

PUAMANA COMMUNITY ASSOCIATION
OFFICIAL RULES
EFFECTIVE NOVEMBER 11, 2011

Forward

The Puamana Community Association (“PCA”) has formulated these Rules “...so as to provide the enjoyment of the Common Properties by every Member in a manner consistent with the preservation of quiet enjoyment of the Lot and Living Unit by every Owner.” These words are from the Declaration of Covenants, Conditions and Restrictions, Article IV, Section 3(f), dated May 1968.

According to the Bylaws, Article XIII, Section 5, dated April 2002, “The Board of Directors shall from time to time adopt and publish a Schedule of Maximum Fines for Rule and Regulation Violations which shall prescribe the maximum fine that may be imposed for the violation of any Rule or Regulation.” **For serious violations (e.g., violations posing a risk to health or safety) no warning will be necessary prior to the imposition of fines.** The Board of Directors has empowered the General Manager, and it is his duty, to enforce all Rules. He may at his discretion designate members of his staff to assist him in the enforcement of certain Rules, including contract security personnel hired for this purpose. The General Manager should insure that contract security personnel are familiar with these Rules and that they are expected to report Rule violations as part of their normal duties. The General Manager shall impose fines in accordance with the Official Rules, subject only to appeal to the Board as described herein. **Fines must be paid before they can be appealed to the Board.** The General Manager may call upon local enforcement agencies for assistance whenever someone within the physical limits of PCA properties is disturbing or threatening others, misusing facilities or common areas, or is suspected of committing a crime.

The basic rules for any dwelling can be simply stated as common sense practice in the consideration of others in order to create a friendly, pleasant atmosphere. The PCA appeals to all owners and their guests to adhere to all of these Official Rules and also demonstrate reasonable tolerance of others because of the close proximity in which we live.

The PCA Rules state the responsibilities of everyone on the premises. The Rules take into consideration the desires of the owners and their guests, and are subject to revision from time-to-time by the PCA Board of Directors, the final arbiters of any disputes or misunderstandings arising from these Rules. The Rules apply to all owners, occupants, guests, employees and other persons using the property. Each owner is responsible to see that all occupants of his/her living unit, guests, employees and other persons using the property are made aware of these Rules.

1. Procedures for Problems and Complaints

Except for emergencies, all complaints should be in writing signed and addressed to the General Manager. Suggestions are also welcomed and should also be addressed to the General Manager.

2. Emergency Telephone Numbers

In case of bodily injury, theft or fire, the emergency number 911 should be dialed and the problem stated to the emergency operator. After the 911 call, Security should be contacted at 667-5383, regardless of the time of day.

General Information

1. Car Registration

For the purposes of this document, a Puamana Occupant is defined as a homeowner, or a tenant whether long term or short term, or overnight guests of either homeowner or tenant, whether family or friend. All Puamana Occupants must register their vehicle or if not driving a vehicle, then Occupant should notify the PCA office of their arrival on the next business day for security purposes. Following registration or notification, Occupants are considered to have established “property privileges,” rights to use the facilities such as the pools, tennis courts, and Clubhouse. **All Occupants, including owners, must agree in writing to these Rules before being issued a temporary or annual parking pass or upon arrival notification. Owners and long-term renters should receive a full copy of these Rules and sign the “Occupant Rule Acknowledgement Form” before receiving an annual parking pass. Shorter term Occupants should receive the Rules Summary and sign it before receiving a temporary parking pass.** Owners who do not live on property and who do not park at Puamana overnight are not required to register their vehicle but still enjoy full “property privileges”. Such owners must still sign for the Rules on an annual basis.

Puamana Guests are daytime visitors staying elsewhere. Daytime Guests must be accompanied by a Puamana Occupant when using Puamana facilities and Occupants are responsible for their Guest’s adherence to the Rules. Any person found on Puamana who is not a Unit Occupant or not accompanied by an Occupant may be asked to leave the property by Puamana staff or contract security personnel.

2. Main Gate Entry and Security

- a) Each living unit will normally be issued up to two main gate clickers and two magnetic cards for use by the owner and his/her guests. Owners may request a reasonable number of additional cards (but not clickers) in

writing to the Puamana Office, which may be approved at the discretion of the General Manager. The General Manager shall obtain each owner's approval in writing to certain conditions of use, including agreement to return all clickers and cards upon sale of the living unit.

