

# **WAILEA EKAHI AOA HOUSE RULES**

*(Revised and Adopted April 12, 2006)*

## **A INTRODUCTION**

- 1 The primary purpose of these House Rules is to provide for a safe, peaceful and enjoyable living environment for all owners, guests, and renters. Your understanding and compliance with these Rules is appreciated.
- 2 These Rules have been adopted by the Board of Directors of the Association as provided in the Bylaws.
- 3 The Board of Directors has delegated to the General Manager full authority and responsibility for enforcing these Rules.
- 4 All owners, guests, and renters shall be bound by these Rules and by standards of reasonable conduct, whether covered by these Rules or not.

## **B TEMPORARY OCCUPANCY/RENTALS**

### **1 Appointment of Agent**

All owners must appoint an agent or representative to be contacted relative to emergency situations or issues such as lockouts related to those who occupy the owner's apartment.

### **2 Notification of Occupancy**

All Owners and/or their Rental Agent shall notify the Ekahi Office, prior to arrival, of the names, number in party, and the dates of occupancy for each apartment. See Section C, item No. 4 regarding vehicle parking permits.

### **3 Conduct of Renters and Guests**

Owners and Rental Agents shall provide a copy of these rules to all guests and renters who shall be instructed to abide by these Rules. An apartment owner shall be responsible for the conduct of his/her guests and/or renters and shall, upon request of the Board or Ekahi Manager, immediately correct, at his/her expense any condition that may exist which is contrary to the intent and meaning of these Rules. If the owner is unable or does not seek to control the conduct of his/her guests and/or renters in conformance with these Rules, the General Manager may order the guests and/or renters from the premises, without compensation for any lost rentals or any other damage or liability arising therefrom.

### **4 Key Service**

- a. The Ekahi Office cannot provide key service for guests and/or renters. In the event of a lockout, guests and/or renters shall seek assistance from their rental agent or owner. Before any person changes any exterior door lock, he/she shall contact the General Manager and provide the Office with a duplicate copy of the new key (both entry locks and deadbolts where appropriate).
- b. Any owner who wishes to have the Association issue a key to repairmen, contractors service people must:
  - 1) Provide the Association office with a signed hold harmless indemnity agreement. Forms are available in the Association office or on the Ekahi website

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- 2) Provide the Association office, during its normal office hours, with either a written or faxed authorization for each occasion when key service is desired. Authorization forms are available at the Association office or on the Ekahi website.
- 3) Complete and return the Wailea Ekahi Apartment Information form.
- 4) Assume responsibility for the return of the key to the Association office, and for any cost to replace a lost key and/or lock replacement.

### **5 Ekahi Office is not a rental agent.**

Renters and guests shall contact their rental agent or their apartment owner in the event of any routine difficulties in connection with their stay in any particular apartment. The Ekahi Office is not a rental agent and has been directed by the Board of Directors not to become involved in these matters. In the event of a medical emergency or fire please call 911.

### **6 Telephones**

Local dial telephones are located at the Beach Pavilion kitchen and the outer door of the Ekahi Offices at Building 18.

## **C RULES GOVERNING MOTOR VEHICLES AND PARKING AREAS**

- 1 Vehicles shall not be driven in excess of fifteen (15) miles per hour in Wailea Ekahi. The sound level shall not be such as to constitute a nuisance to other residents.
- 2 General parking is unassigned. Each apartment owner shall be entitled to one parking place near his/her apartment building. Where more than one car is owned, the General Manager shall assign the second space. Overnight parking is allowed only for private passenger vehicles. Stored vehicles should be parked in the earmarked spaces or if there are none, then in spaces that do not interfere with regular parking. The General Manager will assist in finding an appropriate space to store a vehicle.
- 3 Keys for all stored vehicles must be left with the General Manager or Ekahi Office in order that the Association may move the vehicle when required for maintenance of the grounds or in the case of an emergency.
- 4 All (stored) vehicle covers must be custom fitted, in good condition, and with the vehicle license number clearly stenciled on a visible location of the cover.
- 5 Parking areas shall not be used for mechanical work on vehicles except in emergency. Use of parking areas for painting, carpentry, or other non-parking uses, is prohibited.
- 6 Parking permits, either permanent or temporary, are required for all vehicles that are parked overnight and they may be obtained from the Ekahi Office or, in some cases, directly from a Rental Agent. Vehicles parked overnight without an appropriate permit may be towed away and stored at the expense of the vehicle operator or owner. Temporary permits shall be placed on the dashboard or the review mirror or where they are clearly visible. Permanent permits are to be affixed to the rear bumper of the vehicle.
- 7 Commercial vehicles are prohibited from parking on Ekahi property after 5:00 pm on weekdays, and on weekends and holidays.

