

KALANIKAI AOA HOUSE RULES

PREAMBLE

The purpose of these house rules is to protect all occupants from the improper use of the condominium apartments and to protect the reputation and desirability thereof by providing maximum enjoyment of the premises. The Board of Directors of the Association of Apartment Owners may amend these house rules from time to time. No rule or amendment can be in direct violation of the By-Laws of The Kalanikai Association of Apartment Owners.

The full authority and responsibility of enforcing these house rules is vested in the Board of Directors of the Association of apartment owners, and as delegated by the Board of Directors to the Resident Manager and the Managing Agent. All occupants, tenants and their guests shall be bound by these rules and by standards of reasonable conduct whether covered by these rules or not; however, the Board of Directors, the Resident Manager, nor the Managing Agent shall be held responsible for noncompliance of any of the house rules.

The rules that appear below were adopted this date by the elected Board of Directors of Kalanikai. A copy of this document, a "Declaration of Horizontal Property Regime under chapter 514, Revised Laws of Hawaii, September 23, 1971, As Amended," was delivered to and accepted by each buyer at the time of purchase. A copy was also filed in the office of the Assistant Registrar of the Land Court of the State of Hawaii.

The violation of any of the rules and regulations herein, or subsequently adopted, shall give the Board of Directors or its agents, the right to:

- a) Enter the apartment in which, the violation or breach exists to stop or remove, at the expense of the apartment owner, any structure, thing or condition that exists therein, in violation of the intent and meaning of the House Rules or By Laws and the Board of Directors or its agents shall not thereby be guilty in any manner of trespass: or
- b) To initiate legal proceedings to stop, remedy or collect damages resulting from the continuance of rule violations. All costs resulting from the actions of the Board of Directors, including attorney's fees, shall be borne by the defaulting apartment owner.

Adopted November 8, 2018

I. OCCUPANCY

- A. An owner may lease his/her apartment to make it available to friends, but the person or persons leasing, renting or living in the apartment shall abide by these House Rules, and the owner or the rental agent shall assume responsibility for the occupants' adherence to the House Rules, By-Laws and Declaration of Kalanikai. The owner shall also notify the resident manager of the names and length of anticipated occupancy of lessees, renters, or guests. The owner or rental agent shall deliver to their tenants, a copy of these house rules.
- B. An apartment owner or his/her rental agent shall be responsible for the conduct of lessees, renters, or guests. Upon request of the Board of Directors or Managing Agent, an owner shall immediately stop or remove, at owner's expense, any structure, thing or condition that may exist with regard to the occupancy of owner's apartment by lessees, renters or guests contrary to the interest and intent of the House Rules and By Laws. The owner or his/her rental agent shall immediately take action to remove non-compliant lessees, renters or guests from the premises. Kalanikai Association will not be liable for compensation for loss of rent or any damage resulting from the removal.
- C. Maximum occupancy of the apartments is as follows:
 - 1. Studio Apartments – 2 persons
 - 2. One Bedroom Apartments – 4 persons
- D. All residents shall fill out the "Owner/Tenant Information Form" obtained from the Resident Manager at the time of occupancy
- E. All residents must notify the resident manager of all moves, in and out, and when household goods or large items of furniture are to be moved.
- F. An apartment shall be used only as a residence and shall not be used for business or other purposes. Vacation rentals are allowed.
- G. The Resident Manager will not give access to apartments without written permission of the owner and/or tenant. Keys must be supplied to the Resident Manager one day before access is permitted. Resident Manager is not authorized to store spare keys for apartment owners.
- H. An absentee owner shall have an agent conduct periodic inspections of his/her closed apartment and shall assume responsibility for the apartment contents. The Resident Manager may not act as agent of absentee owner.

II. PETS AND OTHER ANIMALS

- A. No livestock, poultry, rabbits, or other animals whatsoever shall be allowed or kept in any part of the project, except for the benefit of the association and as approved by the Board of Directors.

