

MARSALA AT TIBURON HOMEOWNERS' ASSOCIATION

2024-2025 Policies and FAQ's for Homeowners

DISCLAIMER: *The Marsala HOA Board has provided this information in abbreviated form as a quick reference for the reader. The reader is advised to review the Marsala at Tiburon governing documents that include the Declaration of Neighborhood Covenants, Conditions and Restrictions for Marsala at Tiburon, the Design Guidelines, the Articles of Incorporation and By-Laws of Marsala at Tiburon Homeowners' Association, Inc. and the Marsala at Tiburon Rules and Regulations, including any amendments thereto. Nothing stated in this document is intended to, nor does it alter the full text, terms and conditions established in the Marsala at Tiburon governing documents or as may be otherwise set forth under Florida law. You can find a copy of the Governing Documents on the Marsala website.*

DAMAGE TO COMMON AREAS

Who is responsible for damage to common areas? Answer: According to Sections 7.1 and 7.6 of the Declaration, the Owner is liable and subject to an Individual Assessment for damage to the common areas caused by the willful or negligent acts of the Owner, the Owner's family, guests or invitees.

GARBAGE AND RECYCLING

What is the schedule for Marsala trash and recycle services? Answer: Marsala service is on **Tuesday** morning for garbage and on **Friday** morning for garbage and recycle.

- No garbage, trash or refuse containers are to be placed in the front yard or on the street except for removal purposes. (Section 4.1 (e)).
- Marsala and Collier County Code Enforcement regulations state that no garbage receptacles are to be placed curbside except between the hours of 6:00pm the evening before scheduled pickup and 6:00pm on the evening of scheduled pickup (Rule #1).
- Bins may be placed at the street after 6pm the night prior and must be stored inside the home by 6pm on the day of pickup. Time of pickup varies without notice from Collier County.
- Appliances, electronic items and other large items may be scheduled for pickup with waste disposal vendors. These items may be placed curbside only on the scheduled day of collection. (Rule 1).
- Yard waste for collection must comply with Collier County Code Enforcement Regulations (Rule 1).
- **HOLIDAYS:** There will be NO collection services of any kind - trash, recycling, bulky items or yard waste - on the following holidays: Fourth of July, Thanksgiving Day and Christmas Day. If your regular collection day falls on any of these holidays, collection will be made on your next regularly scheduled collection day; there are no makeup days. Regular collection services will occur on all other holidays (for example, Memorial Day, Labor Day, New Years Day, etc.)
- Customer Service phone lines are open from 8:00 A.M. - 2:00 P.M. at (239) 252-2380.

GATE ACCESS

What is the process for entering the Marsala at Tiburon Community?

Answer: The Declarations permit the community to have an Access Monitor Program (Section 1.1 and 2.4). The Access Monitoring System is not a guaranty of a level of security within the community. Details regarding the current Gate Access system can be found in the document titled “Entry Gate Access Control Information” posted on the website.

HOME MAINTENANCE AND REPAIRS

What is the Owner’s responsibility for maintenance and repairs to their home and landscaping?

Answer: Pursuant to Section IX—Maintenance and Repair Obligations it is the duty of the Owner to maintain, repair, replace and restore areas subject to their exclusive control in a neat, sanitary and attractive condition in accordance with community standards. Those community standards are set at the sole discretion of the Board of Directors. (Section 9.1 amended)

HOMEOWNERS’ ASSOCIATION

Obligation to Pay HOA Assessments

What recourse does the HOA have if an Owner does not pay assessments? Answer: Section VII- Covenant for Maintenance Assessments; Section VIII-Effect of Non-Payment of Assessments: Remedies of the Association; and By-Laws Section 6 Assessments and Fees answer this question.

- Quarterly assessments are due on the 1st day of January, April, July and October.
- Owners are required to pay common assessments, special assessments and individual assessments approved by the HOA Board. The owners are personally obligated to pay the assessments. In addition, the HOA can record a claim of lien and foreclose on the owners’ property and charge attorney fees and costs for collection.
- The governing documents have a formula for payment of penalty and interest for assessments not paid when due.
- There are also dues payable to the Tiburon Estates HOA on a quarterly basis.

HOA Social Activities

Does the Marsala HOA sponsor any social activities? Answer: Yes, the HOA has a social committee that sponsors various social and educational opportunities during season. Social Committee sponsored events have been temporarily suspended during Covid-19.