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- 8 Washing Vehicles: Washing cars on the premises shall be done at the designated areas only.
- 9 Parking places for the disabled will be provided as needed. Please contact the office.
- 10 No person shall park in the spaces serving Buildings 6-8 unless they are occupants of the adjacent apartments except persons with a handicap sticker.

### **D FEEDING THE BIRDS**

Owners, guests, and renters shall not feed the birds. The natural environment provides ample food and any food left in the open attracts rats, mice and insects.

### **E POOL AREAS INCLUDING POOLS, DECKS AND LOUNGE AREAS**

**Warning: No Lifeguard on duty.**

Owners, guests, and renters use the pools at their own risk.

- 1 Pool Hours are from 8:00 am to 10:00 pm
- 2 Showers are required before entering the pools.
- 3 Glass or other breakable items are not allowed in the pool area.
- 4 Children must be supervised by an adult at all times. Ekahi does not provide supervisory staff.
- 5 All persons, including infants, must be properly clothed while in the pool areas.
- 6 Tires, rings, toys, balls, air mattresses, surfboards, scuba equipment or similar paraphernalia are not permitted in the pools. Arm floats are an exception.
- 7 Games in the pool area, such as "Marco Polo" are banned at all times.
- 8 No horse play or diving in the pool and no running in pool area.
- 9 Snorkel lessons are permitted in the Beach Pavilion pool under proper supervision but may not interfere with normal pool activities.
- 10 Pool furniture may not be "reserved" or removed from the pool area. Please cover furniture with towels when using suntan lotion.
- 11 Audio systems are permitted only if used with earphones.
- 12 To form an exercise group, see the General Manager.
- 13 Food is not permitted on pool decks.
- 14 Pets are not allowed within pool enclosures.
- 15 Access to pools, each and restrooms requires a gate key.
- 16 Children are encouraged to use the heated Beach Pavillion Pool.
- 17 Ekahi's three small pools are designated "quiet areas".
- 18 Please comply with requests or directions of Ekahi Pool Attendants charged with enforcing these rules. Violators may be asked to leave the pool area..

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## **F EXTERIOR AREAS AND WINDOWS**

- 1 Lawn areas may not be used for games of any kind that interfere with the rights, comforts or convenience of others. Sports such as golf, baseball and football games are prohibited.
- 2 Bicycles and motorcycles may be operated only on paved parking areas.
- 3 The use of skateboards, scooters, rollerblades, razor scooters and roller skates is prohibited.
- 4 Climbing on trees, fences, walls or other fixed structures within the premises is prohibited.
- 5 Sidewalks, stairways and corridors must not be obstructed or used for any purpose other than ingress or egress.
- 6 All plants shall be placed in containers that prevent water or soil from dripping on to other apartments or any common element areas.
- 7 No rugs or other objects shall be dusted or shaken from windows or lanais.
- 8 Dumpsters and bins for trash and recyclables are located in collection centers throughout Ekahi. Deposit household trash, securely tied in plastic bags, in dumpsters and recyclables in appropriately labelled bins. Please flatten boxes before depositing.
- 9 No fires, open flames, hibachis or grills of any kind shall be permitted in any portion of an apartment. Only gas or electric grills and candles enclosed in appropriate glass containers are permitted on lanais between 9:00 am and 9:00 pm.
- 10 No unsightliness within the public view, including interior window coverings, is permitted on the premises. Only appropriate furniture and plants may be placed on lanais in public view and any unsightly or disturbing items shall be removed upon request of the Ekahi Manager. All visible exterior window coverings, sun shades or screening devices must be approved by the General Manager prior to installation.
- 11 Lanai railings shall not be used to hang clothing, towels, rugs, etc.
- 12 No garbage cans, household supplies, excess items or similar articles may be placed outside apartment areas, except as the Board may prescribe or approve.
- 13 No items of personal property may be left on any of the common element areas except in areas designated therefor or such items will be removed at the owner's expense.
- 14 No owner will erect, affix or place any signs, notices, bills or advertising matter which are visible from any point outside an apartment except in accordance with the Declaration, Bylaws, these Rules and/or other lawful determination of the Association. This rule does not forbid an owner from placing one sign that does not exceed 6" by 6" that reads "Please Remove your Shoes, Mahalo" located on the wall near the entry to any unit. In all cases, the General Manager shall be consulted in advance regarding sign appearance, location and method of attachment.
- 15 Hosing off upper lanais is not permitted.
- 16 Solicitation of petition signatures is prohibited on any common element areas.

