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## BOARD POLICIES AND HOUSE RULES FOR OWNER'S GUEST

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### BOARD POLICIES FOR OWNER'S GUESTS

#### 1. GENERAL

Each Owner's family member, Owner's guest, Owner's visitor or guest's visitor, Owner's long-term renter, and guest renting a unit on a short-term basis ("Renter") must observe these Board Policies and House Rules For Owner's Guest ("Guest Rules"). The term "Resident" as used in these Board Policies and House Rules refers to the individuals currently occupying a unit at Polo Beach Club and includes Owner's family members, Owner's guests, visitors, long-term renters, and Renters.

The Polo Beach Club AOA ("Association") office is open Monday through Friday (8:30 a.m. to 5:00 p.m.) and Saturday (11:00 a.m. to 4:00 p.m.), except for major holidays and certain state holidays. The Polo Beach Club managing agent (the "Manager") is generally on the premises Monday through Friday (8:00 a.m. to 5:00 p.m.), except for major holidays and certain state holidays. The Association office can be reached by dialing "0" on an in-house phone or on an outside line by dialing (808) 879-8847.

Any violation of Guest Rules should be promptly reported to the Association office or to a member of the Board of Directors ("Board").

If a violation occurs when the Association office is closed and a Board member cannot be reached:

- If it IS an emergency, call 911.
- If it is NOT an emergency, call an on-site employee by dialing (808) 269-3663. If no one responds in five minutes, continue to call until a response is received.

#### 2. COMMON SENSE POLICY

As a community, Polo Beach Club must rely on all Resident's common sense, common decency, good manners and consideration for others. Residents must also take responsibility for the security of their units and their belongings. Likewise, all Residents must rely on the Board to be fair, to not be arbitrary and to be reasonable in the enforcement of any rule and the imposition of fines or late fees.

#### 3. NON-DISCRIMINATION POLICY

Pursuant to Hawaii Revised Statutes Chapter 515, Title VIII of Civil Rights Acts of 1968 as amended by the Fair Housing Amendments of 1988, and this non-discrimination policy, the Association does not discriminate on the basis of race, sex,

including gender identity or expression, sexual orientation, color, religion, marital status, familial status, ancestry, disability, age or HIV (human immunodeficiency virus infection) in housing or real estate transactions. It is our policy to extend to all individuals the full and equal enjoyment of the advantages, facilities, privileges and services consistent with HRS Chapter 515 and the Federal Fair Housing Laws. When providing services and facilities or enforcing the rules at Polo Beach Club, the Association will not allow discrimination, except as permitted by law. In particular, the Association will not treat any person unequally:

- a. in granting or withholding any approval or consent required under the Guest Rules;
- b. in enforcing requirements of the Guest Rules about occupancy of the units; and
- c. in connection with requests of disabled Residents of Polo Beach Club to have certified guide dogs, signal dogs, or other animals required because of the Resident's disability; except that if the animal becomes a nuisance to others, it will not be permitted at Polo Beach Club and will be removed.

The Board will suspend any requirement of the Guest Rules, which, if enforced, could result in unlawful discrimination.

#### **4. ENFORCEMENT POLICY**

The Association uses verbal warnings and fines as ways to minimize violation of Guest Rules.

Article III, Section 2(j) of the By-Laws of the Association gives the Board the power to impose monetary fines upon Owners, their tenants, and anyone else using units at Polo Beach Club for violations of the Declaration, By-Laws and House Rules of the Association. Article V of the By-Laws also gives the Board the power to delegate to the Manager the power to act for the Board.

The type of enforcement action used and the amount of any fine (up to a maximum of five hundred dollars (\$500)) is at the discretion of the Manager and/or Board member and is influenced by the rule violated, the severity of the rule violation, and the frequency of rule violations. Depending on the seriousness of the violation, it also may be necessary to contact the Maui Police Department.

If an individual other than the Manager or a member of the Board has confronted a rule violator, the person who confronted the violator should notify either the Manager or a member of the Board as soon as possible.

If a Resident has violated the Guest Rules and the violation has been brought to the attention of a member of the Board or the Manager, the Board member or the Manager will use his or her judgment to either:

- a. Verbally notify the Resident of the rule violation and that continued violation of the Guest Rules will result in a fine of up to five hundred dollars (\$500). In addition, the Board member or Manager will notify the unit Owner or rental agent by telephone, fax or email of the incident and that the Resident may be subject to a monetary fine if rules continue to be violated; or
- b. Verbally notify the Resident of the rule violation and provide the fine notice in Attachment A to both the Resident and the unit Owner.

Fines may be appealed according to the procedures set forth in the fine notice in Attachment A.