- b) Vendors may request a single magnetic card in writing to the Puamana Office, and upon approval of the General Manager, such card may be issued for the duration of the work and must be returned upon completion. The General Manager shall obtain each vendor's approval in writing to certain conditions of use, including agreement not to use such card except for business purposes. The standard vehicle registration fee and card deposit will apply to such vendor cards, and a vendor registration sticker will be issued. Additional vendor employees and sub-contractors should obtain entry by buzzing the Puamana Office during business hours.
- c) Main Gate security codes will only be issued to certain emergency personnel and transient vacation rental guests. The TVR gate code will be changed on a monthly basis by the Puamana Office and will be monitored by the Office to prevent abuse. Should rare extraordinary circumstances arise, the General Manager, in his discretion, may issue private gate codes to Homeowners or others. Absence of previous misuse may not be considered an extraordinary circumstance.
- d) Tail-gating entry by a second vehicle through the main gate is not permitted and is a safety violation subject to the standard fine without prior warning.
- e) Cloning of clickers and magnetic cards is not permitted. Lending or providing of clickers, cards or gate codes to non-owners and non-residents is not permitted. The Puamana Office shall monitor all clickers, magnetic cards and passwords for misuse. Any violation of these rules is a potential security risk, and the standard Puamana fine may therefore be imposed without prior warning.

3. U.S. Mail

Mail is distributed once a day in the late afternoon by the U.S. Postal Service. Postal mail boxes are located in the laundry area on the north side of the Clubhouse. If a proper request form is on file at the PCA Office, express deliveries and oversized packages will be accepted and held in the Office and can be picked up during office hours. The Office will normally call the Occupant to inform them of the delivery. If not picked up within 5 days for packages and 30 days for letters, the items will be returned to sender as undeliverable. If a request form is not on file at the PCA Office, the delivery companies will attempt to deliver direct to the living unit.

4. Laundry Facilities

Washers and dryers are located at:

- a) Clubhouse laundry room – between 8 a.m. – 8 p.m. only
- b) Near Pool #3 – between 8 a.m. – 8 p.m. only

Washers and dryers are for the exclusive use of Puamana Occupants.

5. Garbage – Trash – Litter

Garbage, other than what can be put down the disposal, rubbish, and other trash should be disposed of in garbage cans in the corrals located near each unit. Garbage should be wrapped securely, preferably in plastic bags, before placing it in the garbage cans. Lids to garbage cans should be replaced. Recycling containers are located adjacent to each trash corral. Currently it is possible to recycle newspapers, cardboard, tin and aluminum cans, plastic bottles and glass bottles. Articles deposited for recycling should be free of food residue and deposited into the proper container. Removal of items from the recycling bins without the permission of the General Manager is a violation of these Rules and subject to the standard fine after initial warning.

6. Swim with Caution

There are no lifeguards at any of Puamana's three (3) pools, nor along the Puamana beach. Each pool is equipped with a life ring, but caution is advised when using the deeper ends of the pools, especially for non-competent swimmers. The ocean can be hazardous; please read and adhere to all warning signs along the beach. See pages 7-9 for detailed information on the pools. PCA assumes no liability for swimmers at its pools or at the Puamana beach.

7. Fees

A schedule of all current Puamana fees (faxes, photocopy, etc.) is posted in the Clubhouse and may be amended from time to time by the PCA Board of Directors, as it deems necessary.

General Rules

1. Occupant – Employee Relationship

No person hired by the Board of Directors or the General Manager should be asked to leave the common area on any private business for any owner or occupant. No PCA Occupant or Guest shall reprimand or in any way castigate the General Manager, any PCA employee or PCA contractor's employees. Employees and contractors are required to report any abuse in writing to the General Manager. Complaints relating to any employee's or contractor's performance of duties should be made in writing to the General Manager. Any complaints relating to the General Manager should be made in writing to the PCA Board of Directors.

2. Recreation Areas

Puamana's large open spaces invite varied recreational use. Any person using these areas must take into consideration the right of quiet enjoyment of any adjacent living units, and must not do anything that will create a liability for the Association. The designated sports field by the tennis court is the only authorized location to be used for organized games and team sports. For health and safety reasons, no access is permitted to the canal at any time except for authorized maintenance personnel. No hitting of golf balls is permitted in Puamana. Climbing trees is not allowed in Puamana due to safety concerns as well as the health of our trees. Throwing objects into the mango trees to knock down fruit is forbidden.

3. Outdoor Cooking

All outdoor cooking is restricted to covered fireproof containers. These fireproof cooking containers must be placed so that smoke, heat, flames, or location are not a fire hazard to the structure or cause for complaint from persons in other living units. Barbecuing is also permitted at the Clubhouse. (Advance permission must be obtained from the General Manger for PCA-owned barbecue grill use.) All fires must receive constant supervision. Operation of barbecues is not allowed on 2nd story decks or any other decks. In the event of a loss that affects more than one (1) unit, the owner who is responsible, or whose guest is responsible, for the damage will pay the costs of repair of any uninsured damage. "Cold" charcoal ash must be placed in a trash bag and properly disposed of in the trash bins. DO NOT dump hot coals on common areas or the beach.

