

PUAMANA COMMUNITY ASSOCIATION

OFFICIAL RULES

EFFECTIVE AUGUST 18, 2017

(revised May 4, 2019)

Forward

The Puamana Community Association has adopted these Official Rules, pursuant to its Declaration of Covenants, Conditions and Restrictions, to provide for the quiet enjoyment of Puamana by every member and Occupant. Further, in accordance with its Bylaws, the Board has adopted a schedule of maximum fines for Rule violations. Unless a different fine amount is indicated in the below text, the current standard fine amount will apply (See Section 25, herein). For general rule violations, an Owner or Guest shall be given one written warning upon the first violation of any rule; a fine or other action may be imposed upon subsequent violations. However, for violations deemed by the Board to pose a risk to health and safety, or cause willful damage to Association property, no initial warning shall be required before imposition of a fine upon the initial violation (Rules violations for which written warning is not required before imposition of a fine are marked "NWR", for "No Warning Required", herein).

The Board has empowered the General Manager to enforce all Rules. The General Manager may at his or her discretion designate staff members and/or contract security personnel to assist in enforcement of the Rules. The General Manager has the authority to impose fines for Rule violations, subject only to appeal to the Board. Fines must be paid before they can be appealed to the Board. The General Manager may call local Law Enforcement for assistance in situations where one or more individuals within the physical limits of Puamana is disturbing or threatening others, misusing facilities or common areas, or is suspected of committing a crime.

These Rules apply to all Owners, Occupants, Guests, and other persons using the property. Each Owner is responsible to ensure that all Occupants of his/her living unit, Guests, and other persons using the property are made aware and abiding by the Rules. Entry onto Puamana property implies agreement to abide by these Rules.

Owners may, in certain cases, be held financially responsible for any fines levied upon their Guests. Owners and Guests should not attempt to enforce the Rules themselves, but instead should call the Puamana Office during business hours, or the Association's security hotline (808-667-5383) outside of business hours, whenever they witness a Rule violation.

We appreciate your compliance and your support.

Official Rules

1. Car and Occupant Registration

All Puamana Occupants must register their vehicle or, if not driving a vehicle, then the Occupant should notify the Puamana office of their arrival on the next business day for security purposes. 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 must receive a full copy of these Rules and sign a written acknowledgement before receiving an annual parking pass. Short-term Occupants must receive the short-form Rules summary and sign a written acknowledgement 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 a written acknowledgement of the Rules on an annual basis.

2. Daytime Guests

Puamana visitors who are staying elsewhere must be accompanied by a Puamana Occupant or Owner at all times when on Puamana common properties. Any person found on Puamana grounds who is not an Occupant and is not accompanied by an Occupant or Owner will be asked to leave the property immediately.

3. Cloning

Cloning of clickers and magnetic cards is not permitted. Lending or providing clickers, cards or gate codes to non-Occupants is not permitted (\$500; NWR).

4. Laundry Facilities

Washers and dryers, located in the Clubhouse laundry room and near Pool #3 are for the exclusive use of Puamana Occupants, and may only be used between the hours of 8 a.m. and 8 p.m.

5. Garbage, Trash and Litter

Garbage, other than what can be put down the disposal, rubbish, and other trash must be disposed of in garbage cans in the corrals located near each unit. Garbage should be wrapped securely, preferably in plastic bags, before depositing in the garbage cans. Lids to garbage cans should be replaced. Recycling containers are located adjacent to each trash corral. Articles deposited for recycling should be free of food residue and deposited into the indicated proper container. Items may not be removed from the recycling bins without the permission of the General Manager. If Owners wish to pay for Puamana staff to dispose of their small appliances, (i.e. microwave, toaster oven, TV smaller than 32", fans, and BBQ), and window air conditioners, the following steps must be followed:

1. Complete Work Order at Office
2. Pay Fee (\$35 small appliance / \$65 air conditioners)

3. Leave Appliance At Door For Pick Up

All violations will result in a \$500 NWR fine.

6. Occupant-Employee Relationship

No Employee or contractor of the Association should be asked to leave the property on any private business for any Owner or Occupant. No Occupant or Guest shall reprimand or in any way castigate the General Manager, any Puamana Employee, or Puamana contractor's employee. 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 should be made in writing to the General Manager. Any complaints relating to the General Manager should be made in writing to the Board.

7. Recreation Areas

The large field next to the tennis court is the only permitted location to be used for organized games and team sports. However, reasonable play and other outdoor activities are permitted in other grassy common areas as long as such activities do not disturb the reasonable quiet enjoyment of any adjacent living units and do not risk property damage or create a liability for the Association. 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 prohibited.