### **HOUSE RULES FOR OWNER'S GUEST**

#### **1. GENERAL**

- 1.1. All Residents staying at Polo Beach Club must register with the Association office prior to proceeding to the unit. In the event the Association office is closed, Residents must register with the Association office as soon as possible after the office opens for business.
- 1.2. Soliciting of goods, services or religious activities is not permitted on the premises of Polo Beach Club.
- 1.3. Smoking is prohibited throughout all common and limited common areas of Polo Beach Club, including but not limited to lanais. For a definition of common or limited common areas, see the Manager.
- 1.4. Any suspicious person or suspicious activity observed on the property must be reported immediately to the Association office. In the event the Association office is closed, and the situation is NOT an emergency, call the assigned on-site Association employee by dialing (808) 269-3663. If no one responds in five minutes, continue to call until a response is received. In the event of an emergency, call 911.

- 1.5. Employees of the Association may do work or perform errands for a Resident on the employees' own time after their work shift. All such work shall be governed by the agreement between the Resident and employee and will not be considered part of the employee's responsibilities as an employee of the Association. The Association will not be responsible for the employee's injuries or actions while working for the Resident.
- 1.6. Each Resident will assume financial responsibility, as it relates to the violation of any of these Guest Rules or any damage to Polo Beach Club, for the actions of themselves or anyone occupying or working in their unit.
- 1.7. Vendors supplying services or products to a unit will conduct their business only during the hours of 8:00 a.m. and 5:00 p.m. on regular working days (Monday through Friday, excluding holidays) ("Regular Working Days"). Vendors who provide daily services to Renters and guests are permitted to perform those services on an as needed basis without regard to the hour of the day or day of the week.

## **2. NOISE AND QUIET HOURS**

- 2.1. All persons must be considerate of others to ensure a peaceful environment at the Polo Beach Club. Noise that generally disturbs others will not be tolerated.
- 2.2. Quiet hours are between 10:00 p.m. and 8 a.m. in common areas, limited common areas and units.
- 2.3. Any entertainment noise, such as music, television, radio or parties, loud enough to disturb others is strictly prohibited at all times during the day and night. If necessary, the Resident creating the noise should close windows and doors to minimize the disturbance.
- 2.4. Common area landscaping equipment noise will be limited to 9:00 a.m. and 3:00 p.m. on regular working days.

## **3. GENERAL UNIT USE AND APPEARANCE**

- 3.1. No commercial or business activities will be conducted in any unit.
- 3.2. No items of any kind may be thrown from the lanais or any other parts of the building.
- 3.3. Every effort should be made to minimize any water which might drip on lower level floors when watering plants or mopping the lanai floor.
- 3.4. Plumbing and electrical equipment, such as water heaters, laundry machines, toilets and garbage disposals, must be used only for the purposes designed. Sweepings, diapers, rubbish, rags and paper trash must be disposed of in proper trash containers and not through the plumbing system. In the event the misuse of such equipment results in damage to the building, common areas, other units or the contents of other units, the Resident and/or Owner causing the problem will be held financially responsible for the repairs of such damage.
- 3.5. In the event any part of a unit's plumbing or electrical systems, equipment, or any other element within the unit and not part of the common area should fail and cause damage to another unit or its contents, the building or common areas, the Resident and/or Owner of the unit causing the damage shall be financially responsible for the cost of repairs and/or replacement
- 3.6. No articles, such as beach towels or clothing or other unsightly items, shall be draped over or hung on the building or lanai railings.
- 3.7. Holiday and seasonal items, such as lights or decorations are not allowed on the exterior of units, including lanai railings. The Board may grant special permission for any one-day event.

## **4. COMMON AREAS**

- 4.1. The common areas (such as grass lawns) are for the enjoyment of all. Only quiet games and limited activities that do not disturb the occupants of the building may take place on the grass lawns. Games and other activities involving the throwing or kicking of objects are not allowed in the Polo Beach Club common areas. The County Park and beach may be appropriate for these activities.
- 4.2. The public stairways, walks and passageways must not be obstructed at any time.
- 4.3. Personal items (shoes, beach chairs, boogie boards and small beach equipment) may be placed neatly outside of a unit's entry; however, they may not extend beyond the floor to ceiling stucco wall adjacent to the entry window.
- 4.4. Permanent items (doormat, basket, bench, and a potted plant) may be placed neatly outside of a unit's entry; however, they may not extend beyond the floor to ceiling stucco wall adjacent to the entry window. All items other than the bench must be removed when unit is unoccupied and during scheduled building wash-downs.
- 4.5. Shoes may be placed under or inside the bench unless the entry does not have a bench or basket in which case the shoes may be placed neatly at the entryway.
- 4.6. Anyone tampering with the defibrillator, fire equipment, fire alarms, fire door or the fire sprinkler system shall be subject to criminal charges and will be financially responsible for the repair of any damage resulting from such tampering.
- 4.7. Hazardous materials (not including household cleaning agents, paint and related paint supplies), highly flammable items or explosive substances may not be brought onto the premises.

