

# ASSOCIATION OF APARTMENT OWNERS OF PANIOLO HALE

## HOUSE RULES

Approved by the Board of Directors as of May 11, 2019

In order for Paniolo Hale to be a pleasant community for both visitors and residents, and to enhance the safe enjoyment of the premises, the Board of Directors has established House Rules. These rules apply to anyone who comes onto the property, including all owners, visitors, guests, tenants, and workers. Standards of reasonable conduct shall apply in all cases, regardless of specific mention in the House Rules. Violations should be reported to the Resident Manager.

### I. General

1. All persons occupying a unit must check in at the office upon arrival and be registered with the Resident Manager's list in the office lanai. All surnames should be listed with unit number and auto license platenumber.
2. Occupancy limits for apartment units are two persons per bedroom, plus two additional persons: provided that families with children under the age of 18 may apply for reasonable exemptions from these limits for those children.
3. Use of the facilities and recreation areas is limited to apartment owners, tenants, and registered guests.
4. Maintenance and grounds-keeping personnel are directed solely by the Resident Manager, and may not be diverted from their assigned duties during their regular working hours.
5. It is customary in Hawaii to remove your shoes and wash off sand before entering a dwelling.

### II. Safety and Sanitation

1. Fireworks of any kind are prohibited. BB/pellet guns, wrist rockets, slingshots, crossbows, bow and arrow, guns, and any other projectile devices are prohibited.

2. Cooking over coals or fires is prohibited. Hibachis are not permitted anywhere on property. Please use the installed gas barbecues by pool and on lower property area.
3. Cleaning of fish is permitted in the unit only: all cleaning materials need to be properly disposed of in the dumpster, not in trash cans. No butchering of game is permitted on the grounds or in the units.
4. Household garbage and packaging materials must be bagged and placed in receptacles in the trash collection areas. Cardboard boxes should be flattened and left in the trash area. Please recycle your aluminum cans. Flush toilet paper only: our sanitation system is delicate.
5. No grease, seeds, or toxic chemicals (Drano, etc.) should be washed down the drains.
6. For your safety, please keep to the paved walkways.
7. The ocean surf and currents are hazardous, and no lifeguards are on duty. Enter at your own risk.
8. Beware of flying golf balls when approaching the fairways.

### III. Vehicles

1. Speed limit is 10 miles per hour.
2. One parking space is allowed for each apartment. If a unit has more than one vehicle while an owner is on property, the second vehicle is to be parked in "Storage" or close to storage if all storage spaces are full. Please be considerate of other owners and renters in the choice of parking space you use.
3. Vehicles must be parked in designated parking areas only. Parking or driving on the grass, or blocking roads or driveways, is prohibited.
4. Boat, camper trailers, and dune buggies are not permitted anywhere on the property. Any other trailer that fits in a "Storage" parking space may

be parked overnight if there are "Storage" parking spaces available. All trailers, unless in use for construction site on the property, must be removed by 9:00am.

5. At all times when an owner is "off island" for any time exceeding two weeks, their vehicle is to be parked in a space marked "Storage". Vehicles left should be in operable condition. If all "Storage" spaces are filled, consult with the Resident Manager on where to park.
6. Oil changed and vehicle repairs (except emergency repairs) may not take place on the property.

#### IV. Activities

1. Skateboarding, roller-skating, and rollerblading are not permitted on the property. Bicycles may not be ridden at high speeds or in an unsafe manner.
2. Golf shoes or any shoes with spikes should not be worn on wooden steps, entryways, or the interior of the apartments. Use of grounds for parties requires permission of the Resident Manager.
3. The swimming pool is open from 9:00 a.m. to 8:00 p.m. The pool is reserved for lap swimming from 11:00 a.m. to noon and from 5:00 p.m. to 6:00 p.m. Please shower before swimming.
4. Owners and residents are responsible to see that pool rules are obeyed. Owners and residents must ensure that family members and guests who are non-swimmers or weak swimmers are accompanied at all times in the pool area by someone who can ensure their safety. In particular, a child under the age of 12 should be accompanied by an adult when using the pool, unless child is a competent swimmer. Excessive noise of splashing is prohibited.
5. Additional pool rules posted in the pool area must be observed.

#### V. Noise and Nuisance

1. Dogs are not permitted on the premises, with the exception of dogs,

which are required by disabled resident or guests because of their disabilities. See separate animal policy by contacting the Resident Manager.

2. The feeding of all wildlife on property is prohibited. This applies, but is not limited to, feral cats, turkeys, deer and wildbirds.
3. Quiet hours are 10:00 p.m. until 8:00 a.m. Hot tubs may not be operated during quiet hours. Televisions, radios, stereos, etc. must be operated at a reduced volume. Lanai doors should be closed if the noise can disturb others.
4. Excessive noise is not allowed at anytime.
5. Interior, outside and lanai construction work with power tools, etc. is permitted from 8:00 a.m. to 5:00 p.m., Monday through Saturday. However, no construction noise is permitted on Sunday and the following legal federal/state holidays: New Year's Day, Memorial Day, King Kamehameha Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Emergencies are an exception.
6. SMOKING is banned in or on all common elements of Paniolo Hale unless specifically designated as a smoking area. This ban includes but is not limited to the parking lot, BBQ area, pool area, grass and landscape areas. Smoking is allowed by owners within their apartment only if it cannot be detected from outside of the unit. Smoking shall mean inhaling, exhaling, burning, lighting, or possessing any lit: cigarette, cigar, pipe, or any other smoking device whether for tobacco or any illegal smoked substance. Owners must inform guests and/or tenants that smoking is prohibited as provided in this rule. Owners will be held responsible if guests and/or tenants violate the no smoking rule.

