

Diamond Head Beach Hotel and Residences
Owners, Tenants, all Guests including Hotel Guests
House Rules and Regulations
(Board of Directors approved 01/31/05)

I. AUTHORITY AND RESPONSIBILITY

The full authority and responsibility of enforcing said Rules and Regulations has been delegated to the Property Management Company herein after referred to as "Management Company". All unit owners, occupants, tenants and their guests, and hotel guests shall be bound by these rules and by standards of reasonable conduct whether covered by these Rules or not; provided, however, the Management Company shall be responsible for any non-compliance or violation of said rules by the occupants, tenants or their guests including hotel guests.

II. UNIT LOCK-OUTS

Lock-outs are the responsibility of Owners, Tenants and Guests. If you are locked out of your unit, you may need to call a locksmith to gain entry. The Association does not provide any such service.

III. SECURITY CHECKS

Between the hours of 10:00 PM and 6:00 AM (hours subject to change at any time without notice) this building is secured by a security guard. To ensure maximum security for all guests/residents/owners, the Security Guard may check any persons for room keys and verification of residency or occupancy.

All visitors MUST be escorted to the room by a registered owner, tenants or hotel guests.

We appreciate your cooperation in ensuring the safety of the Diamond Head Beach Hotel and Residences.

IV. FIRE SPRINKLERS

Please do not hang clothes, hangers, or other items from the fire sprinkler head in your unit. The resulting damage and/or possible flooding to the room and the building could cost YOU thousands of dollars.

You will be held liable for damages!!!

V. OCCUPANCY AND USE OF APARTMENTS

1. Number of Occupants. Occupancy of the apartments shall be in compliance with federal, state and local laws.
2. Absent Owner. An absent owner, at his/her expense, should have an agent or friend conduct periodic inspections of his/her unit, assuming responsibility of the contents thereof.

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3. Pets

- a) “No livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the Project except that one small dog, cat or other household pet may be kept by unit owners and occupants but shall not be kept, bred or used for any commercial purpose nor allowed on any common elements in transit when carried or on a leash, provided that any such pet causing a nuisance or unreasonable disturbance to any other occupant shall be permanently removed promptly upon notice given by the Board or Management Company.
- b) Notwithstanding the foregoing or anything to the contrary contained in the Declaration, the Bylaws or these Rules and Regulations, disabled occupants may keep service animals including trained guide dogs or signal dogs, upon which they depend for assistance or required due to disability. Such animals shall be allowed to walk through the common elements while on a leash, provided that such animals shall at all times be accompanied by the occupants to whom they belong while present upon the common elements. Further, this exception shall also apply to service animals including trained guide dogs or signal dogs depended upon by disabled guests of occupants or disabled hotel guests. If such an animal causes a nuisance or unreasonable disturbance, the owner thereof will be given a reasonable opportunity to rectify the problem by measures which fall short of ejection of the animal from the project. Ejection of such animal shall be required only if the Board reasonably determines that the less drastic alternatives have been unsuccessful. If such animal is ejected, it will nonetheless be allowed to remain at the Project for a reasonable time while the owner attempts to find a suitable replacement animal, provided that the problem is controlled to a sufficient degree that the continued presence of the animal during that interim period of time does not constitute an unreasonable imposition upon other occupants.”
- c) To prevent unwanted insects/pets; NO ONE IS ALLOWED TO FEED THE PIGEONS/BIRDS.
- d) Water Facilities. Toilets, sinks, and other water apparatus in the building shall not be used for any purpose other than those for which they were designed, nor shall any sweepings, rubbish, rags or other articles be thrown into them. Any damage anywhere resulting from misuse of any toilets, sinks, or other water apparatus in a unit shall be repaired and paid for by the owner of such unit.

VI. OCCUPANCY

1. Use by Owner’s Lessees, Tenants, and Guests. A unit owner or his designated agent shall be responsible for the conduct of his lessees, tenants and guests including hotel guests and shall, upon request of the Management Company, immediately abate and remove, at his expense, any structure, thing or condition that may exist with regard to the occupancy of his apartment by his lessees, tenants or guests contrary to the intent and meaning of the provisions hereof; or, if the unit owner is unable to control the conduct of the lessees, tenants, or guests to conform with the intents and meaning of the provisions hereof, he shall, upon request of the Management Company, immediately remove such lessees, tenants, or guests from the premises, without compensation for lost rentals or any other damage resulting therefrom.
2. Owners, or his/her designated agent, shall provide all occupants with the Association House Rules and Regulations.