- 4.8. Structures, furniture or any item, which could interfere with a unit's view, may not be permanently located in a common area without approval from the Board.

## **5. VEHICLES**

- 5.1. All parking at Polo Beach Club is by permit only. A parking permit may be obtained by registering with the Association office during office hours. Parking permits must be displayed at all times. There is no charge for a parking permit. Permits will be issued as follows:
- 5.2. Each Unit is entitled to one parking space. The first vehicle on property for a unit will receive a "Blue parking permit."
- 5.3. Second vehicles attributable to a unit and driven by an Owner will receive a "Green parking permit."
- 5.4. Second vehicles attributable to a unit and driven by a guest of an Owner will receive a "Tan parking permit."
- 5.5. Each unit will be limited to one blue and either one green or one tan parking permit (a maximum of two permits per unit).
- 5.6. If there is insufficient parking space for vehicles in the garage, the garage will be limited to only one vehicle per unit and the following procedures will be followed:
- 5.7. The Manager will notify homeowners with more than one (1) car in the garage (Green parking permits) to remove their second vehicle from the garage to the upper parking area. Notification will be in writing and the owner of the vehicle will have 48 hours to remove the vehicle from the garage. If parking in the upper lot becomes full, the entry street and the main street may be used for over-flow parking. (There is no over night parking permitted in the public parking lot.)
- 5.8. In the event the owner of the vehicles required to relocate does not do so within the specified time, the Manager has the authority to have the vehicle relocated at the expense of the Owner/guest. In those instances where the owner of the vehicle is not on property when notice of removal is provided, the vehicle need not be removed until such time as the owner of the vehicle returns.
- 5.9. Parking in any stall is at the Owner's/Resident's risk.
- 5.10. For individuals performing work on units, an unloading zone (15 Minute parking) is provided above ground and is clearly marked and is the only area designated for the loading or unloading of equipment or materials. If additional space is required, the Manager should be consulted.
- 5.11. Any vehicle that cannot be reasonably accommodated by any Polo Beach Club parking space shall be prohibited from parking on the property.
- 5.12. All vehicles must be parked in designated parking stalls.
- 5.13. Vehicles may not be repaired while in the parking areas, with the exception of minor emergency repairs.
- 5.14. The racing of engines or squealing of tires is not permitted.
- 5.15. Parking areas may not be used for recreational activity.
- 5.16. Items of personal property, other than an authorized vehicle, may not be kept in any parking stall.
- 5.17. Any vehicle parked or articles stored in violation of these rules may be towed or removed 24 hours after notice is given and any associated costs will be the responsibility of the Owner/Resident.

## **6. GARBAGE AND REFUSE**

- 6.1. Polo Beach Club encourages the recycling of trash. Recycling trash bins can be found on each floor by the trash chute (located by the elevators on each floor) and in the garage level trash collection room. All garbage must be wrapped or bagged before being placed in either the trash chute or in the containers located in the garage level trash collection room.
- 6.2. Wet garbage, cardboard boxes, large bottles, or any other object that may hinder movement of trash through the trash chute or damage the trash chute are not to be placed in the chute. Such items are to be placed directly in the containers (which are clearly marked as to type of trash) located in the garage level trash collection room.
- 6.3. Pet trash (sand, litter, paper, etc.) must be well wrapped to avoid leakage.
- 6.4. Flammable items, explosives, hazardous materials and other such items shall not be placed in the trash chute or recycling bins. See the Association office regarding how to dispose of all types of hazardous materials, including but not limited to paint and paint equipment. In the event it is determined that a hazardous material has been improperly disposed of at or on the property, the appropriate government agency shall be contacted and asked to take appropriate action against the individual known to have disposed of the hazardous material.
- 6.5. Garbage containers, bottles or other items of refuse are not to be placed outside of a unit or adjacent to the trash chutes.

## **7. BARBECUE AREA**

- 7.1. Rules for use of the barbecue area are located by the barbecues and must be followed at all times.
- 7.2. Barbecue hours are from 10:00 a.m. to 10:00 p.m. daily.
- 7.3. The barbecue area is to be used by Residents only.

