



# Princeville *at Hanalei*

## PRINCEVILLE AT HANAIEI COMMUNITY RULES

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Princeville at Hanalei Community

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# PHCA – COMMUNITY RULES

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# PHCA – COMMUNITY RULES

## ARTICLE I. INTRODUCTION

*Princeville at Hanalei Community Association (PHCA) is a Hawaii non-profit corporation established under a charter and bylaws. Much of Princeville is subject to a master declaration described below and properties covered by the Declaration are subject to assessment and to restrictions “for the purpose of enhancing the value, desirability and attractiveness of the land.” Owners of lots covered by the Declaration are members of the Association.*

*The Board of Directors of the Association is directed under the Declaration to adopt rules and regulations to be known as the Princeville at Hanalei Rules, governing the use of common area within Princeville, the use of roads and certain other matters, and these Rules have been so adopted. The Board may also amend the Rules from time to time and adopt penalties for infractions or violations of the Declaration, By-Laws or the Rules. There are also separate Community Design Committee Rules, Including Architectural Guidelines and Design Philosophy.*

*The terms and conditions set forth in these Rules are binding upon all owners and tenants and guests residing within Princeville. Your cooperation in supporting these Rules will contribute greatly to the protection of the rights and privileges of all. The violation of any of these rules will result in a fine being charged to the property owner (see PHCA Rules, Article IV, Penalties & Fines).*

### Special Terms

The following special terms used in these Rules shall have the following meanings:

**“Association”** shall mean the Princeville at Hanalei Community Association.

**“Board”** shall mean the Board of Directors of the Association.

**“By-Laws”** shall mean the By-Laws of the Association.

**“Common Area”** shall mean the land and interests which have been or may be conveyed to the Association, including without limitation, such land interests as may now be used for roadways, road right-of-way, walk/jog pathways, parks and greenbelt areas.

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**“Declaration”** shall refer to the Declaration of Restrictions, Covenants, and Conditions dated March 1, 1971, recorded in the Bureau of conveyances in the State of Hawaii in Book 7444 page 93, as amended.

**“Fractional Ownership Plan”** shall refer to any fractional ownership plan or agreement, or a similar program, in which use, or occupancy of a Residence circulates for periods of sixty days or more among different owners, whether they are tenants in common, stockholders, or members of beneficiaries of a trust.

**“Fractional Interest Owner”** shall refer to any owner or holder of an interest in a Fractional Ownership Plan.

**“Lock-out / Lock-off”** is a section or room which is inhabited separately from the rest of the dwelling.

**“Lot”** shall mean any lot described in the Declaration, Exhibit "A" and any lot hereafter annexed and classified for residential use, or, with respect to any condominium, an apartment of such condominium, or with respect to any apartment house, duplex, or multiple dwelling, a complete residential unit, or with respect to a hotel, a hotel accommodation room.

**“Owner”** shall refer to the owner of a Lot as further described in the Declaration.

**“Princeville”** shall mean the land subject to the Declaration and such further land as may be annexed and/or acquired by PHCA. The term “Princeville” is used for convenience only and does not include all of what is commonly known as the Princeville Resort.

**“Residence”** shall refer to single family residential lots as described in the Declaration and not to “Multiple Unit” lots (except to the extent such lots may have been converted to a single-family residential lot use) or to “Hotel Use” lots as described in the Declaration.

**“HPV”** shall mean a human-powered vehicle (i.e. bicycles, skateboards, skates, etc.).

**“HEHV”** shall mean a human-electric hybrid vehicle (i.e. e-bikes, e-scooters) which are limited to a maximum speed of 20 mph.

**“Rules”** shall refer to these Princeville at Hanalei Rules, as they may be amended from time-to-time.

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## ARTICLE II. OCCUPANCY & USE OF UNITS

### Section 1. USE OF UNITS

#### A. Single-Family Residences

1. No Residence shall be used as a hotel, boarding house, bed and breakfast or similar establishment.
2. The renting of single rooms is allowed under the following conditions:
  - a) The homeowner must be in residence when there are rental guests.
  - b) The look and feel of the single-family residence, a fundamental characteristic of Princeville, must be maintained in the single-family residential neighborhoods.
  - c) Protective Covenants, Article III, Section 1,a:  
Single family residential lot: Only one single family residence building, together with one appurtenant outbuilding may be constructed on a single-family residential lot. No “outbuilding” shall be used as a residence or living quarters. No single-family residential lot shall be divided or re-subdivided into small lots.
  - d) A new residence may not be built nor an existing one remodeled to specifically accommodate rented rooms that provide separate living areas within the house. For example, “lock-outs”, “guest quarters”, “out buildings” or “ohanas” are prohibited.
3. The renting of an entire Residence is permitted. The Owner must make available to the tenants’ copies of the Declaration, By-Laws, and these Rules.
4. Owners shall be responsible for all violations or damages to the Common Area caused by their tenants.

