

# **KAI MALU HOUSE RULES**

**Approved September 11, 2019**

The purpose of these House Rules is to protect all apartment owners and other occupants, tenants and their guests from annoyance and nuisance caused by improper use of the Kai Malu project (the "Project") and also to protect the reputation and desirability of the Project by providing for the maximum enjoyment, comfort, safety and security.

The Board of Directors of the Association (The "Board") shall be responsible for enforcing these House Rules, but such responsibility may be delegated to the Site Manager and/or Managing Agent by the Board. All apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf shall be bound by the House Rules and by standards of reasonable conduct whether covered by these House Rules or not. These House Rules supplement but do not change the obligations of the apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf as set forth in the Declaration of Condominium Property Regime ("Declaration") and Bylaws of the Association of Apartment Owners ("Bylaws") pertaining to the Project. In the event of inconsistency, the Declaration and Bylaws will prevail.

## **GENERAL RULES**

1 All owners and tenants must complete a registration form and update the information as changes occur. Site Manager may request updated information from time to time. Tenants must supply a copy of the lease agreement to the Site manager upon registration. Residents should advise the Site Manager in writing of guests that will be using the Community Center Facilities. Overnight guests must register in person with the Site Manager within one (1) business day of their arrival. On island guests, who are not staying overnight in a Kai Malu residence, may only use the Community Center if they are accompanied by a Kai Malu resident.

2 Each apartment owner shall observe and perform these House Rules and ensure that his/her family, tenants, employees and any other persons using the Project on their behalf observe all House Rules as set forth herein. In the event expenses are incurred due to violations of these House Rules by any such person or persons for whom an apartment owner is responsible, the apartment owner shall pay for such expenses, including reasonable attorney's fees.

**3 "Short-term rental" - a transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than one hundred eighty (180) days is not permitted.**

4 Solicitation or canvassing will not be allowed in the Project at any time. Provided, however, solicitation of proxies or distribution of materials relating to Association business and functions is permitted. Such permitted solicitation and distribution shall occur at a reasonable time, place and manner.

5 Golf carts are not allowed within the Kai Malu Project except for 1) those owned by the Association and operated by Association employees or AOA independent contractors, and 2) those owned and operated by mobility impaired owners/residents of Kai Malu (government issued handicap placard required).

Updated on 9/11/19

- 6 No signs of any kind shall be erected within the Project or at the entrance to the Project except with the prior written consent of the Board.
- 7 Owners who are renting their apartments to a third party are not allowed to use the Kai Malu Facilities.
- 8 All owners and residents must keep the bronze can lights on the garageon.

### **COMMON AREAS**

- 1 Sidewalks, stairways and walkways must not be obstructed or used for any purpose other than ingress and egress.
- 2 Trashcans/trash may be placed at the end of owner's driveway so as not to obstruct use of driveway, no earlier than 4:00 p.m. of the evening prior to trash pick-up day and must be removed no later than the evening of trash pick-up day. Trash cans must be stored at all other times in owners' garages. If an owner will be out of town during these time periods, then they should take their trash to the receptacles located just at the entrance to the Community Center prior to their leaving.
- 3 Fireworks of any kind are not permitted anywhere in the Project at any time.
- 4 Fires other than approved barbeque equipment are not permitted. Charcoal barbeques/hibachis are not permitted. Gas or propane deep fryers are not permitted.
- 5 Occupants shall not use any illumination (such as but not limited to, tiki torches, fire pits, etc.) other than approved electrical devices or use, or permit to be brought into the buildings, any containers of flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or other articles deemed extra hazardous to life, limb or property.
- 6 Skateboards, roller blades, rollers skates, scooters, or other similar devices are not permitted on any common area.
- 7 Trailers, campers, boats, or commercial vehicles (including but not limited to any vehicle with a business name, logo, advertisement), other than those servicing a unit during allowable work hours, are not allowed to be parked on driveways, roadways, or guestparking.
- 8 Approved vehicles must be parked in garages or driveways as to not interfere with the ability of others to utilize same. Resident vehicles must comply with all federal, state, and county laws and ordinances and should be kept in garage as much as possible. Use of garages for storage, shall not prevent the ability to park two cars inside. Vehicles parked in the driveway should not have any posted signs. Parking on roadway other than guest parking areas is not permitted and guest parking areas shall not be used by residents to store vehicles overnight. Common area parking should not be used overnight without receiving prior approval from management. Parking for an extended period is allowed only by residents and is limited to garages or driveways. Illegally parked vehicles will be fined and may be towed at the owner's expense.