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- 17 A policy has been established for the use of the Board Room, located in Building 18, for meetings of non-profit civic groups of which an owner is a member. Please check with the Ekahi Office for details.
- 18 The use of satellite antennas on any portion of any common element area is not permitted without prior written application to, and approval by, the Board of Directors.
- 19 All lanai furniture must have rubber tipped legs where they make contact with lanai floor tiles.
- 20 Quiet shall prevail between 10:00 pm and 7:00 am. Also, no person shall make disturbing noises or interfere with the rights, comfort or convenience of other occupants at any time. Television, radio broadcasting, music systems and the playing of musical instruments must be kept at a minimum sound level at all times.
- 21 The use of air conditioning units between 10:00 PM and 7:00 AM will be restricted to a 'Low' setting and not to exceed 50 DBS as prescribed by Hawaii State Regulations.
- 22 The use of fireworks is prohibited at all times anywhere on Ekahi premises.

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## G BEACH PAVILION

- 1 Hours: Pavilion hours are 8 am to 10:00 pm.
- 2 Pavilion Furnishings: The furnishings of the pavilion have been provided for the comfort and convenience of owners, guests, and renters. They shall not be transferred to other areas. Upholstered pavilion furniture shall not be used when dressed in wet swimming attire.
- 3 Owner Guidelines for Pavilion Reservations
  - a An owner may reserve the Pavilion for private social gatherings only between the hours of 4:30 p.m. and 10:00 p.m. It may not be used for any business or any organization of a political, civic or philosophical nature. It may not be reserved on New Year's Eve and cannot be reserved more than once a month by the same host. **A non-refundable usage fee of \$100.00 will be charged at the time of the reservation.**
  - b The pool and pool deck will remain open to all Ekahi residents. The barbecue will also remain open if not specifically reserved for your use.
  - c All music must cease by 9:30 p.m. **NO LOUD MUSIC OR NOISE.**
  - d Access from the Keawakapu parking area to the Kitchen, will only be provided by Ekahi personnel. You are responsible for manning the other Keawakapu access gate. Do not prop the gate open or leave it unattended.
  - e Groups may not exceed 60 persons.
  - f An owner may reserve the Pavilion no earlier than one (1) year in advance and no later than (3) three days in advance of the social event.
  - g The owner sponsoring the social event must be in attendance.
  - h No furniture or equipment may be removed from the Pavilion or Kitchen and the host will instruct their guests on the parking restrictions and regulations.
  - i Only plastic glasses and decanters may be used. Beer, wine and other bottles or containers are permitted within the Pavilion only. No glass of any kind is permitted on the pool deck or the pool area.
  - j A \$250.00 cleaning deposit is required at the time of the reservation request and is refundable if the Pavilion is cleaned according to the guidelines listed in #11 (k).**
  - k The host of the social event is responsible for the following cleaning procedure, which is to be done immediately at the closing of the event.
    - All trash must be put into proper receptacles located at Bldg. 7 parking lot. Install new trash bags, provided by Ekahi, in all trashcans that were used.
    - Pick up and dispose of any trash and debris around the vicinity.
    - Clean the barbecue grill, stoves, ovens and microwaves if used.
    - Sweep floor of Pavilion and Kitchen.
    - Clean and empty refrigerators.
    - Clean all counter tops.
    - Return all furniture to its original location.