#### B. Multiple Unit/Hotel Lots

1. Rental of rooms and/or lock-outs within condominium complexes is subject to the AOA Declaration, By-Laws and Rules.
2. Each Multiple Unit/Hotel Lot Owner or condominium association, timeshare association or other owner association shall be responsible for ensuring that visitors, guests and employees of the Multiple Unit Lot comply with the Declaration, By-Laws and these Rules.
3. Owners shall be responsible for all violations thereof and damages to the Common Area caused by such persons.

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- C. All rental properties must be registered with the Association office.
  - 1. There is no charge for completing the registration process.
  - 2. Owners register by completing an online form posted on the Association website.
  - 3. The required registration includes owner's contact information and the State of Hawaii General Excise Tax (GET) number.
  - 4. For rentals of less than 60 days, the name, phone number, and email of the on-island contact, or management company must be registered. A PHCA poster (available on the Association website) must be posted in a highly-visible site within each rental property.
  - 5. For rentals of 60 days or greater, the name, phone number, and email for the tenant must be provided. Copies of the Declaration, By-Laws and these Rules must be provided to the tenants.
  - 6. All rentals must adhere to the State of Hawaii and County of Kauai laws and regulations.
  
- D. Fractional Ownership Plans
  - 1. In the case of any Fractional Ownership Plan, the Fractional Interest Owners must hire or appoint a manager for the payment of common assessments, maintenance of the Lot, maintenance of insurance, payment of real property taxes and other property management functions.
  - 2. The manager must give annual notice to the Association management office of the Fractional Ownership Plan, the number, names and addresses of Fractional Interest Owners, including the names, mailing addresses and telephone numbers of the manager and the designated person who is authorized to vote for the Fractional Interest Owners under such Fractional Ownership Plan.
  - 3. The vote, in person or by proxy, of the designated person will be deemed to be exercised on behalf of all of the Fractional Interest Owners, unless the Association is given written notice that less than a majority of the Fractional Interest Owners agree on how the vote should be cast. In such event, the vote of such designated person will not be counted unless the majority of Fractional Interest Owners, voting in person or by proxy, agree and confirm in writing how the vote should be cast.

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4. The manager must also file with the Association management office copies of fractional ownership documents providing for the operation of the Fractional Ownership Plan and any changes made to such plan.
5. Time sharing, as defined under Hawaii law, is currently prohibited in single-family residences on Kauai.

### **Section 2. ACTIVITIES PROHIBITED**

- A. No person shall undertake any activities that would result in a violation of any provision of the Declaration, By-Laws and these Rules.

### **Section 3. RESPONSIBILITY OF OWNERS FOR CONDUCT OF OTHERS.**

- A. Every Owner shall be liable for the penalties for violations of the Declaration and these Rules as prescribed by the Declaration and these Rules.
- B. Every Owner shall assure that all occupants (Owners, tenants, guests, invitees, lessees etc.) of his or her Residence or Lot comply with the Declaration and these Rules.
- C. The Owner shall be responsible for all penalties for violations of the Declaration and these Rules and damages to the Common Areas caused by such persons.

### **Section 4. COMMERCIAL ACTIVITIES/HOME BUSINESSES**

- A. Residences
  1. An Owner or occupant residing in a Residence may conduct limited business activity so long as:
    - a) The existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the Residence, is consistent with the residential character of Princeville; and does not constitute a nuisance, or a hazard or offensive use, or threaten the security or safety of other residents of Princeville
    - b) The business activity conforms to all zoning requirements.
  2. The terms “business” and “trade,” as used in this provision, shall have their ordinary, generally accepted meanings. They shall include, but not be limited to, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether:



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- a) Such activity is engaged in full or part-time.
- b) Such activity is intended to or does generate a profit.
- c) Such activity requires a license.
- d) The construction, leasing or rental of a Residence shall not be considered a trade or business within the meaning of this Rule.