Small dogs, cats, fish and birds may be kept by occupants of apartments subject to the following conditions:

1. Prior written consent must be obtained from the Resident Manager and/or Board of Directors;
2. The approved animals are confined to their respective apartments;
3. Animals shall not be kept, bred, or used for any commercial purpose;
4. Only one small dog weighing 25 pounds or less is allowed per unit;
5. Two cats are permitted;
6. They shall not be allowed on any common element except in transit when carried or, in the case of a dog, when on a leash;
7. Pet owners shall be responsible for cleaning up any waste or mess created by their animals on any common elements in the project;
8. Any animal causing a nuisance or unreasonable disturbance to any other occupant of the complex shall be permanently removed, promptly upon notice given by the Board of Directors or the Resident Manager. The apartment owner and occupant shall indemnify the Association and hold it harmless against any loss or liability of any kind or character arising from Kalanikai allowing the pet/animal in the project.
9. Pets and other animals may not be fed in the common areas, including the limited common areas of porches, entry ways, and lanais. The Kalanikai chickens are exempt from this rule.

III. PARKING AND PARKING AREAS

- A. Each apartment includes one deeded parking stall.
- B. Vehicles parked in the stall must fit within the normal parameters of the deeded stall belonging to each unit.
- C. Personal items should not be left in deeded parking stalls. It is reasonable to assume exceptions to this rule for temporary use, or with approval of the Board or Resident Manager. Items left over night or left after being ordered to stop such use, will be removed by the Resident Manager.
- D. Owners may "loan" or permit residents or guests to park their vehicle in the owner's deeded stall, at the owner's discretion.
- E. All vehicles parked in any deeded stall or any stall on the Kalanikai Complex must be licensed and operable.
- F. No vehicle may be used for over-night sleeping.
- G. No unpermitted vehicles may park in deeded stalls. If an owner or resident requires an unpermitted vehicle removed, the owner must contact the resident manager, a board member, the management company or a person with board authority to tow vehicles. After determining there

is no immediate solution to having the vehicle removed by the person who parked it in the deeded stall without the owner/resident's permission, the authorized person will call and have the vehicle towed as requested by the owner (This enforcement is complaint driven). At the request of the occupant unpermitted vehicles may be towed without notice.

- H. Designated Visitor Parking stalls are for the sole use of people visiting Kalanikai owners/residents or conducting business for the benefit of the Kalanikai Association.
- I. Resident Homeowners, Tenants, and Vacation Renters are "not authorized" to use the visitor parking stalls. Violation may result in the unauthorized homeowner/resident's car being towed from the visitor's stall at his/her expense. Non-resident homeowners may park in visitor's stalls by following all visitor rules.
- J. Visitors may use the visitor's stall during the length of their visit or the time they are conducting business for Kalanikai Condominiums. However, if a visitor exceeds a normal daily visit or spends the night on the premises, the homeowner/resident will place a note in the resident manager's office stating where the visitor is staying during the over-night visit.
- K. No one shall park in the visitor's stall for a visit longer than 24 hours without a visitor's permit.
- L. Owners may move to a visitor's stall, after placing a note in the resident manager's office, for the limited time required by a delivery or tradesman need the use of the owner's deeded parking stall to complete delivery or repair/remodel.
- M. Visitors staying with an owner/resident for more than 24 hours may request and obtain a permit to use a visitor's stall for up to 1week. The permit shall be given out to visitors on first come basis and only (4) permits will be given out at any one time. A visitor may apply for 2 such permits in any 180 consecutive days. If a visitor does not have a permit, they must park off site when visiting for more than a regular day visit or for more than one over night visit. (Any overnight visit requires a note to be placed in the resident manager's office slot)
- N. No occupant shall make or cause another to make any major repairs to automobiles or other vehicles of a similar nature, including, but not limited to, mechanical equipment and motorcycles within the parking area. No changing of oil will be allowed.
- O. Only operable motor vehicles are allowed to park in designated parking stalls. Inoperable motor vehicles or those stored without the permission of the Board of Directors or the Resident Manager will be removed from the property pursuant to Hawaii Revised Statutes 290-11, "Towing of Unattended Vehicles".