VII. COMMON AREAS AND ENTRANCES

1. Reporting Violations and Damages
 - a. All corrective actions regarding violations of the rules and damages to the common elements will be enforced by the Board and should be reported promptly to the Management Company.
 - b. Damages to common elements shall be surveyed by the Management Company and the cost of repair or replacement and any legal fees incurred may be assessed by the Board against the person or persons responsible.
2. Shirts and Footwear. Required in all public areas including hallways, elevator, and lobby.
3. Obstructions, Uses. The sidewalks, passages, lobbies, stairways and corridors must not be obstructed or used for any purpose other than ingress and egress.
4. Laundry, etc. Textile items, including towels, bathing apparel and clothing, brooms, mops, cartons, etc. shall not be placed in passages or in windows so as to be in view from outside the building or from the apartments above or below, nor shall anything be dusted or shaken from windows or cleaned by beating or sweeping on the common areas.
5. Plants. All plants shall be placed in containers so as to prevent the dripping of water or soil into other apartments.
6. Throwing Objects from Building. Nothing shall be thrown from windows, etc. Cigarettes and matches, specifically, are a fire hazard. The throwing of firecrackers from windows and the explosion of any fireworks anywhere on the building grounds or within the building is expressly prohibited.
7. Entrances. No shoes, surfboards, dry cleaning, etc. shall be allowed to remain in view at front entrances of units.
8. Trash Disposal.
 - a. Garbage, rubbish, and other trash shall be disposed of only in receptacles and areas provided therefore. Trash containing food shall be securely wrapped before being placed in a receptacle. Receptacles are located in the basement areas of the building.
 - b. Removal of bulk items from the premises, including but not limited to, air conditioners, furniture, construction materials, appliances, etc., is the responsibility of each unit owner/tenant.

Bulk items may not be left for pick-up in front of the property.

Bulk items may not be deposited in the garage basement or garbage area or in any other common area of the premises.

Any person found to have been in violation of this provision will be assessed the cost of removal of bulk items and/or any fees or fines assessed by the garbage service company.

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9. Aesthetics. No unsightliness within the public view is permitted within the project. For this purpose, "unsightliness" indicates, but is not limited to the following: laundry on lines, non decorative gear, equipment, cans, bottles, ladders, trash, boxes, barrels, etc. stores or stowed in or on walks, etc. or unshaded or improperly shaded lights that create objectionable glare.
10. Household Goods. No garbage cans, household supplies, excess items, or similar articles shall be in place where they can be seen from outside the unit, except, as the Management Company shall prescribe.
11. Personal Property. No items of personal property including baby carriages, tricycles, scooters, bicycles, or surfboards shall be left or allowed to stand on any of the common areas, other than within the confines of the unit, or any enclosed limited common element adjacent to the unit. Articles of any kind left in any of the common areas or common elements will be removed at the owner's risk and expense at the direction of the Management Company. Mopeds/bicycles are permitted to be parked/stored ONLY in the assigned areas in the parking garage, subject to its prior registration and payment of rental fees to the Association (refer to moped/bicycle policy).
12. Waterbeds. No waterbeds shall be permitted in any unit.

VIII. USE OF BEACH LANAI AREA

It is understood that any occupant may use the beach lawn area on the premises so provided, individually or together with other occupants. However, each occupant shall assume all risk of personal injury or property damage that may result from the use of said beach lawn or recreational areas by the occupant, occupant's family, guests, or invitees.

1. No bottles or glass containers of any kind are permitted on the beach lawn and; all beverages will be consumed out of cardboard, plastic, or paper cups or containers.
2. A resident, tenant, or hotel guest must accompany and be responsible for the conduct of his or her guest(s) in the beach lawn area.
3. No occupant shall have more than four guests at any time in or about the beach lawn/recreation areas without prior permission and consent of the Association or the Management Company.
4. Parents and/or guardians are responsible for the safety and conduct of their children and are expected to utilize reasonable judgment in determining whether their children may safely utilize the beach lawn area without adult supervision.
5. No animals are allowed around the beach lawn area except for service animals accompanied by disabled occupants or their guests.
6. Bathers must dry themselves before leaving the beach lawn prior to entering building.
7. All persons shall comply with the requests of the Management Company in respect to matters of personal conduct in and about the surrounding beach lawn area or in any common area.
8. Anyone violating the above rules may be asked by the Management Company to leave the beach lawn or adjacent area or common area.
9. Any type of commercial activities such as weddings, classes, fundraisers, etc. shall not be permitted on any part of the common areas.