### B. Multiple Unit Lots and Hotel Use Lots

1. Any business or other activity on Multiple Unit Lots or Hotel Use Lots must not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of Princeville, as may be determined in the discretion of the Board.
2. Business activity on Multiple Unit Lots must also comply with the Declaration, Article III, Section 1.b. and any business activity on Hotel Use Lots must comply with the Declaration, Article III, Section 1.c.

### Section 5. PETS.

#### A. Number and type

1. An Occupant may raise, keep and maintain a reasonable number of dogs, cats or other common household pets if they are not kept or bred or maintained for any commercial purpose.
2. All pets will be kept in adherence to the laws of the State of Hawaii and County of Kauai, and the Declaration.

#### B. Common Areas.

1. Pets are permitted in the Common Areas with exception to the Prince Albert Park Pavilion, Playground and Community Center building.
2. Pets must always be carried or confined to a leash held by a responsible person.
3. Pets may not roam the Common Areas unattended at any time.
4. Pets designated as service animals as defined by the American Disabilities Act (ADA) may be exempt from certain rules. See "Pets in PHCA Facilities Policy" brochure for more information.
5. Occupants shall be responsible for any damages to the Common Areas caused by their pets.

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- C. Pet owners are required to pick up and dispose of their pet(s) feces in a sanitary manner. The Kauai Police Department and/or the State Department of Health may be notified if violations are observed.
- D. The pet owner is liable for any loss, damage or injury to persons or property.
- E. Noise Nuisance - Occupants are responsible for ensuring that their pets do not make excessive noise. Animal Noise is defined as: Continuous and/or incessant barking, baying, crying, howling, or any other noise which disturbs any person at any time of day or night for (10) consecutive minutes or intermittently for twenty (20) minutes in a 30-minute period. An exception would be if the animal noise is a result of trespass or a threatened trespass or the animal is being teased or provoked by anyone other than its owner.

### **Section 6. FENCES.**

- A. The location, design, color or height of any fence must be consistent with the PHCA Architectural Rules and approved by the CDC prior to installation.

### **Section 7. ALCOHOLIC BEVERAGES**

- A. The consumption of alcohol shall not occur in the Common Areas; however, the Board has the right to approve consumption at such times/events as specified by the Association in accordance with applicable laws.

### **Section 8. VEHICLES**

- A. Vehicles, whether or not motorized, including but not limited to boats and trailers, shall be parked in the garage, carport or driveway serving the Residence, or in such other areas as have been approved by either the PHCA Rules or PHCA Community Design Committee.
- B. Vehicles must be parked with all wheels of the vehicle on the driveway.
- C. For safety purposes, the first two (2) feet of the driveway from the road asphalt must remain clear. At no time should a car or its contents extend into the roadway.
- D. These requirements are in force at any time day or night.
- E. Vehicles designed for industrial purposes (i.e. large trucks, tractors, and commercial trailers) shall be parked only in enclosed garages. If a garage cannot accommodate such a commercial vehicle, it shall not be parked at the Residence.
- F. Vehicles which are either inoperable or do not have current operating licenses or registration shall not be permitted except within enclosed garages.

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- G. Vehicles that become inoperable while within the Common Area or visible from the Common Area and located at a Residence must be removed within forty-eight (48) hours.
- H. Sleeping in vehicles overnight is prohibited.
- I. Residents, who experience undue hardship due to these vehicle rules, may apply to the PHCA Board of Directors for a temporary variance. Requests must be in writing.
- J. See PHCA Rules, Article III, Section 3 for Common Area Parking

### **Section 9. BOATS & RECREATIONAL VEHICLES**

- A. Kayaks, surfboards and other small watercraft must be stored in a neat and orderly manner and to the extent possible, obscured from neighbor or street view.
- B. Storage of trailered boats or recreational vehicles requires CDC approval
- C. All repairs and wash downs of boats shall be conducted in such a manner so as to minimize the disturbance of other Owners or Occupants.