Boisterous activity or throwing of items in the Clubhouse lanai area is prohibited.

For health and safety reasons, no access is permitted to the canal at any time except for authorized maintenance personnel.

8. Outdoor Cooking

All outdoor cooking is restricted to propane/electric only, effective January 1, 2020. Such fireproof cooking containers (BBQ sets) must be placed sufficiently far away from the living units so that smoke, heat, and flames 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 Manager for Puamana-owned barbecue grill use). All fires must receive constant supervision. Operation of barbecues is not permitted on second story decks or any other decks. In the event of a loss that affects more than one unit, the Owner who is responsible, or whose Guest is responsible, for the damage will pay the costs of repair of any uninsured damage.

9. Camping

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

10. Damage

Any damage to the common property 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. Willful damage of Association common property is a violation of these Rules (\$1,000; NWR). 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.

11. Vehicles

- a. For the safety of the many pedestrians and playing children at Puamana, speeding on Puamana roads (over 10 mph) and running of stop signs is strictly prohibited for safety reasons (NWR).
- b. Tailgating: Tailgating is defined as entering the main gate in a vehicle without using a clicker, magnetic card or keypad code. It is a Rule violation to tailgate through the main gate. However, after using a clicker, etc., it is not required to wait for the gate to close completely before entering if another car has just entered, since the gate will immediately start to reopen (NWR).
- c. Jumping on the main gate to force opening is prohibited (\$500; NWR).
- d. All vehicles, automobiles, motorcycles, mopeds, and golf carts parked overnight on Puamana property must be registered at the Puamana office, as indicated above. Overnight vehicles must register and receive a parking permit from the Puamana office within 24 hours of arrival with the exception of after 5 p.m. on Friday until Monday morning, and holidays. Parking permits will only be issued to Puamana Owners and registered Guests. 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, even 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 the 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, the vehicle(s) must be registered annually. Day visitor vehicles are exempt from the

- registration requirement.
- e. The first vehicle must be parked in the 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 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.
 - f. Day visitors may only park in uncovered and unassigned parking stalls.
 - g. Oversized vehicles that do not fit within the limits of the assigned carport are not permitted to be parked at Puamana.
 - h. Vehicle repairs or maintenance may not be conducted at Puamana, emergency repairs excepted. All vehicles parked at Puamana must be in working order and maintained in a reasonably presentable condition. All road-legal vehicles must have current registration and safety sticker.
 - i. 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. (However, Puamana employees and contractors, when conducting their official duties, and physically impaired individuals are excepted.) Adults are required to ensure 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. Electrical vehicles may not be charged from Puamana electrical outlets. Electric vehicles must be moved to the assigned parking stall, as described above, after completion of charging. For safety reasons, electric vehicle Owners should make reasonable efforts to avoid blocking common property sidewalks while charging.
 - j. Only licensed drivers may operate golf carts on the property, and the number of passengers is limited to the designated seating capacity of the cart. Carts operating during darkness or at times of limited visibility must utilize a front headlight and rear reflection device. Physically impaired Occupants must obtain an annual physically impaired sticker from the Puamana 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. Puamana requires proof of current physically impaired driver permit from Hawaii or other state before issuing a

- physically impaired sticker.
- k. The operation of "pocket bikes" is prohibited everywhere throughout Puamana.
 - l. The parking behind building 185 is limited to automobiles. No pickup trucks, vans or SUVs are permitted to park in this area.
 - m. Vehicles in violation of these Rules shall receive a written notice and, on subsequent violations may be removed from the property at the vehicle Owner's expense. Vehicles that are not authorized to be on the property at all may be towed at the vehicle Owner's expense (per Section 290-11 of the Hawaii Revised Statutes) without prior written notice (NWR).

12. Drones

The use of unmanned aerial vehicles and radio-controlled aircraft, commonly referred to as *drones*, is prohibited on the grounds of Puamana with the exception of commercially-operated drones for real estate purposes with the prior consent of the General Manager.

13. Individual Units

- a. No living unit may be physically subdivided for rental or lease purposes.
- b. In accordance with Declaration 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 Puamana office.
- c. 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.
- d. The location of portable toilets placed at the job site must be approved in advance by the Puamana General Manager.
- e. No items are permitted to be placed or stored on roofs of units, including lanai roofs, with the exception of solar panels or solar heaters approved by the Architectural Control Committee.
- f. Outdoor lighting: Unit exterior lighting shall not be left on overnight. Outdoor lighting and temporary event lighting shall be permitted on common property provided that it is installed adjacent to the installing Owner's unit, powered by that Owner's unit and is only installed on a temporary basis.

