

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

INTRODUCTION

The Board of Directors of the Hale Kai Association hereby adopts the following House Rules, pursuant to its authority under **ARTICLE 10 GENERAL PROVISIONS** in the Bylaws of the Association of Apartment Owners of the Hale Kai (the Association), dated 25th March 2009.

SECTION A: GENERAL RULES

**A-1
INTENT OF HOUSE
RULES**

It is the intent and purpose these House Rules to establish uniform rules and regulations for the management of the facilities and services of the Hale Kai for the maximum peaceful enjoyment, safety and health of Owners, authorized occupants, guests, visitors, and service and trade providers.

**A-2
AUTHORITY TO
ENFORCE**

The authority and responsibility to enforce these House Rules is vested in the Board of Directors of the Association. The Owners, authorized occupants, tenants and their respective guests shall be bound by these rules, and shall further be bound by standards of reasonable conduct whether or not specified in these rules. Neither the Board nor its employees shall be responsible for noncompliance of the rules by others.

**A-3
NO DISCRIMINATION,
HARASSMENT OR
ABUSE TOLERATED**

Nothing in these House Rules shall be construed, interpreted or enforced in a manner that would constitute prohibited discrimination of any kind under the provisions of any Hawaii State or Federal Acts. These House Rules, or any Bylaw of the Association, will not be construed, applied or enforced in a manner which would constitute a violation of the Americans with Disabilities Act (ADA). Use of the facilities and accommodation of the Association shall be made available on an equal basis to all person, subject to reasonable limitations and restrictions designed to ensure the health and safety of such users as set out in these House Rules and the Bylaws of the Association. No owner, resident, guest, visitor, service or trade provider shall engage in harassing, intimidating or abusive behavior, whether physical or verbal, causing mental or physical distress to another person. These are considered to be **Serious** infringements and accrue higher penalties and fines than other House Rule infringements to reflect the abhorrent nature of such activities.

**A-4
EMERGENCIES**

If the immediate services of the Police Department, Fire Department, Ambulance or Doctor are required, the agency should be called directly. Any emergency shall also be brought to the attention of the site office or emergency After hours number as posted.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION A: GENERAL RULES

A-5 MAINTENANCE REQUESTS, COMPLAINTS AND SUGGESTIONS

Maintenance requests, complaints and suggestions regarding the building and grounds shall be made in writing and put in the mailbox provided on the workshop gate. The Site Manager will collect all correspondence daily. Any issues the Site Manager cannot resolve will be forwarded to the Building and Grounds Chairperson. Should the Owner not be at the Hale Kai please mail or email the Chairperson. Without exception, maintenance requests, complaints and suggestions are not to be made directly to any employee of the Association. However, should the matter be of an Emergency nature please bring it to the immediate attention of the Site Manager. If the matter is not considered by the Board to have been an emergency it will be deemed to be harassment of an employee of the Association and shall be dealt with as a **Serious** infringement.

A-6 RIGHT OF ENTRY

The Board has the right to enter the apartments, from time to time during reasonable hours, as may be necessary for the operation of the property or for making emergency repairs therein necessary to prevent damage to the common elements or another apartment or apartments. Except in cases of emergency, or a situation where time could cause damage, or further damage, written notice shall be posted at the front door of the apartment 24 hours prior to the time entry is required. The written notice shall include the reason for entry, the date and time of entry and date of the posting of the notice. After posting the notice the Board or its agent, shall attempt to notify the Owner and, if applicable, the current lessee or tenant by calling or emailing the emergency contact number on record.

A-7 KEYS

If any key or keys are entrusted by an apartment Owner or occupant, or by any member of his family or by his agent, servant, employee, licensee or visitor, to an employee of the Board, whether for such apartment Owner's or occupant's apartment or an automobile, truck or other item of personal property, the acceptance of the key(s) shall be at the sole risk of the apartment Owner or occupant and the Board shall not be liable for injury, loss or damage of any nature, directly or indirectly resulting there from or connected therewith.

A-8 FIREWORKS

There shall be no lighting of fireworks at any time, on, from or around the buildings or common areas.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION A: GENERAL RULES

A-9 USE OF STAFF

No Owner or occupant shall request any employee or independent contractor to perform any business or work for them during the employee's normal working hours.

A-10 APARTMENT LOCKS

The Board will retain a passkey or lock box combination to each apartment. If the lock to an apartment is to be changed, the Board will obtain one that can be used with the passkey. No entry into a unit is allowed unless authorized under the ByLaws, House Rules, an Owner or at the direction of the Board. Entry is allowed in cases of emergency, including but not limited to making necessary repairs to any unit or common area elements. An exception to this rule is allowed in the case of a unit which is permanently occupied by an Owner. An Owner, who is in permanent residence, may specify in writing to the Board his/her desire for an exemption from inclusion in the passkey/combination arrangement. Any expense attached to this exemption shall be paid for by the unit Owner. Any expense attached to these separate keys will be paid by the unit owner.

