

**WATERCOLOR COMMUNITY ASSOCIATION, INC.
RESOLUTION OF THE BOARD OF DIRECTORS**

WHEREAS, the Watercolor Community Association, Inc. (hereinafter “Association”) has adopted or may from time to time adopt rules and regulations governing the parking of automobiles and other Vehicles (including LSVs) within the Watercolor Community, and seeks to enforce Vehicle and parking restrictions as set forth in the Declaration of Covenants, Conditions and Restrictions (“Declaration”) and the Community’s Rules & Regulations;

WHEREAS, the Association desires to adopt the foregoing Vehicle Smart Immobilization Policy as an additional enforcement mechanism to ensure compliance with such restrictions and regulations;

IT IS THEREFORE RESOLVED, in consideration of the premises, that the following policy is hereby adopted:

VEHICLE SMART IMMOBILIZATION POLICY

1. Adoption of Smart Immobilization. This policy applies to any Vehicle that is parked within the Common Areas, within any other property owned by the Association, or within any other property controlled by the Association with the permission of the property owner. Any such Vehicle that is parked in a manner that violates any parking rule or regulation contained in the Association’s Declaration or rules and regulations is deemed to be parked on private property without the property owner’s permission. The Association may immobilize, through a Smart Immobilization Device, any such Vehicle. The procedures used for immobilization shall be in strict compliance with the requirements § 20-70, Walton County Ordinances (the “Ordinance”).

2. Immobilization by Licensed Security Officer. Prior to authorizing the deployment of any Smart Immobilization Device, the Association will contract with a licensed security company to provide one or more security officers who are trained and certified in compliance with the requirements of the Ordinance. The licensed security officers, in consultation with the Association Manager, Assistant Association Manager, or such other person(s) as may be authorized by the Board of Directors, may cause any Vehicle described in paragraph 1 to be smart immobilized by means of an immobilization Device, without any liability to the Association or its directors, officers, agents, employees, or members for the cost of removing the Device, or any damage caused by its removal. The licensed security officers must deploy Smart Immobilization Devices only in compliance with the procedures set forth in the Ordinance, and must comply with all notice requirements to the Walton County Sheriff’s Office as set forth in the Ordinance. A second security officer, who is not required to be licensed, should accompany the licensed officer for safety and verification purposes as described in WaterColor’s Security Acton Plan for vehicle immobilization activities.

3. Charges for Smart Immobilization. The rate charged to the registered owner or other authorized person in control of the improperly parked Vehicle for disarming of the Smart Immobilization Device is \$100. Such person’s failure to return the Device in working condition will result in an additional charge, at cost, to repair or replace the Device.

4. **Appeal.** Any party aggrieved by the immobilization of that party's Vehicle may provide a written Notice of Appeal within ten (10) days of the deployment of the Device to: Watercolor Community Association, Inc., 133 Pine Grove Circle, Santa Rosa Beach, FL 32459. Upon receipt of a timely Notice of Appeal, the Association will schedule a hearing before the Association Manager to decide the appeal, the hearing to be held within thirty (30) days from the date of the Notice of Appeal. The hearing may be conducted in person or by electronic means, and a ruling must be rendered within ten (10) days of the hearing. At the hearing, the aggrieved party will have the opportunity to present written evidence as to why the Device was wrongfully used, and may be represented by counsel. The Association will maintain an electronic record of the hearing (including meeting minutes and a copy of written evidence introduced at the hearing) and will make such record available to the aggrieved party within one (1) year after such hearing.

5. **Signage.** Prior to authorizing the deployment of any Smart Immobilization Device, the Association shall strictly comply with the requirements of the Ordinance by posting notices in the specified format at intersections with the public right of way.

6. **Definitions.** For purposes of this policy, the term (i) "Vehicle" includes any mobile item which normally uses wheels, whether motorized or not, and (ii) "Smart Immobilization Device" or "Device" means such devices as will temporarily disable a Vehicle by means of a wheel lock (Smart Boot), windshield drape (Barnacle) or other such device that is removable *in situ* upon remitting a payment via cellphone or other personal device or payment at a specified location.

7. **Non-exclusive remedy.** The Association may take other actions as are authorized by its governing documents and Florida law to resolve parking violations, together with or instead of smart immobilization as described herein. All such remedies are cumulative, and may include the levy of fines and towing.

8. **Notification.** The Association will provide all Owners and the Walton County Sheriff's Office with notice of this Smart Immobilization Policy. All Owners shall advise their tenants and guests that this policy is in effect for Watercolor.

9. **Contact Information.**

Representative of Management

Jacob Marshall, Community Association Manager
133 Pine Grove Circle
Santa Rosa Beach, FL 32459
850-231-2547
jmarshall@ccmcnet.com

Security Company

[name]
[address]
[phone number(s)]
[email address(es)]

10. Detailed Procedure for Deployment. Smart immobilization is subject to strict compliance with the following conditions and restrictions:

(A) The licensed security officer immobilizing a Vehicle must affix an adhesive notice to the Vehicle providing, in letters no less than one inch high, the 24-hour telephone number which, when called, accepts the credit card or other electronic payment information that, once processed, disarms the Device so that the Vehicle may be operated. The notice must also provide the local number of the security service, and must specify (i) the nature of the parking violation, (ii) the time of its occurrence, (iii) the payment required to remove the Device by the Device process, (iv) a telephone number for electronic payment or a location at which cash or a check may be used for payment in lieu of electronic payment, and (v) the manner in which the license plate holder may appeal the parking violation and receive a refund of some or all associated fees. The notice must further advise the operator that the Device must be deposited immediately after removal at a specified location. The location for depositing the Device must be within ten (10) miles of where the Device was used and failure to return the Device in working condition will result in an additional charge to repair or replace it. A failure to return the Device within forty-eight (48) hours from the date of disarming will result in a rebuttable presumption that the Device has been lost and will not be returned.

(B) In addition to the 24-hour number required by paragraph (A) above, the security service must be available by telephone during, and for at least two hours after, any such Device is deployed. The security service must have the means to abate the immobilization in the event that the 24-hour service described in paragraph (A) above malfunctions or otherwise fails to release the Device upon receipt of the indicated payment, and must do so promptly in that event.

(C) The officer applying the Device shall, within 30 minutes after such deployment, cause the Walton County Sheriff's office to be notified of the time of the immobilization, the location of the immobilization, the make, model, color, license plate number and state of registration of the Vehicle.

(D) The officer in the process of immobilizing a Vehicle must stop when requested by the owner or responsible driver of the Vehicle on proof of identification in the form of a valid driver's license and matching or essentially matching Vehicle registration or, in the case of a rental Vehicle, such documents as show the key holder to be the authorized renter or driver. The key holder may then operate the Vehicle without paying an immobilization fee.

THIS IS TO CERTIFY that the foregoing resolution was adopted by the majority of the Board of Directors of the Watercolor Community Association, Inc. at a duly-noticed meeting held May 27, 2021, and made effective as of that same date until such date as it may be modified, rescinded or revoked.



President