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- l If the Ekahi staff is required to perform the above cleaning tasks the host will forfeit the \$250.00 cleaning deposit.
- m Whenever Association owned equipment is used, anything missing or damaged will be immediately replaced or repaired by the Association using the deposit. Should damages exceed the deposit amount, the host will be billed for additional costs related to their reservation.

I have read the Pavilion Rules and understand that my \$100.00 usage fee is not refundable and that my \$250.00 cleaning deposit will be forfeited if the Pavilion and Kitchen are not properly cleaned. I also understand that I am responsible for the repair or replacement of any damaged or missing furniture or equipment. I also certify that I will be in attendance at this social event.

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Date

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Signature

Revised February 14, 2007

## 4 Non-Owner Guidelines for Pavilion Reservations

- a Non-owners may reserve the Pavilion if they are in residence at least 14 days for private social gatherings only between the hours of 4:30 p.m. and 10:00 p.m. It may not be used for any business or any organization of a political, civic or philosophical nature. It may not be reserved on New Year's Eve. Reservations are not accepted more than 90 days prior to the event and cannot be reserved more than once a month by the same host. **A non-refundable usage fee of \$750.00 will be charged at the time of the reservation.**
- b The pool and pool deck will remain open to all Ekahi residents. The barbecue will also remain open if not specifically reserved for your use.
- c All music must cease by 9:30 p.m. **NO LOUD MUSIC OR NOISE.**
- d Access from the Keawakapu parking area to the Kitchen, will only be provided by Ekahi personnel. The non-owner user is responsible for manning the other Keawakapu access gate. The gate should not be propped open or left unattended.
- e Groups may not exceed 60 persons.
- f A non-owner may reserve the Pavilion no earlier than three months in advance and no later than three (3) days in advance of the social event.
- g No furniture or equipment may be removed from the Pavilion or Kitchen and the host will instruct their guests on the parking restrictions and regulations.
- h Only plastic glasses and decanters may be used. Beer, wine and other bottles or containers are permitted within the Pavilion only. No glass of any kind is permitted on the pool deck or the pool area.
- i **A \$750.00 cleaning deposit is required at the time of the reservation request** and is refundable if the Pavilion is cleaned according to the guidelines listed in #10 (j) and there are no damages.

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- j The host of the social event is responsible for the following cleaning procedure, which is to be done immediately at the closing of the event.
- All trash must be put into proper receptacles located at Bldg. 7 parking lot. Install new trash bags, provided by Ekahi, in all trashcans that were used.
  - Pick up and dispose of any trash and debris around the vicinity.
  - Clean the barbecue grill, stoves, ovens and microwaves if used.
  - Sweep floor of Pavilion and Kitchen.
  - Clean and empty refrigerators.
  - Clean all counter tops.
  - Return all furniture to its original location.
- k If the Ekahi staff is required to perform the above cleaning tasks the host will forfeit \$150.00. The remainder of the deposit will be refunded unless required to compensate for damages. If damages exceed the remainder of the deposit, the host will be responsible for the additional amount.
- l Whenever Association owned equipment is used, anything missing or damaged will be immediately replaced or repaired by the Association using the deposit. Should damages exceed the deposit amount, the host will be billed for additional costs related to their reservation.

I have read the Pavilion Rules and understand that my \$750.00 usage fee is not refundable and that my \$750.00 cleaning deposit will be forfeited if the Pavilion and Kitchen are not properly cleaned. I also understand that I am responsible for the repair or replacement of any damaged or missing furniture or equipment. I also certify that I will be in attendance at this social event.