### **Section 10. SIGNS (NOT REQUIRING CDC APPROVAL)**

- A. "Open-House" and "Garage Sale" signs:
  - 1. Do not require CDC approval
  - 2. A maximum of three (3) signs are permitted to be displayed only between the hours of 8:00 a.m. and 6:00 pm. All signs must be removed by 6:00 pm.
  - 3. Signs shall not exceed 25" x 25" and shall be no higher than 40" from the ground to the top of the sign.
  - 4. Must be placed at least 5' from edge of the roadway
  - 5. Signs may not be attached to any street sign, directional sign or lamppost.
  - 6. Signs must be maintained in good condition at all times and not be allowed to become an eyesore.
  - 7. The owner or a licensed salesperson must be present at the property at all times that the sign(s) are displayed.
- B. "Alarm/Security", "Beware of Dog", "No Trespassing signs":

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1. Do not require CDC approval
2. One of each type of these signs are allowed on each property.
3. Signs shall not exceed 12" x 9" in size and shall be no higher than 40" from the ground to the top of the sign.
4. Signs may not be attached to any street sign, directional sign or lamppost.
5. No handmade or cardboard signs are allowed.

### C. Political Election Signs

1. Do not require CDC approval
2. Signs are to be for political electoral candidates only.
3. Signs may be installed no sooner than 30 days prior to a primary election only.
4. Signs must be removed one (1) day after the general election.
5. A maximum of three (3) signs may be displayed but no more than one (1) sign per candidate is allowed.
6. Signs may only be displayed on improved (built or under construction) lots.
7. Signs may be displayed only on the front (street facing) side of a house.
8. All signs must comply with the Kauai County Code requirements and all other governmental campaign rules, regulations, codes, ordinances, statutes and laws.
9. Signs shall not be higher than 40 inches from the ground to the top of the sign.
10. Signs must always be maintained in good condition and not be allowed to become an eyesore.

### **Section 11. YARD.**

- A. The Owner shall cause all the land to always be maintained in a neat appearance.
- B. Grass shall be cut at least once every two weeks.
- C. Trees, bushes and hedges shall be trimmed at such intervals as are necessary to maintain the beauty of Princeville.

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### Section 12. GARAGE SALES.

- A. The term “garage sale” includes “yard sales”, “estate sales”, “moving sales”, and other like sales.
- B. Each residence is allowed four (4) garage sale events per calendar year.
- C. Each event must be registered with the PHCA at least 5 days prior to the event. There is no charge for registering.
- D. Each event can last one or two consecutive days and still be counted as one (1) of the four (4) allowable events.
- E. Garage sale events may operate during the hours of 8am and 4pm.
- F. Signage needs to be consistent with PHCA Rules, Section 10.

### Section 13. FIREWORKS

- A. Fireworks may be set off on New Year’s Eve and 4th of July in accordance with Kauai Police Department guidelines.
- B. Fireworks are not allowed to be lit in the common areas or roadways. All fireworks must be lit on the driveway or yard of the residence.
- C. All debris must be cleaned up and properly disposed of the following morning.

### Section 14. OUTSIDE BURNING.

- A. No burning is allowed outside of the residence, other than in one of the following approved containers located in the rear yard of the residence:
  - 1. Barbeque
  - 2. Fireplace made of brick or stone
  - 3. Fire pit made of brick, concrete or other UL approved device
- B. In all cases the approved container must be in a safe location consistent with condominium and government rules and not emit excessive smoke.
- C. The fuel must be limited to propane gas or charcoal.
- D. Under no circumstances may green waste be burned.

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- E. If there is any doubt about the appropriateness of the “container” or its location, the homeowner needs to contact the PHCA office for approval.

### **Section 15. TRASH DISPOSAL.**

- A. For Single Family Homes, the County of Kauai has provided each residence with wheeled trash containers.
- B. The trash containers are to be kept in good condition and in a location that is screened from view from the roadway.
- C. Trash pickup is on Wednesday morning and the cans are to be put out no earlier than Tuesday at noon and put away no later than Wednesday evening.

### **Section 16. TENTS & TEMPORARY STRUCTURES.**

- A. Occupants shall not place any tent or structure of a temporary nature on the lot or any common area.
- B. Notwithstanding the foregoing, party tents, tarps and temporary structures are permitted upon a lot provided that the Owner shall not continue to use the structure beyond the special event for which it is planned and shall remove the tent or temporary structure within forty-eight (48) hours following the conclusion of such special event.
- C. Placement of any such structure on any lot for any purpose longer than four (4) days may require approval from the CDC and/or Board.

