

Newcastle Condominium Association

HURRICANE PROTECTION REGULATIONS

1. **General**

- 1.1 Pursuant to section 11.6 of the Declaration of Condominium and Florida Statutes section 718.113(5), the Association shall adopt hurricane shutter specifications for each building which shall include color, style, and other factors deemed relevant by the board. The Association may not refuse to approve the installation or replacement of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by a unit owner conforming to the specifications set forth in these Regulations. The maintenance, repair, and replacement of such items so installed or replaced are the responsibility of the unit owner.
- 1.2 The installation and re-installation of all Hurricane Shutters at the Association by any Unit Owner must be approved in writing by the Board of Directors or any committee appointed by the Board in accordance with these regulations and other rules and regulation of the Association. No Hurricane Shutters may be installed or re-installed or materials be delivered until such approval is granted.
- 1.3 All rights and remedies of the association contained in these regulations shall be in addition to and not in limitation of any other rights and remedies to which the Association may be entitled under applicable law.

2. **Definitions:**

- 2.1 "Association" shall mean Newcastle Condominium. its successors and assigns.
- 2.2 "Contractor" shall mean a contractor of sub-contractor duly qualified and licensed to install Hurricane Shutters in Collier County, Florida.
- 2.3 "Hurricane Shutters" shall mean any device, installation, equipment or appliance, whether permanently or temporarily attached according to specification outlined in "installation requirements."
- 2.4 "Unit Owner" shall mean the owner of a condominium parcel at the Association.

3. **Installation Requirements**

- 3.1 All Hurricane Shutters installed or re-installed at the Association shall be in strict compliance with the Insurance Requirements and the Technical Requirements set forth below. The Association, through the Board of Directors, may modify, suspend, waive, or revoke all or any portion of these regulations if at any time, in its absolute judgment, the Board deems such action to be prudent and in the best interests of its unit owners or any one of them. If such requirements are amended prior to an owner's installation of shutters, a new application maybe required.
- 3.2 Any Unit Owners desiring to install or re-install Hurricane Shutters on their unit shall apply to the Association by completing, signing, and submitting to the Association Manager or any Board member an application for Approval of Hurricane Shutters.
- 3.3 The application shall be accompanied by the following items: (i) one set of design and installation drawings for the Hurricane Shutters certified by a licensed Florida engineer that the product complies with all applicable building codes; (ii) a copy of the

occupational license and contractor's license or certificate of competency required by Collier County, Florida for the Contractor; (iii) a certificate or certificates of insurance containing all of the Insurance Requirements set forth below; and; and (iv) such other documents and information as the Board of Directors may require. The submission of any or all of these items may be waived if a current copy of any item is on file with the Association.

- 3.4 The Board of Directors shall either approve, approve with conditions, or disapprove the Application for Approval of Hurricane Shutters at the next regularly scheduled meeting of the Board following the delivery of the complete Application with all accompanying documentation, provided such documents are delivered at least 48 hours prior to such meeting.

4 Insurance Requirements:

- 4.1 No Contractor shall begin work or deliver material for the Hurricane Shutters unless such Contractor has obtained public liability insurance, including completed operations, in an amount not less than \$600,000.00, workers' compensation insurance in an amount not less than \$500,000.00, and an automobile liability insurance policy, including non-owned automobiles, in an amount not less than \$300,000.00. Notwithstanding any minimum amount required herein, no insurance coverage shall be less than the minimum amount required by law.
- 4.2 All insurance certificates shall contain the following provisions: (i) a clause naming the Association as an additional insured with the Effective date and the Termination date; and (ii) a clause requiring prior written notification to the Association in the event such policy is to be canceled, terminated, or modified in any manner. No Hurricane Shutter installation shall be approved unless and until appropriate certificates of insurance are received by the Association from the insurance agent of the Contractor in conformance herewith.

5 Technical Requirements:

- 5.1 The installation and re-installation of Hurricane Shutters and the materials and equipment used therein shall conform in all respects to the requirements of construction established by Collier County, Florida and all other government agencies having jurisdiction over the construction and installation of hurricane shutters including, among other criteria, wind load and other safety requirements.
- 5.2 No Hurricane Shutter shall be approved unless it is determined that the product has been tested by a licensed Florida engineer to meet governmental wind load and other safety requirements.
- 5.3 No Hurricane Shutter shall be approved unless the materials and equipment used shall comply, at a minimum, as follows:
- A. Type of Shutter: Roll Down, Storm Panel, Accordion, and Sliding (inside lanai)
 - B. Material: Aluminum, Lexan, Hurricane Proof Glass
 - C. Color: White except for Lexan and Glass
 - D. Installation:
 - 1. Over window—shutters must be on the exterior of the building.
 - 2. On lanais, —shutters must be installed abutting the interior of the screen.

Fastener / Attachment / Specifications:

3. Submit samples of types of fasteners to be used
4. Fasteners for aluminum components must be to current building code. Concrete anchors: Type 304 stainless steel ("Rawl Tapper") with neoprene and stainless steel washer, length and diameter as required for proper embedment.
5. No pop rivets

E. Other specifications / Comments:

1. Sealant: To current building code
2. Color: With the exception of glass or lexan must be white.

F. Drawings of Installation:

1. See attached drawing for Installation Storm Shutter Sill Track.
2. A drawing of design and installation must be attached to this application.

5.4 If a Unit Owner elects to install impact glass, windows or doors, or other types of hurricane protection other than shutters, such installation must comply with applicable code, and if installed on lanais, must be installed abutting the interior of any existing screening.

5.5 Under no circumstance when installing any Hurricane Protection on the lanai may the current slider be removed from the living space which separates it from the lanai.

5.6 Impact Glass Replacement Windows must be the same size and style as current windows, one-over-one, single or double hung, white in color, with screens attached on the outside of the new windows.

6 Unit Owner Responsibilities:

6.1 The Unit Owner shall be responsible for all costs and expenses incurred in the installation, re-installation, maintenance, and repair of the Hurricane Shutters. All Hurricane Shutters shall be continuously maintained in a first class manner. The Unit Owner shall permit the Association to inspect the Hurricane Shutters, as necessary, to ensure compliance with the Association's regulations.

6.2 If the Unit Owner fails to install, re-install, maintain, or repair the hurricane Shutters pursuant to the specifications and requirements set forth herein, after fifteen (15) days written notice from the Association to the unit Owner of their non-compliance, the Association shall have the right but not the obligation to enter upon the unit Owner's premises and perform or have performed any required installation, re-installation, maintenance, or repair work, or to have the Hurricane Shutters removed and the property restored to its condition prior to installation. Upon such work having been performed, the Association may levy the cost of such work as an assessment to the Unit owner for work performed upon a limited common element of the condominium and shall thereafter have such lien and other rights which the Association may exercise under its governing documents and applicable law.

6.3 The Unit Owner shall assume all responsibility for obtaining all necessary building permits. The Unit owner shall also be responsible for compliance with all applicable building codes.

- 6.4 The Unit Owner shall agree to indemnify, defend and hold harmless the association from any and all claims, actions, costs, or expenses of any nature whatsoever, including but not limited to attorney's fees, arising out of the installation, re-installation, maintenance, or repair of the Hurricane Shutters.
- 6.5 The Unit Owner shall agree to be responsible for any damage to the common elements or other units within the condominium which is caused as a result of the installation, re-installation, maintenance, or repair of the Hurricane Shutters.
- 6.6 These regulations (or any appropriate memorandum or excerpt) may be recorded the Public Records of Collier County, Florida.