A-11 EMERGENCY CONTACT INFORMATION

Each Owner shall provide Emergency Contact details of apartment occupants to the Board. A Contact Log is kept in the Rental Office and should be updated when required. Owners are assured that this is for Emergency Contact only and it is important for a responsible person on site to have. Misuse of this private information is an invasion of one's right to privacy and is considered a **Serious** breach of the House Rules.

A-12 INTERACTION WITH OTHER OCCUPANTS

No person shall do, or permit to be done, anything that interferes with the rights, comforts, convenience or privacy of other occupants regardless of the time of day or night. Specific photographing or audio/visual recording of activities of other occupants, employees, workers or contractors without permission of that/those person(s) is prohibited. This is not to be interpreted that the taking of photographs of guests, friends, family or location are prohibited. Common courtesy and respect prevail. However, if a person complains to the Rental Office, the Board or its employees, that complaint shall signify that person's right to privacy has been breached. The invasion of, or intrusion into, another's rights, comforts, convenience or privacy is considered a **Serious** breach of the House Rules.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION A: GENERAL RULES

**A-13
NOISE AND
DISTURBANCES**

All noises, from whatever source, and other anti-social behavior shall be controlled so as to not disturb any other occupant. This applies to all hours of the day and night. All occupants shall also maintain quiet between the hours of 10:00 pm and 8:00 am.

**A-14
USE OF ASSOCIATION
EQUIPMENT AND
TOOLS**

Occasionally there are request from owners, or tenants to borrow tools from the Site Manager. We want to be as helpful as possible, but there are some restrictions as to what the AOAO may, and may not, lend out. These items *may not* be lent out: Long ladders, extension ladders or power tools. These items *may* be lent out for short term use (very): hand tools, vacuum. See the Site Manager to arrange a convenient time to borrow / return item. If you have a need for an extension ladder please ask the Site Manager for assistance at a convenient time, after his normal working hours, and he will be able to lend a hand if it is something he is able to do. There may be a charge for engaging his after-hours services.

**A-15
LOCK OUTS**

Should a resident, or other authorized occupant, require after hours assistance to gain entry to their apartment, the after hours Emergency Security number should be phoned. The number is posted on the property. Proof of right to enter may be required to be verified. A \$25 fee may be charged.

**A-16
OCCUPANT
REMOVAL**

If an apartment's lessee, renter or guest fails to observe the provisions in regard to noise and disturbances the apartment owner shall, if requested by the Board, or its designated agent, immediately remove the lessee, renter, or guest from the premises. If the Owner is unable to be contacted for an urgent matter, or fails to act, the Board shall take all steps necessary to *legally* remove the lessee, renter or guest from the premises on behalf of the Owner and at the Owner's expense. Every effort will be made to contact the Owner in the first instance; however, at times events occur late at night that require immediate response. In this instance the Owner will be notified at the earliest possible time.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION B. RULES PERTAINING TO APARTMENTS

**B-1
BURDENSOME USE**

Nothing shall be allowed, done or kept in any apartment or common area of the project which would overload or impair the floors or walls thereof, or cause any increase in the ordinary premium rates or the cancellation or invalidation of any insurance thereon maintained by or for the Association, nor shall any noxious or offensive activity or nuisance be conducted thereon.

**B-2
FIRE EXTINGUISHERS
AND SMOKE ALARMS**

At least one (1) hand held, appropriate for kitchen, fire extinguisher shall be provided by the Owner and will be readily accessible and properly recharged for use in the kitchen area of each apartment. At least one working smoke alarm must be installed in each apartment near *each* sleeping room and regularly have batteries replaced and tested.

**B-3
DELIVERIES AND
PERSONAL PROPERTY**

Neither the Board of Directors nor any employees or agents of the Board are responsible for packages, deliveries, or any personal property, including but not limited to automobiles, anywhere on Association property.

**B-4
ELECTRICAL
EQUIPMENT**

All radio, TV, CD, DVD, all kitchen appliances and other electrical equipment of any kind installed or used in each apartment shall be within full compliance of all rules, regulations, requirements or recommendations of the public authorities having jurisdiction. The apartment Owner shall be responsible for maintaining all electrical items and appliances in safe repair and is liable for any damage or injury caused by any such devices.