### **Section 17. HOLIDAY DECORATIONS & LIGHTING.**

- A. Temporary holiday or special event decorations are permitted to be displayed, provided they are not installed sooner than thirty (30) days before the holiday or event and are removed not later than fifteen (15) days after the holiday or event.
- B. These decorations must be compliant with the CDC Rules and not create a sound or light nuisance for the neighbors or a threat to local wildlife.

### **Section 18. HOUSE NUMBERS & EXTERNAL LIGHT.**

- A. All single-family residences shall have readily visible house number (address) identification in accordance with the requirement of the County of Kauai.
- B. The house numbers shall be of a contrasting color from the background on which they are placed and shall be at least three (3”) inches in height.
- C. The numbers shall be securely affixed in a permanent manner and shall not be readily effaceable.

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- D. Each single-family residence shall be equipped with a light of 200 lumens maximum to provide safety illumination from sunset to sunrise. The light shall be controlled by a photoelectric, programmable or astrological switch.
- E. All other external home lighting needs to be consistent with the PHCA Architectural Rules.

### Section 19. FEEDING FERAL ANIMALS

- A. It is an offense for any person to: feed or offer food to any feral animals or to leave food unsecured in a manner that makes the food available to feral animals.
- B. Feral Animals include, but are not limited to cats, pigs, chickens, etc.

### Section 20. NOISE NUISANCE

- A. The Declaration provides that “No noxious or offensive activity shall be carried on upon any land in Princeville at Hanalei, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.”
- B. Noise sources which may constitute an annoyance/nuisance include, but are not limited to: boisterous activities, incessant animal noise, musical instruments, audio equipment, televisions, unmuffled or inadequately muffled motor vehicles, public address systems, spa/pool activity.
- C. Nuisance noise is defined as being excessively loud at the property line of the nearest neighbor.

### Section 21. WORK HOURS

- A. **Residents** may conduct construction, yard maintenance and cleaning activities on the properties in which they reside during reasonable hours:

Monday – Friday: 7:00am to 6:00pm  
Saturdays: 9:00am to 5:00pm  
Sundays/Holidays: 10:00am to 5:00pm

- B. **Contracted workers** may conduct construction and yard maintenance activities on a property during the following hours:

Monday-Friday: 7:00am to 6:00pm  
Saturdays: 9:00am to 5:00pm  
Sundays/Holidays: No Work

Other types of contracted activities like cleaning are allowed on Sunday or holidays between 10:00am to 5:00pm if they cause no disturbance to the neighbors.

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## ARTICLE III. USE OF COMMON AREAS

### Section 1. ROADWAYS, RIGHT-OF-WAYS, AND ROAD SHOULDERS

- A. Road shoulders include those areas between the road pavement edge and the resident's property boundary. Though it varies, the road setback typically runs about 10' from the pavement edge.
  
- B. Allowable Vehicles & Drivers
  - 1. Vehicles registered for operation on public highways in accordance with Hawaii law, including the Hawaii Highway Safety Act and the ordinances of the County of Hawaii
  
  - 2. Golf Carts: whereas the Association has always allowed golf carts to be driven throughout the community by adults with a driver's license, the Kauai Police Department (KPD) does not consider golf carts to be street legal vehicles. Although Princeville's roads are private, a Kauai County Resolution passed in 1985, allows KPD the right to patrol Princeville roads. Consequently, there is always a risk of being ticketed by KPD when driving a golf cart in Princeville
  
  - 3. Electric/battery-powered wheelchairs, electric-powered carts, and similar and equipment designed for and used by persons with disabilities
  
  - 4. Drivers of any motorized vehicle operated on any Princeville road, Common Area, or other property within Princeville owned by the Association must be in possession of a valid driver's license when the vehicle is operated. The operation of such vehicle shall at all times be conducted in a safe and prudent manner.
  
  - 5. Pedestrians, HPV's and HEHV's are allowed to use the right edge of all roads (with the exception of Ka Haku Road) in a careful manner that does not interfere with the normal flow of vehicular traffic.
  
  - 6. On Ka Haku Road, due to the higher speeds and volume of traffic, pedestrians and HPV's (with the exception of rapidly moving bikes) are requested to divert to the Shared Pathway running from the Princeville entrance to Liholiho Road.
  
  - 7. All drivers, pedestrians and riders of vehicles must observe all traffic signs and exercise caution for everyone's safety.
  