## **8. SWIMMING POOL AND SPA**

- 8.1. Polo Beach Club wants a safe swimming pool and spa area for everyone. There is no lifeguard on duty at the pool/spa and use of the pool/spa is at the user's own risk. Safety rules are posted in the pool/spa area and must be followed at all times. All Residents are responsible for the health and safety of themselves, their family members and their guests who use the pool and spa and for ensuring that all rules for those facilities are obeyed. All pool policies are age neutral and apply to all persons equally.
- 8.2. Swimming and spa use are permitted during the hours of 8:00 a.m. to 10:00 p.m. daily.
- 8.3. Persons who are incontinent or not toilet-trained may only use the pool while wearing swimwear designed to prevent spillage.
- 8.4. Owners and other Residents must ensure that someone who can safeguard their safety accompanies family members or guests who are non-swimmers or weak swimmers in the pool area at all times. In particular, an adult should accompany a child under the age of 12 when using the pool, unless the child is a competent swimmer as determined by the child's parent or guardian. The Association office should be notified immediately if an unsupervised child in the pool does not appear to be a competent swimmer. If the Association office is closed, the assigned Association employee should be notified immediately by dialing (808) 269-3663.
- 8.5. A spa is considered a health hazard for pregnant women, small children, elderly adults and those with certain health problems. Any person who may be adversely affected by the heat or humidity of the spa, such as young children, should not use the spa. Since prolonged exposure to high temperatures can adversely affect children under the age of 12, a parent, guardian or other adult who can ensure their safety when using the spa should accompany them.
- 8.6. After using the swimming pool, swimmers must dry themselves thoroughly before entering the building or elevators.
- 8.7. Running, pushing, shoving or any other loud and boisterous conduct (such as playing Marco Polo) is not permitted in the pool area, pool or spa.
- 8.8. Any activity that takes over the majority of the pool or spa is not permitted and no activity can take precedence over other pool use.
- 8.9. Scuba gear, large toys, body boards, surfboards or other beach equipment may not be used in the pool, spa or pool area. Swimming goggles or masks are allowed.
- 8.10. All noise-producing devices (cellular/cordless phones, pagers, 2-way radios, etc.) may not be used in the pool area and the surrounding areas, except in an emergency. Radios and players may be used with headsets so as not to disturb others.
- 8.11. The use of glassware, bottles, ceramics, chinaware or other breakables in the pool area is not permitted.
- 8.12. The preparation or serving of a meal(s) is not permitted in the pool area. However, snacks and drinks may be consumed in the pool area.
- 8.13. All trash must be placed in the trash bin provided.
- 8.14. The Board of Health regulations prohibit:
- 8.15. All persons known to be or suspected to be afflicted with infectious disease, suffering from a cough, cold or open sores from using the pool and spa.
- 8.16. Spitting, spouting of water or blowing the nose in the pool or spa.
- 8.17. Pets are not permitted in the pool area, pool or spa, except where the pet is needed by a handicapped/disabled Resident or guest and only if the animal does not cause a nuisance or unreasonable disturbance.
- 8.18. Pool furniture may not be moved from the fenced in pool area.
- 8.19. Objects such as balls, footballs, or water toys may not be thrown at the pool or within the pool area.

## **9. LAWN FURNITURE**

- 9.1. Lawn furniture has been provided in the following locations and may not be moved from these locations.
  1. Pool area – grass terrace (6 lounge chairs)
  2. Pool area – south lawn (6 lounge chairs)
  3. North lawn – ocean area “grass terrace” (2 lounge chairs)

## **10. PETS**

- 10.1. Visiting pets are not allowed on the property unless the pet is necessary for a handicapped/disabled visitor.

*Dear Owner and Guest:*

*You have been informed that you or the individuals named below have violated the following rule(s) on the date(s) indicated:*

<b><i>Rule Violated</i></b>	<b><i>Individual who committed the violation</i></b>	<b><i>Date of Violation</i></b>
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*Because you have failed to comply with the Owner’s Guest House Rules, you have been fined XXX dollars (\$XX). If you believe you have been wrongfully assessed a fine, you have the right to appeal to the Board of Directors (“Board”) within 30 days from the date of this notice. Provide the Board a copy of this notice, a statement of facts regarding the violation and why you believe a fine should not be enforced. At the next scheduled Board meeting or at a special Board meeting, your appeal will be reviewed. You may attend in person or by phone that portion of the meeting applicable to your appeal. The Board has the right to cancel any fine imposed if a majority of the Board believes it was imposed in error. If, however, the Board affirms the fine, you have the right to take the matter to outside mediation in accordance with Section 514A-90(d) of the Condominium Property Regime Act. However, before requesting mediation, the fine must be paid within 30 days of the Board’s decision to uphold the fine. If you do not dispute the fine or do not appeal to the Board in a timely manner, the fine must be paid within 30 days of the date of this notice. Failure to pay the fine timely, by the 45<sup>th</sup> day following the date of this notice, will result in a late fee of ten percent (10%) of the fine being charged and the late fee will continue to be imposed each month until the fine and any accrued late fees have been paid. This may result in a lien being placed on the Owner’s unit.*

*It is unfortunate we found it necessary to fine you but we have an obligation to all of the other Owners and guests to provide a safe and enjoyable environment.*

*Respectfully,*

*Cc: President of Board  
Manager  
Owner/Agent*