

DEVELOPMENT RULES

HUALALAI COLONY COMMUNITY ASSOCIATION

As Amended August 9, 2016
(Sections: 'C', 'D', & 'K' amended)

As homeowners and residents of Hualalai Colony, we all enjoy the peacefulness and serenity that living in this beautiful community offers. We also share the responsibility of adhering to reasonable and mutually agreed upon guidelines established to ensure the quality of life we cherish here. It is therefore important that every owner in Hualalai Colony understand and abide by these rules of neighborly conduct.

A. Pets

1. Any pet that is not within the boundary of a resident's property must be controlled by the owner at all times. Any pet that is not within the boundary of the resident's property must be on a leash at all times, unless the handler qualifies for an exemption under the Americans with Disabilities Act of 1990.
2. Pet owners are responsible for immediately removing any waste deposited by their pet(s) on the common area or another owner's property.
3. Barking dogs that annoy the neighbors in the sub-division "shall be deemed an annoyance or nuisance" and are prohibited by the Declaration. Continuous barking at any time for more than ten (10) continuous minutes shall be deemed such an annoyance or nuisance.
4. Feeding or sheltering feral mammals anywhere within the subdivision, including on individual lots or in any residence, is prohibited.

B. Vehicle Control

1. All vehicles, trailers or watercraft of any kind must be parked on paved driveway areas located within the boundaries of an Owner's lot. An occasional party is the exception. Also excepted are construction/service vehicles during regular construction/service hours. Vehicles, trailers or watercraft of any kind may not obstruct any private or county right of way.
2. No truck of more than one ton capacity shall be kept, placed, or maintained upon any lot in such a manner that such truck is visible from adjoining streets or neighboring properties. (See also rules which implement Article III, section 3.01 (c) and which are set forth below).

C. Gate Security

1. Owners, residents or tenants should not disclose their personal gate security codes to any person(s) not staying with them in the community.
2. Owners, residents or tenants will use the guest directory system at the gate to admit their guests.

3. Owners, residents or tenants shall obtain limited access codes from the Managing Agent for contractors, trade persons, etc.
4. Any owner, resident or tenant gatherings or events expected to involve more than twenty (20) guests are required to arrange for the entrance of their guests through the Managing Agent. Tampering with or otherwise disabling the gate mechanism is prohibited. (Code requests can only be made during business hours, Monday to Friday).
5. Gate codes shall be four (4) digits and shall be changed every four (4) months; do not reuse any code within a one (1) year period.

D. Noise Abatement

1. Consistent with Article III, section 3.02, subdivision (e) of the Declaration, no exterior speakers, horns, whistles, bells, or other sound devices except security devices used exclusively to protect the security of the lot and improvements thereon, shall be placed or used on any lot or common area, which is unnaturally loud or annoying, excepting construction and construction-related activities as stated in paragraph “E” below.
2. No radios, “boom boxes” or other similar devices are permitted on construction sites at any time.
3. Quiet hours in the subdivision – 10:00 p.m. to 7:00 a.m. – are strictly enforced. However, any noise causing a disturbance to the neighborhood or neighboring lots at any time will be in violation of these Rules and the Declaration.
4. Fireworks of any kind are strictly prohibited

E. Construction and Construction Related Activities

1. Construction, material delivery, equipment delivery or other construction related activities and noise is not permitted by outside labor on weekends, State or Federal holidays, nor before 7:00 a.m. or after 5:00 p.m. on weekdays. ‘Official’ State and Federal Holidays refer to the officially sanctioned holidays by the State of Hawaii and the US federal government. These dates will be posted to our website www.hualalaicolony.com each year in the Community Calendar and Upcoming Events sections.
2. Owners should be aware of possible automatic fines for contractors working on these prohibited days and times (see attached list of State and Federal Holidays) excepting emergency repairs (e.g., roofs, plumbing, electrical, but excluding pools, spas or irrigation systems unless such repairs are essential to avoid leaks or structural damage to the pool/spa or irrigation systems).

F. Visible from Neighboring Property

As contained in Section I [“DEFINITIONS”] of Hualalai Colony CC&Rs, “six feet above” shall be interpreted as 6' 0" even, no more and no less.

