

THE FOUNTAINS HOMEOWNERS ASSOCIATION, INC
P. O. Box 373082
Satellite Beach, FL 32937
August 4, 2008

Policy Statement Eight
Mobile Basketball Backboards

Reference. The Fountains Homeowners Association, Inc.

a. Declaration of Restrictions, Limitations, Conditions, and Agreements (The Covenants), dated: February 18, 1975 assigned to properties within Unit II; and dated: January 23, 1978 assigned to properties within Unit III, of the Fountains subdivision.

b. Articles of Incorporation, dated August 7, 1990

c. By-Laws, dated, October 20, 2007

d. Policy Statement One, Organization and Functions, dated, August 4, 2008.

1. Background. Paragraph 17, of reference a, Game and Play Apparatus, states that "All basketball backboards and any other fixed game apparatus shall be located at the rear of the dwelling". The statement does not specifically address the use of various types of mobile game apparatuses, such as mobile basketball backboards, and, thus has given rise to different interpretations concerning the use of this type of apparatus in the front of dwellings. A central issue is: "Does a mobile basketball backboard at some point in time of continuous location in the front of a dwelling, become a fixed game apparatus and therefore come under the provisions and restrictions of reference a."

2. Purpose. Although the intent of this policy statement is to fully meet the provisions of reference a, it also is designed to reasonably accommodate the use of mobile basketball backboards, in the front of a dwelling, on a limited basis. Thus, this policy statement prescribes the limitations for locating and using a mobile basketball backboard in the front of any dwelling within the Fountains subdivision that is subject to the provisions and restrictions of reference a. In the case of any conflict between the references cited above and this Policy Statement, the provisions contained in the referenced documents shall control. This Policy Statement supersedes "Policy Statement Eight, Mobile Basketball Backboards, dated: August 15, 2000", which is hereby rescinded.

3. Definitions.

a. A mobile basketball backboard is herein defined as one that can be reasonably moved from place to place, as opposed to one that is permanently fixed in place. Normally, the commercially available models include bases filled with water, sand, or some other heavy material.

b. If a mobile basketball backboard located in the front of a dwelling is not used for fourteen consecutive days, it then may be considered a fixed game apparatus and will come under the restrictions contained in reference a.

4. Location and Use.

a. Mobile basketball backboards may be located anywhere on a homeowner's property when in use. When the location is in the front of the dwelling and the backboard is not used for fourteen consecutive days, the backboard shall be moved from the front of the dwelling. When it is placed in use again, it may be placed in the front of the dwelling until it is not used for fourteen consecutive days at which time it must again be moved from the front of the dwelling. If a house is planned to be unoccupied for fourteen or more consecutive days, i.e. vacation, travel, etc., the homeowner shall move the mobile basketball backboard from the front of the house.

b. Regardless of their location, mobile basketball backboards may only be used in such a manner as to not create an excessive noise level or be an undo disturbance to neighbors in the area.

5. Remedies for Violation. A violation of this policy statement shall constitute a violation of Paragraph 17 of the Declaration of Restrictions, Limitations, Conditions, and Agreements and shall be subject to remedy pursuant to the Declaration.

Approved by the Board of Directors, August 4, 2008.

original signed

original signed

John Sniegowski
Secretary,

Rob Bracewell
President,

Fountains Homeowners Association, Incorporated

Copies: One each Board Member, Officer, Support Activity Person,
and Committee Chairperson, as required