IV. COMMON AREAS, LANAIS AND ENTRANCES

- A. The public halls, sidewalks and stairways shall not be obstructed.
- B. No shoes, sandals, slippers, laundry, rubbish or other items are allowed to remain in view at entries.

- C. Occupants are not allowed to put their names in any entry, passageway, hall or stairway of any building. Apartment numbers may be affixed to the side of the stairway to each apartment. These numbers must be approved by the Board as to color and style.
- D. No rugs may be beaten on the lanais or corridors, nor shall dust, rubbish or litter be swept from the any apartment into any hallway, walkway or entry of the building.
- E. All trash and refuse must be contained in plastic bags and tied before depositing in the trash bins. The trash container in the pool area is for trash accumulated in the pool area only and no household trash shall be deposited therein. HI 5 containers shall be placed in the designated container in the trash bin area. No garbage bags or refuse shall be stored in entryways or hallways of the buildings.
- F. Only trash or refuse may be placed in the trash bins. Occupants shall properly dispose of any large items such as televisions, hot water heater, refrigerators, mattresses, furniture etc. in the county landfill.
- G. Children shall not be permitted to loiter or play on the stairways, hallways, gardens or parking areas. Parents, guardians or others in charge shall be responsible for children under their care.
- H. Bicycles, scooters, skates, skateboards and similar equipment shall not be operated in the interior, common or pool areas. Except that bicycles and scooters may be ridden in the parking lot for the limited purpose of coming into the complex and leaving the complex.
- I. Any damage to the buildings caused by moving or carrying articles shall be paid for by the occupant of the apartment to or from the items are moved or carried.
- J. Only furniture and small potted plants appropriate to lanais can be used on the lanais. Containers shall be placed under all plant pots to avoid water dripping. Barbequing or other food preparation procedures producing smoke, fumes or other types of air pollution are not permitted on lanais. A barbeque facility in the pool area is available for tenants.
- K. Watering plants and sweeping and mopping lanais shall be accomplished in a manner which will not create a nuisance to persons on the grounds or persons residing in lower or adjacent apartments.
- L. Stairways and other public areas shall not be used for storage of furniture, bicycles, beach gear or any other articles.
- M. Stairways and all common areas shall not be used as living, or partial living/sleeping areas by any resident or guest.
- N. No occupant shall interfere in any manner with any portion of the heating, lighting, swimming pool or fire alarm apparatus on the premises.
- O. No shades, awnings, structure or window guards shall be used except as approved by the Association of Apartment Owners. Each apartment must have a screen door, the design and color shall be approved by the Association of Apartment Owners.

- P. Occupants may have only one vented air conditioner per unit. All air conditioners located in the cement buildings will be vented through the lanai. No venting through the bedroom windows is permitted.

V. COMMON BARBEQUE AND POOL AREAS

- A. Furniture, other than provided by the Association, shall not be left in the common barbeque or pool areas without the resident manager's approval. Furniture provided by the association shall not be removed from the area.
- B. Persons using the common areas do so at their own risk and are responsible for the removal of all articles brought to the common area by them, without exception, at the time they leave the areas. The Association of Apartment Owners shall not be responsible for items left in the common areas.
- C. All persons must shower before using the pool.
- D. No diving, running, horseplay, or excessive Noise.
- E. Any person with infectious Disease is prohibited from using the pool.
- F. Persons with open cuts, blisters, or rashes are advised not to use the pool.
- G. Spitting, spouting water, blowing nose or discharging bodily waste is strictly prohibited.
- H. All Persons must wear proper swimming attire – no cutoffs allowed.
- I. No Glass Containers inside of the pool area.
- J. No animals inside the pool area.
- K. All children under 14 years of age must be accompanied by an adult.
- L. All guests must be accompanied by a resident/occupant Occupants must be on site at Kalanikai during all times their pool guests are using the pool. Occupants must be present at the pool with their guests or they must provide guests with occupant's pool key.
- M. No occupant shall have more than 6(six)guests at any time without express permission of the Resident Manager obtained prior to such event. All pool and common area rules apply to special events and all events must conclude by 8:00 PM.
- N. No flotation devices allowed except – water wings, noodles and small devices designed for babies. None of the above devices may remain in the water when not being used and held by a swimmer.
- O. Infants and anyone unable to control body functions must wear waterproof pants.
- P. There shall be no food consumed in the pool. Liquid refreshments must be in plastic or metal containers. No glass containers of any nature shall be allowed in the pool area.
- R. Any violation of pool rules may result in fines and/or exclusion from the pool use.