  - 8. All drivers must obey the posted speed limits. Ka Haku Road and Lei O Papa Road are limited to 30 mph. All other roads are limited to 25 mph.



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### C. Shoulder Parking

1. The Declaration provides that “No automobile, truck, boat, trailer or other vehicle shall be parked on any street or road or any part of the right-of-way of any street or road in Princeville at Hanalei at any time.”
2. Parking on any of the road shoulders is consequently, a violation of the covenants at any time of day or night. In certain circumstances, however, strict enforcement of this provision may not be consistent with the general intent of the Declaration. These special circumstances include:
  - a) Occasional, temporary parking approved by the homeowner whose property is adjacent to the road shoulder.
  - b) Emergency vehicle parking related to the emergency
  - c) Parking of vehicles used by repair and maintenance personnel during the time of such services
  - d) Parking along the park edge when no formal parking is available
  - e) Parking for private parties and meetings when enough space is not available in the Owner’s driveway or off-road parking areas. Vehicles for private parties and meetings should be parked in an orderly fashion a safe distance from the pavement edge. Princeville Patrol [826-6181] shall be notified.
3. Overnight parking (after 10 p.m.) on the road shoulder is not allowed under any circumstances.

### **Section 2. PATHWAYS**

- A. The Princeville Path (currently under reconstruction) runs the length of Princeville from the top of the Park to the end of Ka Haku Road.
- B. The path is designed for shared usage between pedestrians, HPV’s, HEHV’s, golf carts, and any vehicles used by persons with disabilities. These vehicles must control their speeds to ensure safety at all times and at no time exceed 15 mph. Mopeds, motor bikes and all other vehicles capable of exceeding 20 mph are prohibited from using the path.
- C. All vehicles and runners are required to give way to pedestrians.

### **Section 3. SECTION 3. PARKS & GREEN SPACES (COMMON AREAS)**

- A. Hours of use for Prince Albert and Emmalani Park are from Dawn to Dusk.
- B. Persons under the age of twelve (12) shall always be accompanied by or supervised by a responsible person over the age of eighteen (18).

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- C. Pets are permitted in the Common Areas in accordance with these Rules, Article II, Section 5B.
- D. No trade or business may be conducted in the Common Areas unless otherwise approved by the Association.
- E. No camping or use of tents on the Common Areas is allowed at any time, unless otherwise specified by the Association.
- F. All playground equipment shall be used in accordance with manufacturers' recommendations and/or such rules as may be adopted by the Association from time to time.
- G. No automobiles are allowed to be in the Common Areas without Association permission.
- H. No person shall cut, trim, damage or remove any of the trees or other plantings located in the Common Areas.
- I. Each Owner shall be liable to the Association for all costs and expenses, including attorney's fees and costs, incurred by or on behalf of the Association to repair, replace or restore any damage to or destruction of the Common Areas or to the property of another, which damage or destruction was contributed to or caused by the Owner or anyone on the premises pursuant to an invitation or authority of such Owner.

### **Section 4. SOLICITATION**

- A. No door-to-door solicitation (i.e. commercial, religious, political, etc.) shall be permitted in Princeville unless approved by the PHCA Board of Directors. A request for approval can be submitted in writing to the PHCA office.
- B. Local School and Scouting fundraisers are pre-approved and do not need to submit a request.

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## ARTICLE IV. PENALTIES / FINES

### Section 1. AUTHORITY & PROCESS

- A. Penalties for infractions for certain of these Rules pursuant to the authority set forth in the PHCA By-Laws, have been established.
- B. Citations for such infractions shall be issued by Association staff acting under the direction of the Board. Such citations shall be in writing describing the violation and the penalty applicable and shall be delivered either in person or by mail.
- C. A copy of the citation shall be delivered to the Owner and to the Property Manager, if known. A copy shall, if applicable, be delivered to any person or persons charged with the violation.
- D. If delivery is by mail to the Owner, it shall be deemed complete twenty-four (24) hours after deposit in the United States mail, postage prepaid, addressed to the Owner at his or her address on file with the Association. If there is more than one Owner, delivery of the citation to any one Owner shall be effective delivery to all Owners.
- E. An Owner shall, on request, be entitled to a hearing to contest any citation. Such request shall be in writing and delivered to the Board within thirty (30) days of the citation date. Unless such request is made, the violation claimed shall be deemed found and the applicable penalty assessed.
- F. The hearing shall be held before a Committee appointed by the Board and authorized to determine the claimed infraction(s). An Owner shall be entitled to appeal an adverse decision by the Committee to the Board.
- G. An Owner shall be entitled to not less than (10) days' notice of a hearing, to be represented by counsel at each such hearing, and to call witnesses.
- H. The decision by the Committee or the Board shall be in writing, and if adverse to the Owner, shall contain findings which identify the violation, its date and duration and the name(s) of the violation(s).
- I. The Committee or the Board is each empowered in its discretion to waive or reduce the prescribed penalty in any instance it deems such action advisable.
- J. The Board's right to enforce provisions of these Rules, the By-Laws or the Declaration for which no specific penalty has been established, shall not be deemed in any manner limited or restricted by the establishment of the following penalties:

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### **Section 2. BEHAVIORAL OFFENSES – FINE: \$150**

- A. These include but are not limited to:
1. Alcohol: consumed in common areas (Article II, Section 7)
  2. Boats: washdown disturbs neighbors (Article II, Section 9)
  3. Garage Sales: not adhering to rules about garage sales regarding signage, number of sales, failing to register, etc. (Article II, Section 12)
  4. Fireworks: not adhering to rules regarding fireworks (Article II, Section 13)
  5. Outside Burning: not adhering to the rules regarding outside burning (Article II, Section 14)
  6. Feeding Feral Animals: (Article II, Section 19)
  7. Noise Nuisance: violating noise rules: (Article II, Section 20)
  8. Work Hour Violations: (Article II, Section 21)
  9. Pathways, Park & Green Spaces: violating rules related to these spaces (Article III, Section 2 & 3)
  10. Solicitation: soliciting without PHCA approval (Article III, Section 4)
- B. Fines Amount: \$150 per incident
- C. In the case of noise, if the nuisance continues, repeat fines can occur every 30 minutes

### **Section 3. PROPERTY VIOLATIONS – FINE: \$150**

- A. These include but are not limited to:
1. Signs: violating sign rules (Article II, Section 10)
  2. Yard: not maintained in neat appearance (Article II, Section 11)
  3. Trash Disposal: containers not kept hidden from view of the road when stored, trash cans left out too early or left out too late (Article II, Section 15)
  4. Tents & Temporary Structures: not adhering to rules for these items (Article II, Section 16)

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5. Holiday Decorations & Lighting: not adhering to rules for these items (Article II, Section 17)
  6. House Number: not adhering to rules for these lights (Article II, Section 18)
- B. Fine Amount: \$150 per incident. Where appropriate, Owner will be given several days to comply after which a repeat \$150 fine will be issued if the situation has not been corrected. Successive fines may be added until the issue is resolved.

### **Section 4. PARKING VIOLATIONS – FINE: \$150**

- A. These include but are not limited to:
1. Not parking in garage, carport or driveway (Article II, Section 8A)
  2. Not parking completely in the garage, or on the driveway or other approved area (Article II, Section 8B)
  3. Parking an industrial purpose vehicle at the residence, other than in the garage (Article II, Section 8E)
  4. Parking an inoperable vehicle, vehicle without a license or registration, except in the garage (Article II, Section 8F)
  5. Parking on the road shoulder (Article III, Section 1C)
  6. Boats: parked at residence without CDC approval (Article II, Section 9A)
  7. Boats: parked at residence not on the driveway or concrete pad (Article II, Section 9B)
- B. Fine Amount: \$150 per incident

### **Section 5. PER DAY/WEEK/MONTH OFFENSE:**

- A. Commercial Activities/Home Businesses – (Article II, Section 4) Rules governing the regulation of commercial activities and home businesses: Initial Fine Amount: \$150; Subsequent Daily Fine Amounts: \$150
- B. Leasing and Rental Restrictions – (Article II, Section 1) Rules governing the regulation of leasing and rental restrictions of single rooms, “lock-outs” or “guest quarters”: Initial Fine Amount: \$150; Subsequent Daily Fine Amount: \$150
- C. Rental Registration Requirements – (Article II, Section 1A) Rules governing the registration of rental properties: Initial Fine Amount: \$500; Subsequent monthly fines: \$500

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- D. A continuing penalty described in paragraph A & B above shall not commence until the citation for the infraction has been delivered to the Owner. Any such citation shall include a cease and desist demand and if the Owner does not comply, the fine process as described above will initiate.