**B-5
HAZARDS**

No occupant shall use or permit to be brought into the building or on common areas, anything deemed by the Board to be hazardous to life, limb or property, including but not limited to combustibles, gun powder, fireworks or other explosives. No activity shall be engaged in or substances introduced into or manufactured with the buildings, which may result in a violation of the law, the cancellation of the insurance or increase in the insurance rates on the building and property. Flammable materials, including but not limited to paint and thinners shall not be stored in any apartment, excluding hobby quantities of craft painting products that are safely stored.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION B. RULES PERTAINING TO APARTMENTS

**B-6
ALTERATIONS**

The repair and maintenance of apartment interiors is the responsibility of the Owner. No internal or external structural, electrical or plumbing alterations or modifications requiring a permit is allowed without the prior written consent of the Board. The Owner may be asked to provide detailed and satisfactory drawings of same and proof of compliance with applicable building and zoning laws. The installation of hard floor surfaces in upper units must use certified sound-absorbing under flooring. Installation of air conditioning units, non-moveable air filtration units, heat exchangers or washing machines shall not be allowed without prior written consent of the Board. Washing machine installation will incur a water usage charge to compensate for the Association's water fees.

**B-7
WINDOW
COVERINGS, SIGNS,
SUN SHADES**

No awning, venetian blinds, window guards, radio or TV antenna shall be attached to or hung from the exterior of the buildings or lanais or protrude through walls, windows or roof thereof or be projected from windows. No notice, advertisement, poster, illuminated or other sign shall be inscribed or posted on or about the project, except as may be approved in writing by the Board. Granting or refusing approval is at the sole discretion of the Board. Sun shades hung at the front of each lanai shall be approved by the Board.

**B-8
NAMEPLATES**

Nameplates and names shall be placed only where and in the form approved in writing by the Board.

**B-9
POTTED PLANTS**

Potted plants may be placed on lanais provided suitable containers are placed under all containers. Proper safety precautions must be taken so plants do not fall from the lanais of upper apartments. Potted plants on lanais will not be maintained or watered by Association Staff. The watering of plants shall be accomplished without causing a nuisance to persons residing in adjacent or lower apartments or to persons on the grounds of the premises.

**B-10
PETS AND ANIMALS**

No pets shall be allowed or kept in any part of the project. However, handicapped persons shall not in any manner be denied the use of a certified guide or assistance dog. Stray, wild animals or birds shall not be fed on association grounds.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION B. RULES PERTAINING TO APARTMENTS

**B-11
DUSTING AND
SWEEPING**

Garments, rugs, mops or other objects shall not be dusted or shaken from windows, doors, lanais or stairways of the buildings. No objects shall be swept or thrown from any apartment or any other room of the buildings into any entryway or other parts of the premises. Furthermore, nothing shall be thrown or emptied by occupants, their guests, or cleaners out of windows, doors or off lanais onto any part of the buildings or premises.

**B-12
LANAIS**

Lanais may be furnished with chairs, lounges, and tables and must be kept in an orderly and tidy manner. Cleaning of lanais shall be accomplished without causing a nuisance to persons residing in adjacent or lower apartments or to persons on the grounds of the property. No towels, clothing or the like shall be hung on railings or louvered windows. No other articles such as storage boxes or any other household items shall be stored on the lanais without written permission from the Board. Decorations on the walls of the lanais shall be kept appropriate to the general atmosphere of the property. Inappropriate decorations shall be at the sole discretion of the Board. No barbecues are allowed in the project except for the ones located in the common area as provided by the Association.

**B-13
GUESTS**

The Owner is responsible at all times for the conduct of their guests.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION C: RULES PERTAINING TO COMMON AREAS

**C-1
SOLICITING**

Soliciting of goods and services, religious or political activities are not permitted on the premises.

**C-2
MOVING**

Moving of large items must be coordinated with the site Manager. Any damage to the buildings caused by moving of furniture or other personal effects shall be repaired at the expense of the Owner, whether caused by the Owner, guests, tenants or anyone acting on Owner's behalf.

**C-3
PROTECTION OF
COMMON AREA**

Furniture, furnishings and equipment of the common elements have been provided for the safety, comfort and convenience of all residents, guests and tenants and shall not be altered, extended, removed or transferred to other areas.

**C-4
RESPONSIBILITY FOR
DAMAGE**

Each Owner shall be personally responsible for any damage or destruction to common or limited common elements caused by himself/herself, guests, tenants or other occupants of the Owner's unit. The Board will bill any repairs for damages to the Owner.

**C-5
USE OF GROUNDS**

All common and limited common areas, including but not limited to grounds, walkways, entryways, stairways, building entrances, driveways and recreational areas shall be kept free from obstructions so that ingress and egress from the buildings is not hindered. Common areas shall not be used for parties or activities that restrict full, unhindered access to all residents, guests or visitors without specific permission from the Board. This does not apply to normal gatherings of friends and guests extending from a unit's lanai, provided the sharing of the common area with others is not hindered.

**C-6
EXCEPTIONS**

The Board may approve reasonable changes or modifications to the buildings and/or other common areas, making certain parts of the exterior accessible for use by handicapped persons, as may be requested and mandated by law, as per the Bylaws.