S. The pool shall be open for use each day between 8:00 AM and 10:00 PM, and at no other time.

VI. SMOKING

- A. No smoking shall be allowed in the common element areas, (for example the hallways stairways, sidewalks, gardens and pool area of the project) or in or on the limited common elements of the complex (for example lanais and doorways to individual units). Occupants shall smoke at the designated smoking area at the front of the property, or within their unit. Cigarette butts and ashes shall not be disposed of on the project grounds. Occupants who smoke shall ensure that second hand smoke does not encroach on the health, safety and comfort of neighbors.
- B. Removing No Smoking signs is prohibited and subject to an immediate fine.

VII. NOISE

- A. No occupant shall play or allow other people to play any musical instrument on the premises if playing the musical instrument disturbs or annoys other occupants of the complex.
- B. No occupant shall make any excessive or unreasonable noise outside or inside the confines of the property and buildings of Kalanikai. Excessive and unreasonable are defined as exceeding the sound levels listed below:
1. Ambient noise levels will be established. Any noise not exceeding the accepted ambient levels by more than 5 dBA will not be considered valid measurements.
 - a. "Accepted" ambient noise levels are the measured noise levels over a specified period of time, generally over a 15-minute period when no extraordinary sounds are present.
 2. Impulse noise is allowed to be 10 dBA above regular noise level standards, as defined below. An impulse sound is defined as any sound lasting for a duration of less than ten (10) seconds. Motor vehicle sound within the confines of Kalanikai will be considered impulse noise, unless the sound is stationary and lasting for more than 10 seconds. In no case may a motor vehicle exceed the maximums listed below.
 - a. During the hours of 7:00 a.m. to 10:00 p.m.
 - 1) 60 dBA as measured inside an apartment, windows and doors closed (Except vehicles).
 - 2) MOTOR VEHICLES: 74 dBA for motor vehicles, including motorcycles and mopeds, as measured out-of-doors in a drive-by test at 50 feet, or 25 feet +6dBA (80 dBA) at a speed less than 35mph. (70 dBA in a stationary test for motorcycles and mopeds, and 60 dBA in a stationary test for all other vehicles. Tested at an idle.)
 - b. During the hours of 10:00 p.m. to 7:00 a.m. (Quiet Hours)
 - 1) 50 dBA as measured at an apartment closest to the source of the sound (Except vehicles).
 - 2) See Vehicle Requirements above

- C. Quiet Hours are from 10:00 PM to 7:00 AM.
- D. Offending vehicles may be banned from entering the property. Excessive noise at any time should be reported to the Resident Manager.
- E. Sound level testing will be conducted using a sound level meter of standard design and using an A-weighted scale.
- F. Occupants must allow testing of their vehicle(s) and inside and outside of their unit in furtherance of Section VII(G) (below)
- G. Noise violations will be based upon a complaint driven system. In addition, the Resident Manager may conduct random sound metering when he/she deems it necessary or prudent.