HOA Meetings

How often does the Marsala at Tiburon HOA Board meet and can I attend? Answer: Board meetings are noticed by posting on the HOA notice board located at the exit gate. Notice of the annual meeting is mailed to Owners. The annual meeting is held in November of each year. Attendance is encouraged.

IRRIGATION AND LANDSCAPING

Are there requirements regarding landscaping, irrigation and drainage? Answer: Yes. There is a Landscape Plan for each lot that was established by the developer or the DRC subsequent to turnover from the developer. All landscape plan requirements are established in the Design Guidelines. The DRC must give prior written approval to make any change to the landscaping plan initially installed. (Section 4.4 (a)). However, if an owner is replacing existing plants and not redesigning the landscaping plan, a Board policy is in place and posted on the Marsala website that waives Board review.

- Owners are responsible for maintaining the landscaping on the property in good and living condition. (Section 4.4 (c))
- Owners are responsible for maintaining the landscape irrigation systems installed on the lot in good condition. (Section 4.4 (d)).
- Owners must control surface water runoff. (Section 4.4 (e))
- Marsala Rules and Regulations #4 and #5 set forth permissible irrigation dates and times as well as the limitations on the supply of water from the Marsala HOA irrigation pond.
- **Even numbered addresses** irrigate only on Tuesday and/or Thursday and/or Sunday.
- **Odd numbered addresses** irrigate only on Monday and/or Wednesday and/or Saturday.
- The Water Supply system does not operate between the hours of 10am and 12 Midnight in accordance with Collier County requirements.
- No irrigation is allowed on Friday. (Rule 4)
- Testing of irrigation systems must occur when the Marsala HOA irrigation system is operating according to this schedule.
- NOTE: The system has a rain gauge and does not operate when the rain gauge indicator disallows operation.

Marsala is not on the Collier County water for irrigation system. Marsala water for irrigation comes from the pond located on golf course property to which Marsala HOA has an easement. There is a limitation on the amount of water that can be extracted from the pond. The South Florida Water Management District permit issued to the Marsala HOA establishes the number of gallons per month and per year that can be distributed to the Marsala common property and home sites. (Rule 5). Residents are obligated to set their own irrigation water consumption rate in compliance with the volume limits and the days of the week allowed.

LANDSCAPING HOURS OF OPERATIONS AND NOISE LIMITS

Are there any limitations regarding when contractors can begin and end work on my property?

Answer: Yes. Operation of equipment or conduct of activities normal to residential communities such as but not limited to: lawn care, domestic power tools, lawn mowers, maintenance of trees, agricultural equipment, saws and tractors and other normal community operations are exempted from sound level restrictions from 7:00am-10:00pm, any day of the week. If these activities occur before or after these time limits applicable sound level restrictions will apply. Contact Collier Code Enforcement Department and request to speak with a Noise Specialist for any questions. (Rule 3).

MAILBOX REGULATIONS

Who is responsible for the maintenance of the mailboxes?

Answer: Except for cases where an Owner or its guests or invitees have not caused damage to a mailbox, for which the Owner would be responsible. Mailboxes are selected and maintained by the Association. (Section 4.8)

MOTOR HOMES, TRAILERS, BOATS, MOTORCYCLES, VANS OR TRUCKS

Can vehicles other than passenger cars be stored on my property?

Answer: Motor Homes, trailers, boats, motorcycles, vans or trucks used for commercial or recreational purposes cannot be parked unless fully enclosed inside a structure. (Section 4.1 (g))

OUTSIDE SATELLITE RECEPTOR DISHES

Can I have a satellite dish on my property?

Answer: The size and placement of such devices are regulated by the Board. (Section 4.1 (h))

PARKING

Are there any regulations governing parking?

Answer: **Garage and Parking provisions** – repair of vehicles is permitted only inside the garage; garage doors are to remain closed except when entering or exiting; vehicles are to be parked in the garage and not on the driveway when possible. (Section 4.6 (a))

Overnight Parking – No more than three vehicles can be parked overnight in any driveway. (Section 4.6(a))

Street Parking Overnight- No overnight street parking is permitted. (Section 4.6(a))

PETS

What requirements are there if I want to have a pet?

Answer: The Declaration does not restrict the size, type or number of pets. The Rules and Regulations have provisions applicable to pets located on HOA common properties. Pets are to be on leash; owners are to remove pet waste from the common areas and resident lawns; and pets on common properties are to be accompanied by the owner (Rule #2). Pet Owners are legally liable for action of their pets that cause damage to property or injury to people or other pets outside their own property.