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Date

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Signature

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## H OCCUPANCY

- 1 Upon close of escrow, new owners shall file with the Ekahi Office their names; unit number; local phone number, the description of any vehicle that will be parked on the property (including make, model, and license number); and any other permanent address and phone number they use when away from Ekahi Village.
- 2 Number of occupants in Apartments: Occupancy is regulated by the Department of Health, Maui County.
- 3 Use of Apartments: Apartments shall be occupied and used only as private dwellings for residential purposes.
- 4 Absent Occupant: The owner is responsible for the contents of his/her apartment and damage to other apartments that may be caused by anything originating from within his apartment. It is strongly recommended that an occupant who is absent for more than thirty days have an agent or qualified individual, at his/her expense, conduct periodic inspections of the apartment. Particular attention needs to be paid to all water using devices. The General Manager must be given the name and contact information for any on-island agent who has been given owner permission to enter his apartment. As provided in the By Laws, the Association and its Agents shall have the right to enter an apartment at reasonable time and upon giving advance notice where practicable to inspect the apartment, to correct deficiencies, and for any other legitimate purpose.
- 5 Pets: Owners and long term renters shall be permitted to have one dog, cat, or bird. No pet shall be kept, bred, or used therein for any commercial purposes. Pets shall be leashed at all times when outside of owner's apartment and wear identification collars or tags with owner's name and Wailea address. Owners must clean up promptly after their pets with any waste being fully secured in a strong plastic bag and placed in a refuse can or dumpster. The Maui Humane Society will be called to pick up any unregistered, loose, or stray animal found on the premises. Any pet causing a nuisance or unreasonable disturbance to any person on the premises shall be permanently removed from Ekahi within 5 days after the owner of such animal has been given notice to do so. All pets shall be registered immediately with the Ekahi Office.
- 6 Family or Guests: An owner or occupant shall be responsible for the personal safety and conduct of his/her family and guests and shall insure that their behavior complies with the provisions of these Rules.
- 7 Plumbing/Sewage: Owners shall be responsible for the cost to repair any damage caused by the improper disposal of items through the plumbing/sewage systems (e.g. toys, diapers, feminine hygiene products, or plastic wrappers). Owners are responsible to inform family members, guests or renters of the proper usage of all plumbing/toilet systems. This includes the proper use of garbage disposals, and NEVER pouring grease down any drains.
- 8 Mail and Packages: Mail delivered by the Postal Service to an owner's mailbox in the Ekahi office can only be obtained with the owner's key. Guests should be so advised. The mail boxes are accessible from 8:00 am to 10:00 pm daily. The office is unable to handle packages or mail for guests or renters. Mail or small packages delivered to Owners that will not fit inside their mailbox will be stored for a short period of time in the office area to the extent that space is reasonably available. The Association assumes no responsibility or liability for these packages or mail.

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## I MAINTENANCE

- 1 Per Article III of the By-Laws, Section 2a, the operation, care, upkeep, and maintenance of the common elements are the responsibility of the Association to be determined by the Board of Directors. No owner, guest, or renter is authorized to add, delete, or trim plantings according to his/her own preference. Violators will be liable for the replacement costs and all other damages. Owners' requests related to common area maintenance or landscaping matters shall be directed to the General Manager and not to maintenance or landscape personnel. Any defects, deficiencies, or other problems with the common element shall be reported to the General Manager.
- 2 Individual apartment interior maintenance is the responsibility of the each owner. This includes securing windows, screens, and door locks, as deemed appropriate by the owner/occupant, as well as maintenance and replacement of appliances. Particular attention shall be given to air conditioners and water serviced appliances such as toilets, clothes washers, water heaters, refrigerators, icemakers, dishwashers, and the connecting hoses to these appliances. Water supply hose failures may cause serious damage to property of others. The General Manager may, upon request, assist owners in making arrangements for maintenance and replacement. Any appliance creating an unreasonable noise disturbance shall be repaired or disconnected. If the owner is unavailable, the General Manager may disconnect the appliance, if it is deemed appropriate and notify the owner of this action.

## J APARTMENT ALTERATIONS

The Board of Directors encourages owners to upgrade their apartments and has adopted an Apartment Alterations Manual that details the policies and procedures for obtaining the necessary approval from the Association before making any alterations.

Any owner who wishes to make any alterations should obtain a copy of the Manual from the Ekahi Office or Website and shall consult the Manual and be aware of the applicable policies and procedures and their requirements both prior to, and during any such work. In every case, including both exterior colors, doors and window treatments, etc.; and interior painting, carpeting, re-draping, etc., the General Manager must be consulted and the owner must file a request for approval of the Alterations he/she wishes to make in advance of undertaking any work.

If an owner receives an approval to proceed, both the owner and his/her contractor shall sign a "Restrictions and Liability Agreement" before commencing work. If the alterations are construction significant, the General Manager shall post a "Notice of Alteration Work to Be Done" form on the building affected 30 days in advance of the beginning of the work.