Christmas season lighting shall be permitted from the day after Thanksgiving until January 15th. Any other seasonal lighting shall be permitted no longer than two (2) weeks prior to the event and two (2) weeks after the event. Temporary event lighting shall be turned off by 10 p.m. If temporary lighting or decorations are left up after the allotted time, they will be treated as personal property left on common areas

and removed per Section 15a. Puamana assumes no responsibility for damage due to removal of personal property. The Clubhouse is exempt from this rule.

14. Carports

- a. **Storage:** Items such as bicycles, inflatable boats, or 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 a reasonably neat condition, as determined by the General Manager. No items are permitted to be stored on carport roofs.
- b. **Parking Allocation:** Vehicles may not be parked in assigned parking stalls other than that which is assigned to the unit where the driver is an Owner or Guest. However, an Owner may assign (in writing) to another Puamana Occupant, the use of the covered parking space assigned to the unit Owner 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.

15. Common Areas

- a. Personal property articles of any kind may not be left after 10 p.m. 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. Items may be retrieved by Owner at the Puamana office (\$50 fine; NWR). If not retrieved within fourteen (14) days, property may be disposed of or donated to charity.
- b. Encroachments of the living units, air-conditioning pads, lanais, and other structures and/or fixtures, onto common property are a violation of these Official Rules. Any such encroachments not addressed by a recorded encroachment agreement or reciprocal easement agreement with the Association will subject the Owner to a fine of \$250 per day up to the maximum monthly fine.
- c. The view and access to fire extinguishers may not be obstructed.
- d. Proposed changes to existing landscape on both private and common property must be submitted in writing to the General Manager on the Landscaping Request Form and written approval must be obtained before proceeding. A fee may be charged for plan review. Owners must purchase their own landscaping items unless Puamana has current inventory, in which case the items may be sold to the requesting Owner at the current market price. Owners may be charged for any Puamana labor at the current rate.
- e. The Naupaka shrubs are vital to protecting our shoreline from wave

erosion. The Naupaka and other Association plants may not be trimmed without Association permission. All individuals must use posted beach access when entering the ocean to prevent damaging this essential landscaping. Trampling or cutting the Naupaka without authorization is a rule violation (NWR). Violators will also be charged the actual cost of replacement, including material costs and labor.

- f. All pruning, removal and planting of trees and shrubs will be treated equally throughout the community, according to the following procedure. It is the Landscape Committee's policy to replace all trees and shrubs on property when an existing tree or shrub dies or becomes a liability to the Association. The replacement tree or shrub will be planted as close as possible to the removal spot. The location and variety chosen will be at the discretion of the Landscape Committee, General Manager, and a certified Arborist to ensure the greatest chance of survival for the species. All trees and shrubs are pruned to maintain their health and structure. Trees and shrubs are not pruned to retain or obtain views. The pruning of trees and shrubs are at the discretion of the Landscape Committee, General Manager and a certified Arborist.
- g. No weddings are permitted on Common Property without reserving the area through the Clubhouse Use Guidelines.

16. 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 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.
- f. Service providers may enter Puamana as long as all activity conforms to this section.

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 storage of commercial materials and supplies on lanais and in carports is

prohibited.

17. 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. and 8:00 a.m. daily. If renter or Guest, rental agent and/or Owner will be notified of any subsequent violations after initial warning, in addition to Occupant.

18. 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 dog to a tree or other fixed object on a common property without the attendance of a caretaker constitutes a violation of this Rule. Due to its safety nature and its consistency with MCC, this rule will be strictly enforced without exception, regardless of the size or personality of the dog (Up to \$500 per occurrence; NWR).
- c. All dog droppings must be cleaned up immediately by the party walking the pet.
- d. 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.
- e. Occupants and Guests must not feed others' pets, without the Owner's consent, or wild animals (including wild fowl), on the property.
- f. All pets must be registered at the Puamana office with a 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 in any animals are brought onto the property by trespassers. Vendors are not permitted to bring animals onto the property under any circumstances. Due to its safety nature, this rule will be strictly enforced without exception, regardless of the size or personality of the pet. (\$250 per day; NWR)
- g. 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 hot line. To further facilitate enforcement, Owners and Guests are encouraged to provide a photograph or other details of the violation.
- h. Visually impaired persons may keep guide dogs, hearing impaired persons may keep signal dogs, and physically impaired persons may keep service animals, all as defined in Chapter 515 Hawaii Revised Statutes. Such animals may be kept in the living unit and may be used as reasonably