IX. PARKING AREAS AND PARKING UNITS

1. Loading Areas. No cars may be parked or left unattended in entry driveway. Unattended cars may be subject to tow in accordance with Association policy.
2. Please refer to the Parking Policy adopted by the Board of Directors for information regarding garage parking.

X. COMMON PASSAGEWAYS and LOWER LOBBY AREA

1. The common passageways and elevator must not be obstructed or used for any purpose other than egress and ingress, passenger movement and maintenance.
2. The lower lobby is intended as a quiet waiting area for guests waiting to be received by residents or the hotel. There is to be no eating, drinking, smoking, or sleeping in that area.

XI. NOISE AND NUISANCES

1. Occupants, including guests and hotel guests, shall not make or permit to be made any noise in the building by him/herself, their family, invitees, or licensees, which will annoy or interfere with the rights, comforts and convenience of neighbors. Particulate attention must be paid to maintaining a minimum of noise between 10:00 p.m. and 8:00 a.m. In particular, this applies to social gatherings, television sets, radios, HI-FI and musical instruments.
2. Unit owners and tenants shall not permit objectionable odors to emanate from their unit.
3. Hold your front door so as to avoid its slamming due to the wind. When using the stairwell, do not allow the doors to slam. Corridor doors of the apartment units shall be kept closed at all times except when in actual use for ingress and egress.
4. Radios, TV's Hi-Fi's etc. may not be played at all in the basement parking area.
5. When guests are leaving at night, noise must be kept at a minimum.
6. Excessive or disturbing noise at any time should be reported to the Management Company or Security Guard who will take appropriate action.

XII. BUILDING MODIFICATIONS

1. **Before initiating any constructions or repairs, owners must notify management at least two days in advance.** Noise from construction and repairs is restricted to hours from 9:00 a.m. – 5:00 p.m. (Monday through Friday).
2. **No structural changes of any kind shall be made to an unit or the common elements by any owner, tenant or occupant without the expressed consent of the Board of Directors, except as may be permitted and in compliance with the Declaration, Bylaws and applicable law.**
3. **The installation of outdoor carpeting or similar soft floor coverings on the lanais is prohibited.**
4. Prior written approval by the Board is required for lanai ceramic tile installations.

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5. Personal washers and/or dryers are not permitted in units because of their inequitable use of common utilities and potential impact upon building infrastructure.

XIII. PROJECT APPEARANCE

1. All units will be maintained in a clean and sanitary condition. Timely replacement of decrepit or broken screens, windows, curtains or any other appurtenance is the responsibility of the unit owner.
2. No unsightliness within the public view is permitted within the project. For this purpose, "unsightliness" includes but is not limited to the following:
3. Draperies when viewed from the outside appearing to be of a color other than white or off-white are prohibited. Window coverings other than draperies specifically approved by the Board include 3-inch wide vertical blinds with a white outside appearance and 3 inch wide shutters; however, for any shutter, you must obtain Board approval prior to installation. For the kitchen and bathroom areas, horizontal mini blinds with a white outside appearance are acceptable window coverings.
4. No awnings, air conditioning, signage, or other projections shall be attached to the outside walls of the building, or the exterior door without the prior consent from the Board.
5. No items of personal property shall be left in halls or other common areas.
6. Riding of bicycles, scooters, skateboards and other such vehicles in the hallways is strictly prohibited. Bicycles and other such vehicles shall not be permitted in the beach area of the project.
7. Clothing or laundry shall not be hung in doorways or windows or in any manner as to be in view of persons outside the apartment.
8. Except for the Management Company, no signage shall be hung on exterior walls, doors, windows, etc.
9. No private radio, television, or other outdoor antenna, will be erected or installed on or anywhere within the project without prior written consent of the Board; provided, however, that antennas covered by the FCC Antenna Rule (47 C.F.R. Part 1, Subpart S, Section 1.400 et seq.) may be installed in accordance with any Antenna Installation Policy adopted by the Board of Directors.
10. Every unit owner from time to time shall perform repairs, maintenance, and alteration work within his/her unit, the omission of which would adversely affect any common element or any other unit, and shall be responsible for all loss and damage caused by his/her failure to do so.
11. All repairs or internal installations within each unit such as water, light, gas, power, sewage, telephone, air-conditioning, sanitation, doors, windows, lamps, and all other fixtures and accessories belonging to such unit, including interior walls and partitions and the inner decorated or finisher surfaces of the perimeter walls, floors, and ceilings of such unit shall be at the unit owner's expense.
12. No unit owner or occupant, except as otherwise permitted by the Board or by law, shall install any wiring or other device for electrical or telephone installations, television, antenna, machines, or other equipment or appurtenances on the exterior of the building or protruding through the walls, windows, or roof thereof.