9 Vehicles shall be driven at safe speeds within the Project not to exceed ten (10) miles per hour. All traffic and directional signals will be observed.

10 Vehicles shall navigate the entry circle in a counterclockwise manner staying to the right of the reflective lane markers and not "short cut" by using a direct route to the left side of the circle when entering property.

11 Recreational activities may occur in common elements provided they are not unreasonably obtrusive to neighbors or interfere with the use of the Limited Common Element. No persons, other than those authorized by the Association, shall enter into the natural drainage culvert or climb on or over any of the boulder walls within the Project. Parents or legal guardians are responsible for the appropriate supervision of minors at all times.

12 Water hoses and hose reels on the front/side of the apartments or, that are visible from the street must be stored within a container or be completely obscured by existing rock walls or landscaping.

### **COMMUNITY CENTER (All Community Center Facilities)**

1 An owner or such owner's tenant must register their respective guests to use any part of the Community Center. Residents must notify the Site Manager prior to the guest's arrival on property and guests must register in person with the Site Manager within 1 business day of their arrival.

2 Smoking is not permitted anywhere in the Community Center facilities. A designated area is available outside the Community Center.

3 The Community Center will be open from 8:00 a.m. until 9:00 p.m. daily. The Community Center and all of its Facilities is not to be for any commercial or political use.

4 All owners, tenants, or guests are responsible for cleaning up after themselves prior to leaving the premises and removing all food and drink from the refrigerator.

5 Wheeled vehicles or devices (other than wheeled vehicles or devices relied upon by handicapped persons or infants) will not be permitted in the Community Center.

6 Any owner or resident, who provides his gate pass to an on island resident guest who is not staying overnight in the unit will be fined \$100 at the time of the first incident and a loss of their Hale privileges for 3 months at the time of the second occurrence.

7 The gate to the Community Center must remain closed and should not be propped open for guests.

8 Dogs and all other pets must be leashed and are only allowed in the Community Center at the mailbox while residents are getting their mail.

9 Radios and all other audio and visual devices are not permitted unless earphones are used, or they are being used for a Board approved AOAOfunction.

10 Unregistered guests must ALWAYS be accompanied by a resident. Any unregistered guest alone/unaccompanied at the pool facilities at any time is considered a trespasser of Kai Malu AOAOf

11 The icemaker is to be used only for residents and residents' guests for beverages. The ice scoop must be used to remove ice (no hands) and then returned into its holder after use. Do NOT place ANY items in the ice maker, i.e. ice cream, sodas etc. The icemaker is not intended for residents or guests to fill their personal coolers

### **SPAS (Men & Women's Steam & Saunas / Lockers)**

1 The Spas will be open from 8:00 a.m. until 9:00 p.m. daily.

2 Children under the age of twelve (12) are not permitted in the sauna or steam room.

3 Not more than four (4) persons from any one (1) apartment unit shall use the Steam or Sauna at one time.

4 Lockers are for use during stay at Community Center and all articles must be removed upon leaving area. Anything remaining in lockers after hours will be removed by manager.

5 Food or drink is not permitted in the Steam or sauna rooms.

6 For health reasons, persons with infectious or communicable diseases are not permitted in the Spa.

### **POOL AREA (Pool deck / Pool / Hot Tub)**

1 The Pool Area will be open from 8:00 a.m. until 9:00 p.m. daily.

2 Not more than six (6) guests from any one (1) apartment unit shall use the Pool Area at one time without prior authorization from resident manager or managing agent.

