavit signed by the property owner and the approved renter, copies of which form may be obtained at the Isles at Bayshore Clubhouse; and
- (ii) Copy of the applicable lease instrument, which shall contain a defined term within which the lease is valid and in effect; and
- (iii) Copy of proof from the applicable homeowners' or property owners' association that the lease has been approved or accepted by said association.

(5) Deactivation of Gate Access Cards. The District Manager or his or her designee shall have the authority to deactivate ALL Gate Access Cards issued to a particular unit within the District, upon a determination by the District Manager or his or her designee, after reviewing supporting documentation, that:

- (a) The ownership of the unit has been changed, the tenant or resident has otherwise permanently vacated the unit, or the Gate Access Card is not on the vehicle registered with the District; or
- (b) The term of the lease provided to the District pursuant to Section (4)(c)(ii) of these Gate Facilities Rules has expired, and the District has not been provided with written notification or documentation that the term of said lease has, in fact, been extended; or
- (c) A least thirty (30) days has expired since the Owner has commenced eviction proceedings against and served a previously-approved renter or lessee or has obtained an order of eviction in a court of competent jurisdiction; or
- (d) Any information presented to the District pursuant to Section (4)(c) is false or is no longer applicable or accurate; or
- (e) an order has been issued by a court of competent jurisdiction directing that the District deactivate a Gate Access Card issued to a particular individual or vehicle; or

- (f) There exists unpaid Gate Facilities fees imposed pursuant to these Rules and due and owing to the District, subject to the following:
  - (i) the District possesses video, eyewitness, or documentary evidence that an individual, or a vehicle registered to the unit within the District or a guest to that unit has caused damage to the Gate Facilities of the District; and
  - (ii) The District has sent a correspondence to said unit, which correspondence shall (1) detail the date and location of the incident, the individual(s) or vehicle(s) involved, and the damage caused to the District Gate Facilities, (2) indicate that such Gate Facilities fees must be paid to the District within at least thirty (30) days, and (3) indicate that all Gate Access Cards issued to the unit will be deactivated without further notice if payment is not received by the District within said thirty (30) day period.

(6) Appeal of Deactivation of Gate Access Cards. Prior to the expiration of the thirty (30) day period referenced in Section (5)(f)(ii) above, the deactivation of Gate Access Cards and the Gate Facilities fees may be appealed in writing directly to the District Board of Supervisors (the "Board"), which will hear said appeal at its next regular meeting. During the time of the appeal until it is heard by the Board, Gate Access Cards will not be deactivated. Gate Access Cards will be deactivated if the individual(s) appealing the deactivation fails to appear at the next regular meeting of the Board or the appeal is denied by the Board.

(7) Reactivation of Gate Access Cards. Gate Access Cards may be reactivated by the District Manager or his or her designee upon payment of all unpaid Gate Facilities fees and costs to the District or when directed by the Board after an appeal has been filed and heard pursuant to Section (6) above.

(8) Gate Facilities Fees. Gate Facilities fees shall be as follows:

- (a) Removing, pulling, or knocking off gate arm requiring re-attachment (no damage to gate arm or other Gate Facilities): \$200.00;
- (b) Re-activating a deactivated Gate Access Card or Club Access Card \$30.00 per Gate Access Card or \$50.00 per unit (covers all Gate Access Cards and Club Access Cards assigned to unit), whichever is less;

- (c) Damage to other Gate Facilities not referenced in this section shall be assessed at cost plus fifteen percent (15%) for administration fees.
- (d) Purchasing additional, new or lost standard Gate Access Cards: \$20.00 each.

(9) Additional Remedies. In addition to the remedies set forth in this Gate Facilities Rule, should any Gate Facilities Fees described in Section (8) above remain unpaid after thirty (30) days written notice to any Member of the Club, as such terms are defined in the Isles at Bayshore Club Rules and Regulations (the "Club Rules"), the District Manager or the Club Manager may suspend the membership rights and Club Facilities rights until such time as the unpaid Gate Facilities fees are paid to the District, including, but not limited to, the deactivation of ALL club or facility access cards. The appeal provisions set forth in Section 11.4 of the Club Rules shall apply if the rights under this section are exercised by the District.