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13. Nothing shall be allowed, done, or kept in any unit or common element which will overload or impair the floors, walls, or roofs of the building, or cause any increase in the ordinary premium rates (unless the unit owner responsible for such increase shall pay the same) or the cancellations or invalidation of any insurance maintained by or of the Management with respect thereto, nor shall any noxious or offensive activity or nuisance be made or suffered thereon.
14. Washer/dryer units are prohibited unless written approval is received from the Board of Directors.
15. Microwaves units are not allowed in lodging units.

XIV. EMPLOYEES OF THE ASSOCIATION

1. Maintenance and Cleaning employees, including the Resident Manager, are under the sole direction of the Management Company and the Board of Directors, and during the prescribed hours of work they shall in no case be diverted to the private business or employment of any owner, occupant, or guest.
2. No employee should be asked by an owner to leave the common elements.
3. Cleaning of owner occupied units, including all interior and exterior windows is a responsibility of the respective unit occupants.

XV. HAZARDS

1. The parking areas or other elements are not expressly intended for recreational use, and therefore, shall not be used for recreational activities of any kind. Parents or legal guardians are responsible for the appropriate supervision of minors at all times.
2. No activity shall be engaged in and no substance introduced into or manufactured within the building which might result in violation of the law or in the cancellation of the insurance or increase in the insurance rate on the building (unless, in case of such increase, the unit owner responsible for such increase shall pay the same.)
3. Absolutely no barbecue equipment or gas equipment are allowed within the confines of building or lanai's at any time.

XVI. GENERAL RULES AND REGULATIONS

1. Moving in/out or moving of large items of furniture:
 - a) Restricted to the hours of 9:00 a.m. – 5:00 p.m.
 - b) To ensure proper scheduling and necessary padding for protection of the elevator, all moving must be pre-arranged with the Management Company at least one day in advance.
2. Management shall have the right to approve the weight, size, and location of safes and other heavy equipment and articles in the building (so as not to exceed the legal live load).
3. Movement of each unit owner's property into or out of the building and within the building are entirely at the risk and responsibility of that unit owner.

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4. Any damages caused to common elements by the moving party is the responsibility of the unit owner.
5. The Management Company isn't required to give access to units without written permission of the owner.
6. **All owners shall file their name, address, and emergency phone number with the Management Company** upon purchasing and/or taking occupancy of a unit and shall furnish the Management Company with such other reasonable information as shall be requested from time to time.
7. **With the exception of hotel guest registered through the Hotel Management Company, all Tenants/Occupants, long or short term, must be registered with the Management Company.**
8. **Owners are responsible for ensuring that all Tenants/Occupants are registered with the Management Company.**
9. Each unit owner shall observe and perform these Rules and ensure that his/her lessees, tenants, licenses, and invitees also observe and perform these Rules.
10. Unit owners will be responsible for their lessees' or guests' observance of all Rules as set forth herein. In the event expenses are incurred due to violation of Rules of lessees, guests, or licensees, the owner shall be responsible for payment of same, including reasonable attorney's fees.

XVII. VIOLATIONS OF THESE RULES

1. **Reporting Violations and Damages.** All corrective actions regarding violations of the Rules and damages to the common elements or common areas will be enforced by the Management Company and should be reported promptly to the Management Company.
2. Damages to common elements or common areas shall be surveyed by the Management Company and the cost of repair or replacement and any legal fees incurred may be assessed by the Management Company against the person or persons responsible, including, but not limited to, against owners, hotel guests, tenants or occupants for damages caused directly or indirectly by their guests. Owners shall be responsible for any damages caused by Tenants or Occupants.
3. **The violation of any House Rule shall give the Management Company the Right to.**
 - a) Enter the unit in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting unit owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions thereof and the Management Company shall not thereby be deemed guilty in any manner of trespass: and/or,
 - b) To enjoin, abate, or remedy by appropriate legal proceedings, either law or in equity, the continuance of any such breach, and all costs thereof, including attorney's fees, shall be borne by the defaulting unit owner.