3 Due to health and safety reasons, children under the age of twelve (12) are not permitted in the Pool Area unless under direct supervision of parents and/or guardians.

a. No children under the age of five (5) are allowed in the hot tub.

4 Running, excessive splashing, pushing, screaming, shouting, jumping or diving into the pool or hot tub, horseplay, pool games such as Marco Polo, or other boisterous conduct, are not

permitted in the Pool Area.

- 5 Parents and/or guardians are responsible for the safety and appropriate conduct of their children.
- 6 Smoking is not permitted anywhere in the Pool Area. A designated area is available outside the Community Center.
- 7 Radios and all other audio and visual devices are not permitted unless earphones are used.
- 8 Umbrellas must be at least 9' from any pool/spa edge.
- 9 When leaving the pool, lower all lounge chair backs to the flat position and close your umbrellas.
- 10 Umbrellas must be closed during high winds.
- 11 Cell phones must be put on vibrate/silent mode and all calls must be handled outside of the area so as NOT to interfere with the enjoyment of the others in the PoolArea.
- 12 Glassware and other breakable items are NOT permitted in the PoolArea.
- 13 Food is not allowed in the pool or hot tub.
- 14 Flotation devices such as inflatable mats, inner tubes, or similar items, as well as balls, Frisbees or other throwing toys, shall not be permitted in the Pool Area. Swimming aids and flotation devices for exercise and safety reasons may be used if they do not inconvenience or inhibit the safety of others.
- 15 Appropriate swimwear must be worn at all times. Cut-offs, street clothes, or diapers (other than swim diapers which must be worn by any child that wears diapers) will not be permitted in the pool or hot tub. Bathing caps or hair bands are recommended for persons with long hair, hairpins are not permitted. Nudity will not be permitted in the Pool Area.
- 16 Climbing on the railing surrounding the pool and hot tub and sitting, lying, standing, running, walking on or climbing over the infinity edge is no allowed.
- 17 Climbing o the railing surrounding the pool and hot tub and sitting, lying, standing, running, walking on or climbing over the infinity edge is not allowed.
- 18 When people are swimming laps along the outer edge of the pool they should be allowed to do so without interference.
- 19 For health reasons, persons with infectious or communicable diseases are not permitted in the pool

- 20 All residents and guests must shower all sand off before using the pool, spa, sauna and steam room.
- 21 No sitting or standing is allowed on the interior edge of the hot tub facing the pool.

## **EXERCISE ROOM**

- 1 The Exercise Room will be open from 8:00 a.m. to 9:00 p.m. daily. Early admittance from 7:00 a.m. to 8:00 a.m. is allowed only for residents who have registered with the Site Manager for such an exception. However, no other use of the Community Center is permitted during that hour.
- 2 Shirts and closed-toe shoes must be worn when using exercise equipment.
- 3 Wet swimwear is not permitted in the exercise room.
- 4 Children under the age of twelve (12) are not permitted to use the equipment.
- 5 Food is not allowed in the exercise room.
- 6 Only unbreakable drink containers are allowed in the exercise room.
- 7 Radios and all other audio and visual devices are not permitted unless earphones are used.
- 8 As a courtesy to others, please spend no longer than 30 minutes on any one machine if others are waiting. Please also wipe off equipment with disinfectant when finished.
- 9 After sunset, lights MUST be on while using Exercise Room.
- 10 In an effort to conserve energy, please turn off the lights and fan when you leave.