4. Camping

No camping or outdoor sleeping shall be permitted anywhere outside of living units or in any building other than the living units, nor any vehicle. The State of Hawaii does not allow any camping on the beaches without a permit.

5. Damage

Any damage to the Common Properties caused by an owner, tenant, guest, family member, or pet of any of the foregoing shall be billed to the owner of the living unit.

The Association shall not be liable for damage to any Living Unit unless such damage is caused by the negligence of the Association and promptly reported to the Association upon its occurrence. Owners shall regularly inspect their Living Unit for damage and shall be liable for any and all damages arising out of or resulting from their failure to do so and/or their failure to promptly report any damage upon its occurrence. Owners shall fully cooperate with the Association in its efforts to make repairs to any damages the Association has agreed to repair and shall be liable for any damages resulting from their failure to do so.

6. Vehicles

- a) All vehicles, automobiles, motorcycles, mopeds, and golf carts parked overnight on Puamana property must be registered at the PCA Office. Parking permits will only be issued to Puamana owners and registered guests (i.e., Occupants). Parking permits will only be issued to the registered owner of the vehicle or, in the case of rental vehicles, to the licensed renter. Each living unit is limited to a maximum of two full-size vehicle parking stickers. If owners park their own vehicle(s) permanently on property, it/they count against the maximum of two full-size registered vehicles per unit if the owner rents his or her unit. Special parking stickers will be issued for vehicles that are not deemed full-size, and do not count against the two permitted full-size vehicles, as discussed below. Puamana parking permits, for automobiles, must be displayed in the lower left-hand corner of the windshield and must be visible at all times, except when vehicle is covered for long-term storage. Parking stickers for other vehicles must be visibly displayed at all times. If owners park their own vehicle(s) permanently on property, it/they must be registered annually. Day visitor vehicles are exempt from the registration requirement.
- b) A maximum of two full-size parking permits may be issued to any one living unit. The first vehicle shall be parked in a carport assigned to that unit. The second vehicle must be parked in an unassigned parking space in the vicinity of the unit to which it is registered, or parked immediately behind the unit's carport in units where this is possible without infringing

on roadways or sidewalks (#8-1&2, #40-1,2,3&4, #57-1&2, #87-1,2,3&4, #129-1,2,3&4, #139-3&4, #175-1,2,3&4). No vehicles may park on the street, only in designated parking stalls. Electric vehicles, such as golf carts or other vehicles that are licensed for street use, must be issued one of the two available full-size parking passes per living unit if they are unable to park together with a normal size automobile within the confines of the first assigned parking stall. Smaller golf carts, generally those that are not licensed for use on public streets, motorcycles, mopeds, etc. that can fit together with an automobile within the confines of the assigned parking stall will be issued a special parking permit and do not count as one of the two permitted full-size parking permits.

First Violation: Written Warning (must be corrected by next business day).

Second Violation: Car to be “Booted”. Boot removal charge, \$100.

Subsequent Violations: Vehicle removed at owner’s expense.

- c) Day visitors may only park in unassigned parking stalls.
- d) Oversized vehicles that do not fit within the limits of the assigned carport are not permitted to be parked at Puamana.
- e) Vehicle repairs or maintenance will not be made at Puamana, emergency repairs excepted. All vehicles parked at Puamana will be in working order and maintained in a reasonably presentable condition, as determined by the General Manager. All vehicles must have current registration and safety sticker.
- f) No vehicles are to be ridden or parked on the grass or sidewalks, including, but not limited to, golf carts, bicycles, skateboards, scooters, inline skates, and roller skates. **Adults are required to insure that their children ride bicycles, skateboards, etc. responsibly on Puamana roads.** Golf carts may be parked on the sidewalk next to the owner or guest’s living unit for the purpose of charging off that living unit’s electricity supply.
- g) Vehicles in violation of these Rules may receive a written notice, a wheel lock and/or be removed at the vehicle owner’s expense, per (b) above. Vehicles which are not authorized to be on the property may be subject to application of a wheel lock and/or towing at the vehicle owner’s expense (per RSA 290-11) without prior written notice.
- h) Homeowners with golf carts must park their carts only in their carports (except as indicated in (f) above), drive only on the roadways, and not charge the batteries from Puamana electrical outlets; only licensed drivers may operate the carts and the number of passengers is limited to the

designated seating capacity of the cart. Carts operating during darkness or times of limited visibility must utilize operational front headlight and rear reflection device. Handicapped Occupants may obtain an annual handicapped sticker from the PCA Office for their golf cart or other personal mobility vehicle, and may use such vehicle to access Common Property pursuant to Federal and State Law. PCA requires proof of current handicapped driver permit from Hawaii or other state before issuing a handicapped sticker.

