

AMENDED & RESTATED
AMENDMENT TO RULES & REGULATIONS – MOBILITY DEVICES

This Amended & Restated Amendment to Rules & Regulations – Mobility Devices (“Amendment”) amends and supplements the Rules & Regulations dated September 30, 2008, as previously amended by that certain Amendment to Rules and Regulations – Mobility Devices dated September 7, 2012, (collectively the “Rules & Regulations”) of The Shearwater Interval Owners Association and Association of Apartment Owners of The Shearwater (the “Associations”) to provide for certain safety requirements associated with the use and operation of certain power-driven mobility devices at TheShearwater (the “Resort”).

In accordance with the 2010 Americans with Disabilities Act (“ADA”), the Association has determined it to be in the best interests of all owners and guests to adopt the following safety rules concerning the use of certain other power-driven mobility devices:

1. Pursuant to §36.311 of the Title 28 of the U.S. Code of Federal Regulations (“CFR”) implementing the ADA, individuals with mobility disabilities are permitted to use manual and power driven wheelchairs, walkers, crutches, canes, braces and other manually powered mobility aids designed for use by individuals with mobility disabilities (“Permitted Mobility Devices”) in any areas of the Resort open to pedestrian use.
2. Subject to the safety requirements provided in this Amendment, individuals with mobility disabilities may also use “other power-driven mobility devices”, which are defined in §36.104 of the CFR to include golf carts, electronic personal assistance mobility devices (such as the Segway® PT), or any other mobility device designed to operate in areas without defined pedestrian routes (hereinafter collectively “Other Permitted Mobility Devices”), provided that all operators of Other Permitted Mobility Devices must provide “credible assurance” that the device is required because of a mobility disability.
3. The operator of an Other Permitted Mobility Device must, at all times, use caution to avoid obstacles and pedestrians.
4. All Other Permitted Mobility Devices must remain under the control of the operator at all times.
5. Operators of Other Permitted Mobility Devices should not exceed a fast walking pace outdoors and a slow walking pace when indoors or within pedestrian areas.
6. Operators of Other Permitted Mobility Devices must keep to the right whenever possible.
7. Operators of Other Permitted Mobility Devices must avoid passing close to doors, and should instead use the center or far side of any corridor.

8. Operators of Other Permitted Mobility Devices must use best judgment and should take caution if operating on surface conditions impacted by rain, snow and other surface hazards.
9. Operators of Other Permitted Mobility Devices that are more inclined to tip (for example, Segway® PT) must wear a safety helmet during operation.
10. All Other Permitted Mobility Devices must be operated in accordance to the manufacturer guidelines (including without limitation any limitation on the number of riders, permitted terrains, and general proper use).
11. No Other Permitted Mobility Device may be used in any areas of the Resort that are unsafe for the Other Permitted Mobility Device or its operator, including areas that are unsafe for all pedestrian owners and guests, such as construction areas, banks of retention ponds and roadways.
12. No fuel-driven engines that produce fumes, whether or not an Other Permitted Mobility Device, shall be permitted in any interior building at the Resort.
13. Other Permitted Mobility Devices should not be used in any manner that could create damage or harm to the indoor or outdoor environmental conditions of the Resort.
14. The Association reserves the right to prohibit the use of any mobility device, whether or not an Other Permitted Mobility Device, that poses a direct threat or legitimate safety hazard to the owners or guests of the Resort.
15. Other Permitted Mobility Devices requiring electrical recharging may charge the device via a standard electrical outlet. Notwithstanding the forgoing, the Association reserves the right to prohibit any charging which the Association's Board determines, in its sole discretion, could be hazardous to the user, other owners or guests of the Resort, and/or the electrical systems at the Resort.
16. The operator of an Other Permitted Mobility Device shall at all times remain responsible for any damage caused to the Resort in connection with the operation, storage or charging of the Other Permitted Mobility Device.
17. The operators of Permitted Mobility Devices and Other Permitted Mobility Device must take appropriate methods to lock and secure their respective device. The Association is not responsible for the loss or damage of any Permitted Mobility Device or Other Permitted Mobility Device.
18. Except for upon roads and parking lots, nothing in this Amendment is intended to permit the use, by any persons without a mobility disability, of any Other Permitted Mobility Devices upon any areas of the Resort.
19. The Board of the Association reserves, at any time, the right to further amend, modify, delete or supplement the rules provided in this Amendment, in whole or in part, or to adopt additional rules and regulations as the Board may deem reasonable or necessary from time to time.

Except as modified by this Amendment, all of the terms and conditions provided in the Rules & Regulations shall remain in full force and effect pursuant to the tenor thereof. Notwithstanding the forgoing, in the event of any conflict between this Amended & Restated Amendment to Rules & Regulations – Mobility Devices and any other term or conditions in the Rules & Regulations, including without limitation any prior Amendment to Rules & Regulations – Mobility Devices , the terms and conditions in this Amendment shall govern and prevail.

As the current acting President of the above named Association, I certify that this Amendment to Rules & Regulations – Mobility Devices has been APPROVED AND RATIFIED by the Board on this 15th day of October, 2014.



Signature

WALTER STANTON

Printed Name