## **LANAI**

### **(Covered Area Adjacent to the Barbeque/Kitchen)**

- 1 The reserved use of the Lanai does not include the pool area or any other portion of the Community Center.
- 2 Owners in good standing with the AOA may reserve the use of the Lanai with the resident manager or managing agent no earlier than 30 days prior to date of use. Reservation of the lanai shall not be for more than thirty (30) persons at one time. A \$100.00 security deposit is required. The gate to the Community Center must remain closed and should not be propped open for guests.
- 3 If food and/or beverages are served while using the Lanai, all trash must be removed to the trash bin located outside the Community Center the same day as the function. The Lanai should be cleaned, left in good condition and all food and beverages should be removed from the refrigerator. Any excessive cleaning costs or damage will be deducted from the deposit. In extreme cases or multiple violations, the Board will have the option to revoke member privileges for association amenities.

4 The Lanai may not be reserved on the following holidays: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day nor for commercial or political functions.

5 Reservations will be posted on the billboard located next to the mailboxes.

6 If an owner has a hired bartender for a reserved party at the Hale, a bar may be set up outside the Manager's office only. Glass bottles will only be allowed behind the bar in this limited situation; no glass will leave the back of the bar. Therefore, all wine, beer, mixed drinks or soft drinks must be served in paper or plastic containers. The owner reserving the Hale is fully responsible for any and all clean up that may be incurred should any glass break (this includes costs of draining pool or spa if necessary), as well as a possible fine. The Association recommends that the owner ask the caterer to consider alternatives to glass bottles wherever possible (soda, beer, mixers, wine)

### **NOISE AND NUISANCE**

1 Loud and/or disturbing noise such as, but not limited to; radios, TV's, hi-fi's, yelling, etc. will not be tolerated.

2 Owners and/or tenants shall avoid unreasonably excessive noise of any kind at any time and shall not cause or permit any unreasonably disturbing noise or objectionable odors, which interfere with the rights, comforts or convenience of others, to emanate from their apartments.

3 Special consideration for quietness shall be followed between the hours of 10:00 p.m. and 8:00 a.m. so as not to interfere with the rights and comfort of others

4 The use of profane or abusive language will not be tolerated within the Common Elements. Any person using such language shall leave the common elements of the Project upon the request of the Site Manager or other representative of the Board.

5 Construction contractors and carpet cleaners will be permitted on the premises only Monday through Friday, 8:00 a.m. to 5:00 p.m., except in emergencies.

### **HARASSMENT**

The Association may take immediate action to stop aggressive behavior, profanity and other acts constituting harassment against project residents or Association employees, or contractors or contractors' employees. Residents or employees or contractors or contractors' employees who fear for their safety are encouraged to contact the Maui Police Department to file a police report and arrange for investigation of the conduct or incident. The resident should also inform the Site Manager in writing but should contact the police first.

### **MAINTENANCE**

1 Every owner, occupant or guest is to do their part and to use their influence on all members of their household to do their part towards abating unsightliness within the Project to



the fullest practical extent.

2 No maintenance employee shall be asked by an owner, occupant, tenant or guest to leave the common elements or to perform any tasks for the owner, occupant, tenant or guest, while performing Association duties. All comments or requests concerning any maintenance issues must be directed to the Site Manager in writing.

## **PETS**

1 Livestock, poultry, rabbits, or other animals or pets, will not be allowed or kept in any apartment or any other part of the Project. Dogs, cats, fish, tropical birds and other household pets (as determined by the Board) in a reasonable number and size as determined by the Board (but not to exceed a total of two such animals (except aquarium fish) per apartment) may be kept in the apartment.

2 All pets, guide dogs, signal dogs and other animals as allowed above, kept anywhere on the Project must be registered immediately with the Managing Agent. Failure to properly register the animal shall be grounds for ejection of the animal upon notice.

3 No animals shall be kept, bred or used in the Project for any commercial, profit making or money generating purposes.

4 Pets must be kept on leashes or held under the complete control of a capable person at all times when being walked, exercised in the common elements of the Project.

5 No owner shall permit their pet(s) to produce or cause any waste or unsanitary material or condition anywhere on the common elements. Any such waste or unsanitary material or condition shall be immediately removed and properly disposed of by the pet owner or handler. Owner will be fined \$100 for any failure to properly dispose of pet waste, including the limited common elements of all units.