VIII. GENERAL PROVISIONS

- A. The Resident Manager shall not be asked to do work within the apartment area as part of his/her regular duties.
- B. Soliciting or canvassing is not permitted in the project.
- C. Occupants shall abide by all posted signage on the property.
- D. The Kalanikai Association of Apartment Owners reserves the right to make other rules and regulations from time to time as maybe needed for the safety, care and cleanliness of the premises and for securing the comfort and convenience of all occupants thereof.
- E. No flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or articles deemed hazardous to life or property shall be stored in any apartment unless approved by the Resident Manager.
- F. Water on the premises shall not be left running for any unreasonable or unnecessary length of time. Toilets shall be in good repair at all times.
- G. The destruction of property, whether willful or negligent, is strictly prohibited. This includes all common and limited common elements, property attached thereto, or the apartment or portions thereof belonging to any owner. This violation carries a separate penalty:
 - 1. First offense: \$200 fine plus all costs associated with any repairs.
 - 2. Second offense: \$500 fine, all associated costs for repairs, and potential immediate eviction of resident.
 - 3. If a vehicle is involved in the damaging of the property, the above fines apply and the vehicle may be banned from the property.
- H. Striking, hitting, or pushing a person, or committing any act resulting in injury, that would be classified under Hawaii State law as an assault, is prohibited. This violation carries a separate penalty:

1. First Offense: \$500 fine. No further contact by either party without expressed written consent by both parties.
2. Second offense: Doubling of the fine and no contact as above
 - a. This offense will initiate an immediate Board of Directors investigation and discussion with the intent of restricting resident's on-property contacts and/or initiating eviction proceedings.
 - b. Either involved party is responsible for any restraining orders they wish to obtain.
 - c. Neither party can incur costs to the association for any legal process that ensues as a result of a violation of this rule.
3. If any violation of this rule involves the use of a vehicle, the fines and sanctions will be those of the above listed "Second offense". In addition, the vehicle may be banned from the property.
4. Any violation of this rule that involves police response or intervention may double the fines listed above.

IX. ADMINISTRATIVE VIOLATIONS

- A. It is a violation of the house rules if a person violates provisions of the Bylaws or the Declaration.

X. VIOLATIONS-FINES-PENALTIES

- A. All House Rules violations shall be communicated in writing to the Owner and Owner's agent if applicable. The owner is responsible for the conduct of the tenant and is liable for fines imposed due to tenant's violation(s) of the House Rules.
- B. Consequences for violation of House Rules are as follows:
 1. 1st Violation (same offense) – Warning, written or documented verbal
 2. 2nd Violation (same offense) - \$100.00 fine
 3. 3rd Violation (same offense) - \$200.00 fine
 4. 4th Violation (same offense) – Eviction notice and fine. Fine includes the attorney's fees plus continued monthly fines until corrected.
 5. Any activity that requires police intervention- \$500.00 per violation
- C. All owners of apartments in the condominium are responsible for ensuring compliance with these rules by occupants of their apartments. The Board of Directors, acting for the Association, shall enforce these house rules by any action necessary. The owner or owners who are in violation of these House Rules will pay any legal expense incurred by the Kalanikai Association of Apartment Owners in enforcing these house rules.

XI. APPEALS PROCESS

- A. The owner of the unit shall have thirty (30) days from the date of the notice of a violation resulting in a fine to appeal the violation and fine, and request a hearing,
- B. The board shall constitute a panel of at least three (3) members (one of whom shall be designated chair) who shall hear the charges and evaluate the evidence of the alleged violation(s).
- C. At the hearing, the owner accused has the right to present oral and written evidence and to question witnesses.
- D. The panel shall deliver a written decision specifying any fine and or penalty levied and specifying the reason for the board's decision, to the accused owner within seven (7) days after the hearing.

Adopted this 8th day of November 2018



President, Board of Directors

I, or we, the residents of condo #_____

Have read and understand the **HOUSE RULES** and are aware of my, or our, responsibilities to the Kalanikai Association of Apartment Owners. I (we) understand that breaking these rules will result in a warning the first time. A fine will be imposed for subsequent violations; continued violations may lead to eviction.

Print Name_____

Signature_____

Date Signed_____

Print Name_____

Signature_____

Date Signed_____

Print Name_____

Signature Name_____

Date Signed_____