- necessary for the enjoyment of Puamana.
- i. Dogs are not allowed in the playground area located next to the Dolphin Pool (Pool #3).
 - j. Any violation of MCC Title 6 "Animals" is also a violation of these Rules (\$500; NWR)
 - k. Any dog that is deemed by the Maui Humane Society to be a Dangerous Dog, as defined in MCC Title 6 must be immediately removed from Puamana. The unit Owner of a unit where a Dangerous Dog is kept will be fined on a daily basis, up to the maximum monthly fine, until the Dangerous Dog is removed from Puamana (\$500 per day; NWR).
 - l. The General Manager or his delegated individual may contact the Maui Humane Society, as the official government agency in charge, for help in enforcing MCC regarding animals. In an emergency, if the General Manager or other Puamana staff is unavailable, affected Owners should contact the Maui Humane Society directly.
 - m. All pets must be maintained by their Owners so as not to cause a nuisance for other Puamana Occupants or damage other Owners' property.

19. Signs

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

20. 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, and thereafter the Owner may be fined and/or the dumpster removed at the Owner's expense. (standard fine, per day, if over 14 days (after initial warning); standard fine per day if General Manager approval not obtained (NWR)).
- 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 may be fined and/or removed at the Owner's expense. (standard fine, per day, if over 2 days (after initial warning); standard fine per day if General Manager approval not obtained (NWR)).

An approval card showing expiration date must be obtained from the Puamana office and attached to the Dumpster/Container.

21. 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 approved by the ACC prior to installation.

22. Lanais

Lanais must be maintained in reasonably neat condition, as determined by the General Manager. No items are permitted to be placed or stored on Lanai Roofs, with the exception of solar panels or solar heaters approved by the Architectural Control Committee.

23. Clubhouse

- a. The Clubhouse is a historic Lahaina building and a priceless asset to the Puamana community. As such, it is the duty and responsibility of every Puamana Owner, Occupant, and Guest to treat this valuable facility in a respectful manner. The Clubhouse is available for the enjoyment of all Puamana Occupants and Guests.
- b. Loud, boisterous, destructive, or unsafe behavior is not permitted. The General Manager or Puamana's 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, to leave the vicinity of the Clubhouse immediately. Management may, at its discretion, ban such persons from the Clubhouse for a reasonable period of time. Any individuals causing damage to the Clubhouse or its contents will be held financially responsible for the cost of repair or replacement, as necessary. (Willful damage will result in a fine of \$500 in addition to repair costs; NWR)
- c. Clubhouse may only be used during open hours, as posted at the Clubhouse.
- d. Smoking is prohibited in any area of the Clubhouse at any time, including the Clubhouse courtyard and lanai.
- e. Wet swimsuits are not allowed inside the Clubhouse.
- f. Bicycles, skates, skateboards, etc. are not allowed inside the Clubhouse, in the Clubhouse courtyard, or on the Clubhouse lanai.
- g. Owners may reserve portions of the Clubhouse on an exclusive basis for private parties, functions, or activities. The Clubhouse may also be used by groups on a non-exclusive basis. Applications, fee schedules (if applicable), and detailed guidelines of use are available from the Puamana office or on the Puamana website.
- h. The Clubhouse Bar, unless previously reserved, may be opened for non-exclusive use by individual Owners with no fee or deposit. When opened for such non-exclusive use, the Clubhouse Bar is available to other Owners. Any individual causing damage to the Bar or its contents will be held financially responsible for the cost of repair or replacement, as necessary.
- i. No fundraising or commercial activity may be held at the Clubhouse,

other than Puamana sponsored official events, or educational or cultural activities held for the enrichment of the entire Puamana community.