- i) Overnight vehicles must register and receive a parking permit from the PCA office within 24 hours of arrival with the exception of after 5 pm on Friday until Monday morning, and holidays. Provided a written notice is placed on a vehicle, failure to secure a parking permit within 24 hours will result in a boot and removal charge as indicated in (b) above. 48 hours after the first written warning has been issued, if the vehicle is still in violation, the vehicle may be towed at the vehicle owner's/operator's expense.
- j) Pocket Bikes: The operation of "pocket bikes" is prohibited everywhere throughout Puamana.
- k) The parking behind the 185 Building is limited to automobiles. No pickup trucks, vans or SUV's are permitted to park in this area.

Individual Units

1. Tenant Registration

PCA does not operate a front desk for short or long-term rental purposes. However, vehicles must be registered at the PCA Office per (6) above for security purposes. Such registration must be done at the PCA Office as soon as possible but no later than the next business day after arrival on the property.

2. Subdivision of Units

No living unit may be physically subdivided for rental or lease purposes.

3. Architectural Alterations of Units

- a) In accordance with CC&R Article VII Section 1, any exterior or structural interior modifications to a living unit requires the appropriate written application and approval of the Architectural Control Committee ("ACC"). Applications are available at the PCA office. "Structural" includes any removal or change in walls, ceiling joists, or studs, wiring or plumbing changes that could affect the structure or safety of a building.

- b) All exterior remodeling requires the owner to submit a remodel application package, with three copies of preliminary drawings, and to arrange a meeting with the ACC, the General Manager, the architect or designer, and the owner. A fee will be charged for review and approval of plans.
- c) The PCA General Manager is responsible for enforcement of all ACC requirements and procedures. Owners must coordinate closely with the General Manager throughout the remodel process to avoid violations and commensurate penalties. The General Manager should insure that contract security personnel routinely check for ACC Blue and Green Cards as part of their normal duties.
- d) The location of portable toilets placed at the job site must be approved in advance by the PCA General Manager.
- e) None of the provisions of PCA documents are intended to be in contravention of the State or Federal Fair Housing Acts. The Board will at all times comply with the provisions of the Fair Housing Acts.
- f) The PCA General Manager may collect a Construction Deposit Fee for each new application for a remodel permit. The Construction Deposit Fee shall be used to offset costs incurred by PCA for landscaping to common grounds, construction rule violations or other PCA expenses related to the project. The General Manager may waive the Construction Deposit Fee for Short Form – Blue Card applications if the project doesn't present any enforcement issues.

4. Carports

Items such as bicycles, inflatable boats, or sea kayaks may be suspended from the ceiling beams of the carport. These items may not damage the integrity of the carport, nor encroach upon adjoining carports. Any vehicle (e.g., bicycles) designed for paved roadway use can be parked in an owner's designated parking stall in an orderly fashion. Other personal items may not be stored on the pavement in carports. Carports must be maintained in reasonably neat condition, as determined by the General Manager.

An owner may assign (in writing) to another Puamana Occupant, the use of the covered parking space assigned to the unit owners provided that: (1) the assigning owner has no vehicle on property registered to the owner's unit and (2) the vehicle assigned to the space is not the vehicle owner's third car on property

5. Common Areas

- a) Personal property articles of any kind may not be left overnight on any of the common areas and may be removed at the owner's risk and expense. This includes but is not limited to hammocks, tiki torches, bicycles, kiddie pools, furniture and barbeque grills.
- b) First Violation: Written Warning (24 hours to remove personal property)
Additional Violation: Removal of property. May be retrieved by owner at the PCA Office for \$50. If not retrieved within fourteen (14) days, property will be disposed of or donated to charity.
- c) The view and access to fire extinguishers may not be obstructed.
- d) Proposed changes to existing landscape must be submitted in writing to the General Manager on the Landscaping Request Form and written approval must be obtained before proceeding. A fee will be charged for plan review. Owners must purchase their own landscaping items unless PCA has current inventory, in which case the items will be sold to the requesting owner at current market price. Owners will be charged for any PCA labor at the current rate.
- e) The naupaka shrubs planted along the high tide line are vital to protecting our shoreline from wave erosion. Association staff will trim this hedge to a height recommended by a professional arborist. The naupaka and other Association plants may not be trimmed without Association permission. Use the posted beach access when entering the ocean to prevent damaging this essential landscaping. Anyone trampling or cutting the naupaka without authorization will incur a \$100 fine on the first and any subsequent violations and also be charged the actual cost of replacement, including material costs and labor.