PROPERTY- CONSTRUCTION, LEASE, SALE AND USE

Residential use

The Neighborhood may be used **only for residential purposes.** (Section 4.1 (a))

Construction on Property

What requirements apply if I want to build a home or modify my existing home?

Answer: The Design Guidelines are located on the Marsala website. In addition, the Marsala website contains the Application required to be filed for new construction and modification to the existing home and/or landscape. The Marsala at Tiburon HOA Architectural, Landscape and Design Review Committee serves as the entity to which application is to be made. ARC approval is required and decisions are subject to review by the Board.

- No building, structure or other improvement can be placed on the property unless the Architecture Review Committee (“ARC”) has issued written approval. (see Section 4.1 (c) and Section XII)
- Exterior home colors and driveways must be in accordance with the Design Guidelines. (Section 4.10 and 4.11)
- The ARC regulates spas, hot tubs, swimming pools, enclosures, fences, walls and gates. (Section 4.3)

Leasing of Property

What is the procedure if I want to lease my property? **Answer:** Section 4.12 as amended establishes the requirements including the allowable term of the lease.

- No lease or rental of a Residential Unit may be for a period of less than 30 consecutive days, and no more than 3 leases in any 12-month period are permitted.
- The proposed Lease must be approved by the HOA Board and timeframes for approval are established in the Declaration. Certain reports must be furnished to the Board including but not limited to a criminal background records on the Lessee(s) and on all adult occupants.

- The HOA has approved an **Application for Lease Approval** and a **Lease Form Addendum** that must be executed by the Landlord and Lessee(s). It is the duty of the Owner to provide signed forms to the Marsala HOA property manager, pay the processing application fee, pay the fees for Board required reports such as a criminal background records checks on proposed Lessee(s) and to furnish the required information regarding the proposed Lessee(s).
- *The Lease and any lease extension must be submitted to the Board for approval.* The grounds upon which the Board may deny the approval of a lease have been established by Board Resolution.
- The Lessee(s) are required to abide by the Marsala governing documents during the tenancy. (Section 4.12, as amended).
- Any Sublease is required to go through the same approval process.

Sale of Property

Are there requirements/limitations if I want to market my home for sale? **Answer:** Pursuant to Section 4.15 no sales or promotional events or open houses are permitted. No public or private auction may be conducted at the property. Persons desiring to view the property must have an appointment and be accompanied at all times by a licensed salesperson. (Section 4.15). No signage is permitted. (Section 4.14)

Does the Marsala HOA have an application process for approval of new owners when property is sold?

Answer: No, Marsala at Tiburon does not have an application process for approval of new owners.

Does Marsala at Tiburon have a resale capital assessment?

Answer: Yes. Currently a capital assessment in the amount of \$3,000.00 is levied upon the transferee of any home site due at closing.

SIGNAGE

Can I place a sign on my property?

Answer: Owners cannot place signage of any type or flags (except official US flag or such other flags that may be permitted by Florida Law) on the lot or vehicle parked on the lot without HOA written approval. By acceptance of the deed to your residence you give the HOA an easement to enter your property for the purpose of removing such signage. (Section 4.14)

SPEED LIMIT

What is the speed limit on Marsala Way?

Answer: As posted throughout the community the speed limit on Marsala Way is 20 mph (Rule 6-Speed Limit)

TIBURON GOLF CLUB MEMBERSHIP

Are Owners Automatically Members of Tiburon Golf Club?

Answer: Membership in the Tiburon Golf Club is not a requirement of owning a home in Marsala, nor does your homeownership automatically provide you with a membership. (Section 17).

If you are interested in obtaining a Tiburon Golf Club Membership you can contact the Club at 239-593-2200.

TV/Internet

Does the HOA have a cable TV and Internet access contract?

Answer: Yes, Hotwire Communications (Fision) is the provider. Basic cable is provided as part of the Tiburon Estates (TEHOA) quarterly assessments. Owners may contract directly with Hotwire for enhanced cable service packages and internet/phone packages. Contact Hotwire Communications at 800-355-5668.

UTILITIES

Water/Sewer/ Trash: Regular hours for Collier County Customer Service phone lines are Monday thru Friday 8:00 A.M. - 5:00 P.M. at (239) 252-2380, email at utilitybill@colliercountyfl.gov