24. Pools

- a. The three (3) 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/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 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.
- b. Pool #1/Ocean Pool: This 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 is allowed unless headphones are used to avoid disturbing others. Talking on cell phones is also not permitted. Lap swimming is permitted from 7:00 a.m. to 10:00 a.m. daily, or any other time 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. Entry is only permitted from the shallow end.
- c. Pool #2/Mountain Pool: This pool is 3-8 feet deep and is open daily from 8:00 a.m. to 8:00 p.m. Open swimming is permitted during all hours of operation.
- d. Pool #3/Dolphin Pool: This pool is 1-8 feet deep and is open daily 8:00 a.m. to 8:00 p.m. Open swimming is permitted during all hours of operation.
- e. 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. 1 adult per 6 under age users must be present.
- f. 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 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.
- g. Prohibited Equipment: No SCUBA equipment is allowed in the pools, except face masks, goggles, and snorkels or breathing tubes are acceptable. In addition, swim fins may be utilized during lap swimming hours at the Ocean pool. Rafts, inner tubes, and large inflatable items or other objects are not allowed in the pools, except the Dolphin pool (pool #3). However, non-swimmers (whether adults or children) may use appropriate flotation devices in all pools as needed for safety.
- h. Prohibited Conduct: Running, pushing, shoving or loud noise around the pool areas is prohibited. Playing "Marco Polo" and jumping into the pools from any

part of the buildings, walls or railings surrounding the pool areas is prohibited. (Second violation \$25; subsequent violations standard fine and potential loss of pool privileges).

- i. Glass Containers: For safety reasons, no glass containers are allowed in the pool areas.
- j. Litter: Litter receptacles are provided and all pool users are expected to clean up after themselves.
- k. 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 damage, loss, or theft of personal belongings left in the pool area.
- l. Pets/Restricted Items: No animals, bicycles, skates, skateboards, etc., are allowed at the pools. However, visually impaired persons may use guide dogs, hearing impaired persons may use signal dogs, and physically impaired persons may use service animals as defined in Chapter 515, HRS, as reasonably necessary for the enjoyment of Puamana. No animal is permitted to be inside the pool.
- m. Health Precautions: General health precautions should be observed. Persons with infectious diseases shall not use the pools.
- n. Accidents: Any accidents must be reported to management immediately.
- o. Smoking: Smoking is prohibited in the pool areas.
- p. Compliance: All Puamana Occupants and Guests shall comply with the requests of the General Manager in respect to matters of personal conduct in the pool areas. Anyone violating the above Rules may 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 at all times by the Occupant inviting them to use the pools.

25. Tennis Court

- a. Appropriate attire and tennis shoes must be worn on the tennis court.
- b. Sign-up sheets for tennis court times are available at the Puamana 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 times will be held every day or every other day at the Clubhouse. Owners may sign up at 4:30 p.m. and all other users may sign up at 4:45 p.m.
- c. 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 minutes past the hour scheduled, the court becomes a free court for the remaining time. If you are unable to make your court time, you must call the Puamana office to cancel so that someone else may play.
- d. Tennis courts are to be used at the players' own risk.
- e. Bicycles, skates, skateboards, pets, etc. are not allowed on court surfaces.

- f. Violations of court rules may result in loss of court privileges for a period of time, in addition to fines.

26. Penalties for Violation of the Rules

- a. All Occupants and Guests are obligated to observe all Rules adopted from time-to-time by the Board, and shall comply with all reasonable requests of the General Manager and Puamana's staff in the enforcement of these Rules.
- b. Persons who violate the Puamana Declaration, 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.
- c. Any person who has been charged a fine for violation of these Rules, or has willfully damaged Puamana property, shall pay the fine and all costs for restoration or replacement of any damaged property, including any legal fees that may be required to exact such charges.
- d. At the sole discretion of the Board, Puamana may pay a reward of up to \$1,000 for any information leading to the prosecution and conviction of any individual for theft or damage to private property or common property at Puamana.
- e. Any Occupant of Puamana, employee or contractor may register a written complaint with the General Manager if he or she believes that these Rules are being violated. If the complaint is verified by the General Manager, a letter will be sent to the unit Owner/managing agent 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, unless stated otherwise.
- f. For violations of ACC Rules and various procedures that are considered serious violations (e.g., violations posing a risk to health or safety) and certain other violations described herein, no warning is necessary prior to the imposition of fines.
- g. 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 the standard fine amount, not to exceed \$250 per occurrence or per day, as the case may be, up to the maximum fine permitted in the Association Bylaws, currently \$2,000 per month. All indicated fine amounts are maximum fines subject to the discretion of the General Manager.
- h. All Official Rule violation notices and fines may be appealed to the Puamana Board. Upon payment of all outstanding fines, a member may appeal in writing to the Board at the next regular Board meeting. Unless the Board decides to waive a fine based on an appeal, the fine will stand. 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 will be assessed against the unit Owner and treated as a special assessment, except for parking, vehicle moving violations, 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.

- i. Owner payments will be applied to any fines (and certain other liabilities) before monthly maintenance assessments.