6. Commercial Activities

No commercial solicitation or canvassing is allowed at Puamana. No living unit or any part of any unit or the Common Properties shall be used for commercial, professional, or business activities, except as described below, unless such activity has been approved by the Board of Directors and is for the direct benefit of the Association (e.g., vending machines, souvenir items, laundry facilities, etc.). No business or trade of any kind may be conducted in or from any living unit or elsewhere at Puamana except that an owner or occupant residing in a living unit may conduct such business activity within the living unit so long as the existence or operation of the business activity:

- a) Is not apparent or detectable by sight, sound, or smell from the exterior of the living unit;
- b) Conforms to all zoning requirements;

- c) Does not involve groups of customers coming into Puamana who are not Occupants;
- d) Does not increase the liability or casualty insurance obligation or premium of the Association; and
- e) Is consistent with the residential character of the Association and does not constitute a nuisance or hazard or offensive use, as may be determined in the reasonable discretion of the Board of Directors.
- f) Service providers may enter Puamana as long as all activity conforms to this Section (6).

This prohibition does not include the rental or sale of the unit, nor the necessary maintenance or custodial work done by the renting owner or agent. The prohibition specifically prohibits the storage of commercial materials and supplies on lanais and in carports.

7. Noise*

No occupant shall make or permit to be made by family or guests, any excessive noise in any living unit or building, which might annoy or interfere with the rights, comfort and convenience of neighbors. This includes noise from social gatherings, pets, TV, radio, stereos, musical instruments and motor vehicles. Quiet hours are between 10:00 p.m. to 8:00 a.m. daily.

First Violation: Written and oral warning. If renter or guest, notification to rental agent and/or owner, in addition to Occupant.
 Subsequent Violations: \$100 fine

*** Call Security or General Manager or, if threatening, call Maui Police. Occupants and owners should not aggressively contact or approach noise violators directly.**

8. Pets

- a) One dog or one cat and two birds may be kept within a living unit.
- b) When a dog is walked outside the living unit, it must be on a controlled leash, in accordance with Maui County Code. The tethering of a pet to a tree or other fixed object on common property without the attendance of a caretaker constitutes a violation of this Rule. Any violation of this leash rule, due to the safety nature of the violation, will be subject to a fine of \$250 per occurrence without warning, up to the maximum fine. All pet droppings must be cleaned up immediately by the party walking the pet.

- c) No livestock or domestic fowl of any sort shall be kept within Puamana nor shall any owner or occupant cause or allow breeding, boarding or raising of any pet or animal for commercial purpose.
- d) Occupants and guests must not feed others' pets, without the owner's consent, or wild animals (including wild fowl), on the property.
- e) All pets must be registered at the PCA Office with photograph. Any pet brought onto the property by day guests must be registered with the office on arrival, or in advance if the office will be closed on arrival. Police may be called if any animals are brought onto the property by trespassers. Vendors are not permitted to bring animals onto the property under any circumstances. Any violation of this rule, due to the safety nature of the violation, will subject the owner, guest or vendor to a fine of \$250 per day without warning, up to the maximum fine.
- f) If the Rules pertaining to pets are not followed, given that Puamana Security cannot be at all places on the property at all times, in order to facilitate rapid response by security all owners and guests are encouraged to immediately report the violation to the General Manager or, if the office is closed, to the security telephone number. To further facilitate enforcement, owners and guests are encouraged to provide a photograph or other details of the offense. If the complaint is verified by the General Manager, due to the safety nature of the violation, the tenant/guest/owner will be fined \$250 per occurrence (or per day in the case of registration) without any warning, up to the maximum fine. If a tenant or guest does not pay the fine, the fine will be billed to the owner's account.
- g) Visually impaired persons may keep guide dogs as defined in Chapter 515, Hawaii Revised Statutes, hearing impaired persons may keep signal dogs as defined in Chapter 515, Hawaii Revised Statutes, and physically impaired persons may keep service animals as defined in Chapter 515, Hawaii Revised Statutes, in their living units and may use such dogs/animals as reasonably necessary for enjoyment of Puamana.
- h) Dogs are not allowed in the playground area located next to the Dolphin Pool (Pool 3).
- i) Any violation of Maui County Code Title 6 "Animals" is also a violation of these Rules and, due to the safety nature of the violation, will be subject to a fine of \$250 per violation per occurrence or per day, as appropriate, without warning, up to the maximum fine.
- j) Any dog that is deemed by the Maui Humane Society to be a Dangerous Dog, as defined in Maui County Code Title 6 must be immediately

removed from Puamana. The unit owner of a unit where a Dangerous Dog is kept will be fined \$250 per day, up to the maximum monthly fine, until the Dangerous Dog is removed from Puamana. Such fine may be imposed without any initial warning due to safety concerns.