**C-7
CIGAR SMOKING**

Cigar smoking is prohibited in all common areas, including lawns, parking lot, laundry facility, walkways and pool area.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION D. RULES PERTAINING TO PARKING AND PARKING LOT

**D-1
PARKING STALLS**

There are forty (40) parking stalls in the parking area. One parking stall for each unit. These are for the sole use of the occupants of the units. Only passenger vehicles and personal use light duty trucks that are legally registered and have a current Hawaii safety sticker will be allowed to park in the parking area. If all spaces are not filled with occupants' vehicles, empty spaces may be used by those conducting business, or visiting Hale Kai. There is a legal obligation to provide signed, Handicapped parking when required by residents or rental occupants. Such place is to be provided at the parking stall nearest their entrance. In this circumstance flexibility by all is necessary to accommodate the Hale Kai's social and legal responsibilities. It is also the accepted practice at the Hale Kai that permanent resident owners may have a "Reserved" parking stall. This is to be respected. It is also the accepted practice at the Hale Kai that visitors and guests are not required to only park in the stall assigned (in the Declaration Map) to the unit they occupy. This practice is to be respected.

**D-2
OCCUPANT VEHICLE
REGISTRATION**

All passenger vehicle that will be parked on Hale Kai premises must be registered with the Rental Office and Site Manager. Hale Kai registration consists of the make, model, year, color and license plate numbers/letters. Only Hale Kai registered vehicles may park overnight. Vehicle not registered may have a notice placed on the vehicle, and repeat offenders may risk having their vehicle booted and immobilized at the Owner's expense. There is a cost of \$25 for removal of the "boot".

**D-3
REPAIRS, STORAGE**

There shall not be excessive noise or extensive repairs of vehicles or other equipment in the parking lot. Storage of property shall not be permitted in the driveways, parking stalls or on any common elements. Any oil leaks onto the parking surface from residents' vehicles must be cleaned by the Owner.

**D-4
USE OF LOT FOR
PARKING ONLY**

No personal items such as, but not limited to, lumber, trailers, boats, furniture or crates shall be permitted in the parking area except for customary loading and unloading. Delivery trucks/vans are only permitted to load and unload, then must park elsewhere should their attendance at the Hale Kai continued to be required. Service vehicles and moving vans are permitted only under the supervision and prior consent of the Site Manager.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION E: POOL AREA RULES

**E-1
POOL HOURS**

The pool and surrounding areas are for the exclusive use of the residents and their guests between the hours of 8:00 am and 10:00 pm.

**E-2
SHOWERING**

A shower, near the gate, should be taken before entering the pool from the beach to remove sand. All hair pins and clips shall be removed before entering the pool as they can come loose and damage the pool cleaning equipment.

**E-3
CHILDREN IN POOL
AREA**

For their health and safety, children under the age of 12 must be accompanied by an adult. There is no lifeguard on duty at the pool.

**E-4
CONDUCT**

"Horse Play", "Marco Polo", "Bombs", running, screaming or other boisterous conduct is not permitted in the pool or surrounding area. Splashing of water other than that accompanying normal swimming is not permitted. Electrical entertainment devices, including but not limited to radios, tape players, CD/DVD players shall be used only with earpieces. Small toys and other articles that may get caught in the pool's filter system are not allowed. Repairs for damage caused will be charged to the offender, or if by a child, that child's parents / guardians.

**E-5
BREAKABLE
CONTAINERS**

Glass or other breakable containers shall not be brought into the pool area.

**E-6
BELONGINGS**

All personal belongings such as towels, sunglasses, books, etc, shall be removed when leaving the pool area.

**E-7
POOL AREA GATES**

In accordance with safety regulations of the State of Hawaii and to satisfy insurance company requirements, the pool gates shall be kept closed and latched at all times.

**E-8
PROHIBITED
EQUIPMENT**

Athletic equipment, such as scuba tanks, rafts, and body boards are prohibited. Exercise devices may be used for aquatic fitness as long as they are not dangerous to others and that they are removed from the pool immediately the exercise is completed. Flotation devices for non-swimmers may be used.

HALE KAI ASSOCIATION OF APARTMENT OWNERS

HOUSE RULES JUNE 2009

SECTION E: POOL AREA RULES

**E-9
LIABILITY**

Occupants and their guests shall use the swimming pool at their own risk. The Association does not provide a lifeguard nor have ready access to medical personnel in the event of an accident or injury.

**E-10
BOARD OF HEALTH
RULES APPLY**

All persons known to be, or suspected of being, afflicted with an infectious disease, or suffering from cough, cold or sores or wearing band aids or bandages, shall be excluded from using the pool. Spitting, spouting water, blowing the nose in the swimming pool are prohibited. Children in diapers shall only be permitted when wearing approved attire that completely safeguards against fouling the water.