G. Garage, Moving, Estate, or Relocations Sales Prohibited

No activities, commonly referred to or characterized as ‘garage sales’, ‘estate sales’, ‘moving sales’, ‘relocation sales’ or the like are permitted at any time on any lots, common areas or common grounds within the property boundaries of Hualalai Colony subdivision.

H. All Lots, Including Vacant Lots

All lots, including vacant lots, must be kept free of trash and rubbish. Grass or other ground cover must be kept in a “trim and healthy condition”. The Board has specified the definition of “trim” to mean less than 12" in height. Owners have the responsibility of maintaining their own property within these guidelines or the Association may have the required maintenance done at the owner’s expense.

I. Notice of Rules

Owners are required to ensure their tenants, visitors, guests, contractors, service vendors, etc. are familiar with and abide by these rules.

J. Use of Common Area Recreational Facilities by Owners, residents and tenants and guests

Before using the courts, owners, residents, or tenants must accompany their guests (overnight guests excepted) to the Pavilion and sign their guests in using the ‘Sign-in Book’ found inside this location. Any use of the common areas by a non-owner, a non-resident, a non-tenant, or a non-overnight guest requires the physical presence and active participation of the owner, resident, or tenant during the entire period of such use.

1. Owners, residents, tenants, or overnight guests will provide the following information:
 - a. Date and time of use
 - b. Lot number and last name of owner, resident or tenant
 - c. First and last name of all guests
2. Owners, residents, tenants may reserve the use of a court in their own name on the ‘Reservation Board’ in the Pavilion. On the ‘Reservation Board’ will be noted the following information:
 - a. The owner, resident or tenant will write their last name and lot number in the box corresponding to the date and time they wish to reserve.

- b. No more than two (2) reservation times (boxes) may be on the board for each lot at any given time. When you utilize a time, you may add another time (box)
 - c. Owners, residents, or tenants on arrival for their reservation must still sign in their guests using the sign-in book.
 - d. A reservation shall be assumed 'cancelled' if the owner, resident, or tenant has not signed in ten (10) minutes after their 'reservation time' starts.
3. The pavilion may be reserved with the written consent of the Board.
 4. Only owners, residents, and tenants may use the court for instruction; non-resident instruction is prohibited.
 5. Tennis court/pickle ball court hours are from 7 a.m. to dusk; hours for the pavilion may be set in the request from the Board as stated in #3 above.
 6. If both courts are in use, a two hour time limit from the sign-in time will be honored if others are wishing to use the courts.
 7. No food, glass, alcoholic beverages or smoking is allowed on the courts.
 8. All items of trash and debris must be removed from the common areas after use.
 9. Only tennis and pickleball are allowed on the courts; no bicycles, rollerblades, skateboards, skates or other non-tennis/pickleball activities are allowed on the courts.
 10. No dark soled shoes are allowed on the courts.
 11. Anyone found by the Board to be abusing or acting in bad faith in abiding by these rules may have their recreational facility privileges limited or suspended after written notice from the Board, in addition to imposition of fines where appropriate.
 12. Please blow and/or roll off the courts prior to use as debris, including standing water, can damage the courts when it is ground or sits on the surface.

K. Violations of DCC&R Rules

Violations of DCC&R Rules should be reported on the "DCC&R Violation Report Form," which is appended to this document or available from our Managing Agent or our website www.hualalaicolony.com Click "Resident Services" then "Online Forms". The form should be completed and submitted to our Managing Agent.

Hualalai Colony
75-5608 Hienaloli Rd.
Kailua-Kona, HI 96740
DCC&R Violation Report

Date of Notice to Hualalai Colony Board of Directors _____

Your Name _____

Your House or Lot# _____

Reference # of DCC&R Violation _____
(Found in your Governing Documents book)

House or Lot # of Violation _____

If you have spoken with the Owner of House/Lot about this situation, please document the DATE & TIME here:

Summary of Violation:

To be completed by Hualalai Colony Board of Directors or Management Company

Representative: Received _____ Date _____