- k) The General Manager or his delegated individual may contact the Maui Humane Society as the official government agency in charge, for help in enforcing Maui County Code regarding Animals. In an emergency, if the General Manager or other Puamana staff is unavailable, affected owners are encouraged to contact the Maui Humane Society directly.
- l) All pets must be maintained by their owners so as not to cause a nuisance for other Puamana residents or damage other owners' property, at the sole discretion of the General Manager.

9. Signs

No signs of any kind shall be displayed, except one (1) sign not more than five (5) square feet, showing the living unit for sale. That sign must be located within six (6) feet of the owner's property line. An Occupant's vehicle may display a "For Sale" sign and normal business logos, etc.

10. Dumpsters & Containers

- a) Dumpsters: Dumpsters are to be placed in the owner's assigned carport. The dumpster must be removed at the completion of the project. Oversized dumpsters must park only on the pavement and as near as practical to the owner's unit. No oversized dumpster can be placed until the location is approved in writing by the General Manager. An oversized dumpster may only be placed on property for 14 days. Oversized dumpster remaining on the property in excess of 14 days will result in a fine to the owner of \$100 per day up to the PCA fine limit. At that time, the dumpster will be removed at the owner's expense. A fine of \$200 per day will be levied if approval for dumpster placement is not received from the General Manager in advance of the dumpster delivery.
- b) Containers: Any standard size container on property must be placed inside the owner's assigned carport and may be kept for the duration of the construction project. Oversized containers must be parked only on pavement and as near as practical to the owner's unit. No oversized container can be placed until the location is approved in writing by the General Manager. Any oversized container remaining on property after two days will result in a fine to the owner of \$100 per day up to the PCA fine limit. After the fine limit is reached, the container will be removed at owner's expense. A fine of \$200 per day will be levied if approval for container placement is not received from the General Manager in advance of the container delivery.

An approval card showing expiration date must be obtained from the PCA Office and attached to the Dumpster/Container. Contract security personnel and other PCA Staff will check for and report missing or expired approval cards as part of their normal duties.

11. Portable Storage Units

Temporary, portable storage units are not permitted in the front or the side of a Living Unit; and, permanent storage units visible from the exterior of the Living Unit must be requested and approved by the ACC prior to installation.

12. Lanais

- a) Lanais must be maintained in reasonably neat condition, as determined by the General Manager.

Clubhouse

The Clubhouse is an historic Lahaina building and a priceless asset to the Puamana community. As such, it is the duty and responsibility of every Puamana owner, resident, and guest, as well as management, to treat this valuable facility in a respectful manner. The Clubhouse is available for the enjoyment of all Puamana Occupants and Guests.

1. **Loud, boisterous, destructive, or unsafe behavior will not be tolerated from anyone. The manager or his staff may request the persons acting in any way to the detriment of the facility, or the quiet enjoyment of others, or their own safety, leave the vicinity of the Clubhouse immediately.** Management may, at their discretion, ban such persons from the Clubhouse for a reasonable time period. Any individuals causing damage to the Clubhouse or its contents will be held financial responsible for the cost of repair or replacement, as necessary.
2. Clubhouse hours are as posted at the Clubhouse
3. Smoking is not allowed in any area of the Clubhouse at any time.
4. Wet swimsuits are not allowed inside the Clubhouse.
5. Bicycles, skates, skateboards, etc. are not allowed inside the Clubhouse, in the Clubhouse courtyard, or on the Clubhouse lanai.
6. Owners may reserve portions of the Clubhouse for private parties, functions, or activities. Applications, fee schedules, and detailed Rules of use are available from the PCA Office.
7. The Clubhouse Bar or Dottie Miller Room – unless previously reserved, can be opened for use by individual homeowners by obtaining a key at the PCA office.
8. No fundraising or commercial activity may be held at the Clubhouse, other than PCA sponsored official events, or educational or cultural activities held for enrichment of the entire Puamana community.