## VI. Responsibilities of Owners

1. Apartment owners must assume the ultimate responsibility for the conduct of any occupants of their units, and must ensure that the behavior of all occupants is in accordance with the House Rules and By-Laws of the Association at all times. Consequently, owners must pay for (A) any damages to the common elements caused by occupants of their units or guests of those occupants, and (B) any fines, which are assessed against their units for violations of the

House Rules and By- Laws by the occupants of their units or guests of those occupants. Owners must deliver to their guests, visitors, or tenants a copy of these House Rules, and all lease or rental agreements must include these House Rules. In addition, the House Rules must be prominently displayed in all rental units.

2. Under Hawaii State law Act 326, all absentee owners renting or leasing their apartments must, at their own expense, designate an on-island representative who will conduct periodic inspections of their apartment and attend to all problems related to the interior of their unit, its contents and its occupants. Owners must provide their occupants and the Resident Manager with the name and telephone number of their representative. Any changes to the owner's on-island representative by law shall be updated/reported to the Resident Manager in writing within 30 days.
3. Any time an apartment will be uninhabited for three days or more the water to the entire apartment must be shut off using the outside shut-off valve. Shutting off the water is the responsibility of the owner. If the apartment is a rental, the owner must instruct their on-island representative to shut the water off to the entire apartment after each rental. To ensure that the apartment's water heater is not damaged if it leaks dry, it is also the owner's responsibility to turn off the electricity to the water heater whenever the water to the apartment is shut off.
4. Should the Resident Manager have to deal with any owner responsibility problems relating to any unit, the owner will be charged for each occurrence a minimum of one hour at current work-order rates up to the hour from 5:00 p.m. and overtime rate of double the current work-order rates from 5:00 p.m. to 10:00 p.m., and that triple the current work-order rates will apply after 10:00 p.m. There will be a minimum 1-hour charge for each occurrence at the prevailing rate. The Resident Manager must first, if possible, contact the on-island agent before taking any action. In an emergency the Resident Manager has full discretion to handle the emergency for the Association and the owner(s).
5. In the case of persistent or repeated violations of the House Rules and/or By-Laws of the Association by tenants or guests, the Managing Agent shall require the owner to remove said tenants or guests from the premises without compensation for lost rental income or other

damages resulting therefrom.

6. The Board of Directors or its Managing Agent has the right to enjoin, abate, or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach, and all costs thereof, including attorney's fees, shall be borne by the defaulting apartmentowner.

## VII. Violations

If any person violates any of these Rules, the Board of Directors or the Managing Agent may:

1. Enter the apartment in which, or as to which, such violation or breach exists and summarily abate and remove, at the expense of the defaulting apartment owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions hereof, and the Board of Directors or the Managing Agent shall not thereby be deemed guilty in any manner of trespass; or
2. Enjoin, abate, or remedy, by appropriate legal proceedings, either at law or in equity, the continuance of any such breach; and all costs thereof, including attorneys' fees, shall be borne by the defaulting apartmentowner.
3. Impose fines upon apartment owners, tenants, and employees of an apartment owner, and any other person using or coming upon the project or any part thereof for any purpose whatsoever, for violations of the Declaration, the By-Laws, or these House Rules. The Managing Agent and/or the Resident Manger may impose the aforementioned fines in accordance with a schedule of fines. All persons fined may appeal from the penalty imposed by the Board of Directors, the Managing Agent, or the Resident Manager as follows:
  - A. Notice of Appeal. By filing with the Managing Agent or Secretary of the Board of Directors, within thirty (30) days after receiving notice of such fine, a written notice of his or her appeal and the reasons therefore. The filing of a notice of appeal shall not halt accrual of any ongoing fines imposed for the violation, which is the subject of the appeal. However, the Board of Directors may

waive or rescind all or part of the fine at the time of the hearing of such appeal.

- B. Time for Hearing Appeal. All appeals shall be heard at a meeting of the Board of Directors within ninety (90) days after the notice of appeal has been filed with the Managing Agent or Secretary of the Board of Directors.
- C. Procedure. The cause of the fine shall be reported in writing by the Board of Directors, the Managing Agent, or the Resident Manager, if any, at such meeting, with a statement of the facts upon which the fine was based, a copy of which shall be furnished to the appellant at least ten (10) days before the meeting, at which time a copy thereof shall also be filed with the Secretary. The appellant shall then present his or her defenses in writing, to which the Board or its designee may reply orally. The appellant or any owner or other person on the appellant's behalf may then respond, and the Board or its designee may again speak in support of the fine imposed. No further discussion, except as are allowed by the Board, in its reasonable discretion, shall be allowed. Disposition of Appeal. The Board of Directors shall vote as to whether the fine shall be affirmed. If a majority of the Directors present vote in the affirmative, the fine shall stand and shall be remitted by the appellant in full, within seven (7) days of the date that the appellant is notified of the decision of the Board of Directors. If less than a majority of the Board present votes in the affirmative, then the fine shall be rescinded.

### VIII. House Rule Violation Fines

House Rule Violation Fine Procedures: For the first House Rule Violation, a warning will be issued; the second offense a \$50 fine will be issued; the third offense a \$100 fine will be issued; and each subsequent offense a \$150 fine will be issued. Expenses incurred as a result of an owner's negligence, such as debris clean up and additional dumpster pick-ups, will be charged to the offending owner.

**THESE HOUSE RULES SHALL BE STRICTLY ENFORCED. ANY INFRACTIONS SHOULD BE REPORTED TO THE MANAGING AGENT / RESIDENT MANAGER.**