Pool Rules

Introduction

The three swimming pools at Puamana are for the exclusive use of Occupants and their Guests during the specific hours that the pools are open. The General Manager may, at his or her discretion, restrict the use of the pool area during specific times as may be necessary for operational purposes. There are no lifeguards at any of the pools. Persons using the pools do so entirely at their own risk. All three pools contain deep areas that could be dangerous to non-competent swimmers. Non-swimmers of

all ages are warned against use of the pools unless accompanied by a competent swimmer who accepts full responsibility for their safety. Each pool is equipped with a life ring and rope. Restrooms are provided adjacent to each pool.

1) Pool Information/Hours/Specific Rules:

Pool #1 – the Ocean Pool is 5 – 8 feet deep and is open daily from 7:00 a.m. to 10:00 p.m.

- This pool is a “quiet pool” and no audio equipment of any type will be allowed unless headphones are used to avoid disturbing others. Cell phone use is also not permitted.
- Lap swimming will be permitted from 7:00 a.m. to 10:00 a.m. daily (or when it does not cause a disturbance to other swimmers).
- Open swimming is permitted from 10:00 a.m. to 10:00 p.m. daily

Pool #2 – the Mountain Pool is 3 – 8 feet deep and is open daily from 8:00 a.m. to 8:00 p.m.

- Open swimming will be permitted during all hours of operation.

Pool #3 – the Dolphin Pool is 1 – 8 feet deep and is open daily 8:00 a.m. to 8:00 p.m.

- Open swimming will be permitted during all hours of operation.

2) Supervision

For safety reasons, children under 12 years of age may not use any pool unless supervised by a responsible adult over the age of 18 years.

3) Attire

Using pools without proper swimming attire is prohibited. Infants and other persons who may be incontinent must wear clean waterproof diapers or other leak proof protective clothing to be allowed in the pools. Bobby pins, hairpins and other similar items must be removed before entering the pools. Sand and/or suntan oil must be removed by shower or towel before entering any of the pools.

4) Prohibited Equipment

No SCUBA equipment is allowed in the pools, (except that face masks, goggles and snorkels or breathing tubes are acceptable). In addition, swim fins may be utilized during lap swimming hours. Rafts, inner tubes, and large inflatable items or other objects are not allowed in the pools. However, non-swimmers may use appropriate flotation devices as needed for safety.

5) Prohibited Conduct

Running, pushing, shoving or loud noise around the pool areas is prohibited. Jumping into the pools from any part of the buildings, walls or railings surrounding the pool areas is prohibited.

First Violation: "Aloha Warning" (Friendly) – written in security log.

Second Violation: \$25 fine

Subsequent Violations: \$100 fine and potential loss of pool privileges.

6) Glass Containers

For safety purposes, no glass containers are allowed in the pool areas.

7) Litter

Litter receptacles are provided and all pool users are expected to clean up after themselves.

8) Personal Belongings

All personal belongings such as towels, sunglasses, books, etc. must be removed upon leaving the pool area. Neither Puamana nor its employees are responsible for the damage, loss, or theft of personal belongings left in the pool area.

9) Pets/Restricted Items

No animals, bicycles, skates, skateboards, etc., are allowed at the pools. However, visually impaired persons may use guide dogs as defined in Chapter 515, Hawaii Revised Statutes, hearing impaired persons may use signal dogs as defined in Chapter 515, Hawaii Revised Statutes, and physically impaired persons may use service animals as defined in Chapter 515, Hawaii Revised Statutes, as reasonably necessary to enjoyment of Puamana.

10) Health Precautions

General health precautions should be observed. Persons with infectious diseases shall not use the pools.

11) Accidents

Any accidents must be reported to management immediately.

12) Smoking

Smoking is prohibited in the pool areas

13) Compliance

All PCA Occupants and Guests shall comply with the requests of the General Manager in respect to matters of personal conduct in and about the pool areas. Anyone violating the above Rules will be evicted from the pool areas and is subject to potential loss of pool privileges for a period of time. Day Guests of Occupants must be accompanied by the Occupant inviting them to use the pools.

Tennis Court

- 1) Appropriate attire and tennis shoes must be worn on the court.
- 2) Sign-up sheets for tennis court times are available at the PCA Office and all reservations will be on a first-come, first-served basis. Sign-up is limited to one hour per unit per day. During busy times of the year, drawings for court time will be held every day or every other day at 4:45 p.m. at the Clubhouse.
- 3) Drawings will be conducted as follows: As each partner's unit number is drawn, those players select the hour they wish to play the next day. During those times when the court list is large, players may select an hour for only one day of the following two days. If players are not on the court by ten (10) minutes past the hour scheduled, the court becomes a free court for the remaining time. If you are unable to make your court time, please call the PCA Office so that someone else may play. Failure to comply may result in loss of court privileges for a period of time.
- 4) Tennis courts are to be used at the player's own risk.
- 5) Bicycles, skates, skateboards, etc. are not allowed on court surfaces.

Penalties for Violation of the Rules

- 1) All persons who fall within the purview of PCA Bylaws, (i.e., Occupants and Guests) are obligated to observe all Rules adopted from time-to-time by the Board of Directors and shall comply with all reasonable requests of the General Manager and his or her staff in the enforcement of these Rules.
- 2) Persons who violate the PCA Charter, CC&Rs, Bylaws or Rules are subject to sanctions including, without limitation, monetary fines established by the Board of Directors and/or withholding of privileges at Puamana.
- 3) Any person who has been charged with a penalty for violation of the Rules, or has damaged Puamana property, plant or facility, shall pay the fine and all costs for restoration or replacement of the damaged property, plant or facility, including any legal fees that may be required to exact such charges.
- 4) At the sole discretion of the Board of Directors, Puamana may pay a reward of up to \$1,000 for any information, from other than Puamana owners or contractors, leading to the prosecution and conviction of any individual for theft or damage to private property at Puamana or Puamana common property.
- 5) Any Occupant or PCA employee or PCA contractor may register a written complaint with the General Manager if he or she believes the Rules are being violated. PCA employees and contractors must report any rule violations on the "Rule Violation Tracking Form". If the complaint is verified by the PCA General Manager, a letter will be sent to the unit owner and the unit occupant, if they are not the same person. Fines will be assessed if a second or subsequent warning is required, or after the first violation in matters of safety or certain other cases. All fines will be assessed against the unit owner and charged to the owner's PCA account, except for parking, speeding or private items on common property, where the vehicle can be booted or item removed, and a fine collected in advance of removal or return.
- 6) For violations of ACC Rules and various procedures that are considered serious violations (e.g., violations posing a risk to health or safety), no warning is necessary prior to the imposition of fines. Such violations are subject to a fine of up to \$250 for the initial violation and an additional fine of up to \$250 for each occurrence or day that the violation continues, as appropriate, up to a maximum of \$1,000 for each type of violation.
- 7) All Rule violations shall be specified in writing. Consequences for violation of the Rules may be found under the specific Rule and are in addition to any Association costs incurred. Fines not otherwise specified herein are set at \$250 per day up to a maximum cumulative fine for each single type of violation of \$1,000 per month.

- 8) All Official Rule violation notices and fines may be appealed to the PCA Board of Directors. Upon payment of all outstanding fines, a member may appeal in writing to the BOD at the next regular Board meeting. The Board's decision on appeals is final and the owner will be notified in writing of the appeal's outcome. Tenants must appeal through their owner or rental agent. Written appeals should be sent to the Puamana Office. All fines shall be treated as a special assessment against the owner of the unit, except for fines for parking, speeding and private items on Common Property (where vehicles can be booted and private items removed by PCA.)
- 9) Owner payments will be applied to any fines (and certain other liabilities) before monthly maintenance assessments.

Occupant Rule Acknowledgement Form
(Sign prior to receipt of annual parking pass – Owners and Long-Term Renters)

- Occupant Name
- Unit Number
- Application Date

I hereby acknowledge receipt of the PCA Official Rules. I confirm that my guests and I will follow these Rules while on Puamana property, and that I will be responsible for any fines imposed for Rule violations per standing PCA policy.

Signature:

Date:

Employee/Contractor Abuse Report

- Employee/Contractor Name and Title
- Date of Abuse
- Date of Report
- Description of Abuse
- Names of any witnesses
- Employee/Contractor Signature (date)
- General Manager Signature (date)
- Action Taken
 - Written Warning (date)
 - Fine Authorized (date)

Rule Violation Tracking Form

- Name of violator
- Unit number
- Health or Safety risk (Yes/No)
- Description of violation
- Date Observed
- Reporting Staff/CSP name and signature (date)
- Resolution Status
- General Manager Signature (date)
- Penalty
 - Written warning for initial violation (date)
 - Oral warning (date)
 - Fine amount
 - Fine date
 - Fine type (Office pay/Bill to monthly statement)
 - Date paid at PCA Office
 - (or) Date noticed to Managing Agent for Invoicing

Fine Invoice Request

- Name of violator
- Name of owner
- Unit number
- Fine amount
- Fine description
- General Manager Signature (date)
- Treasurer Signature (date)
- Invoice date
- Managing Agent Signature (date)