6 Any pet which, in the sole judgment of the Board, causes a nuisance, unreasonable disturbance or threat to the health or safety of any owner, occupant or guest may be ejected from the Project on the demand of the Managing Agent or resident manager. However, upon assessment of the severity of the nuisance, disturbance or threat caused by such pet, the Board, in its sole discretion, may give the pet's owner an opportunity to remedy the situation short of ejection.

## **VIOLATIONS**

1 All violations of the House Rules and damages to the common elements or common areas should be reported in writing to the Managing Agent or Site Manager.

2 Board Rights:

The Board, Managing Agent, Site Manager or agent, may enter the common elements or

areas to survey damages and assess the cost of repair or replacement and any legal fees incurred against the person or persons responsible, including, but not limited to, any apartment owner caused directly or indirectly by his/her family, tenants, employees and any other persons using the Project on their behalf.

The Board may levy a fine for continued violations of these House Rules at its discretion, after appropriate verbal and/or written notice to the apartment owner. Such fines shall be in an amount from time to time set forth by the Association. A fine of \$500 to \$2,000 will be levied for an unauthorized permanent alteration of limited or common elements, including landscaping.

3. Owners who are renting their units are not allowed to use the Hale Nanea facilities, including the pool, spa, exercise room, or pavilion.

### **CONSTRUCTION GUIDELINES**

1 Hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m.; project start and end dates should be provided to the Property Manager prior to the start of work.

2 All *electrical* work shall be performed by a licensed *electrical* contractor, *all major plumbing work by a licensed plumbing contractor, and all exterior concrete and tile work by a licensed contractor*, all with adequate Comprehensive General Liability and Workers Compensation insurance.

3 The AOA of Kai Malu at Wailea ("AOAO") shall be an additional insured. (Certificate of insurance required to be provided to the Property Manager at least 3 days prior to the start of work). The Site Manager shall also be provided with the WCA approval for all exterior modifications at least 3 days prior to the start of work.

4 The Owner(s) shall not allow any lien to attach to any portion of Kai Malu at Wailea.

5 The Owner(s) shall hold the AOA harmless from and against any claims for harm, damages, or fines arising from the work or the alteration.

6 The Owner(s) shall be subject to a fine (special assessment) for any violation of these conditions.

7 The Owner(s) shall be fully responsible for all aspects of the work, including without limitation all preparation, clean-up, restoration, and disposal of waste. The Owner(s) shall also be responsible for any damage resulting from the work and for the expenses of all future maintenance.

### **KAI MALU DESIGN RULES**

The purpose of these Design Rules is to ensure a uniform appearance within the Kai Malu project (the "Project"), maintain the value of the Owner's Apartment and the Project overall, protect all apartment owners and other occupants, tenants, and their guests from annoyance and nuisance caused by improper use of the Kai Malu project and to protect the reputation and

desirability of the Project by providing for the maximum enjoyment, comfort, safety and security of owners and residents. The Board of Directors of the Association (The "Board") shall be responsible for enforcing these Design Rules, but such responsibility may be delegated to the Site Manager and/or Managing Agent by the Board. All apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf shall be bound by the Design Rules. These Design Rules supplement but do not change the obligations of the apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf as set forth in the Declaration of Condominium Property Regime ("Declaration") and Bylaws of the Association of Apartment Owners ("Bylaws") pertaining to the Project. In the event of inconsistency, the Declaration and Bylaws will prevail.

## **GENERAL**

Nothing shall be allowed in, on or around the Apartments that remain in view of the public unless approved by the Board or Board designated Committee, as so described in the following Rules and Regulations.

1 Except as otherwise permitted by the Declarations or the Bylaws, no alteration or addition to an apartment nor any alteration or additions to the Common Elements may be made without the prior written approval of the Board.

- a. Nothing shall be mounted on exterior walls (Common Element) of the front and sides of each unit.
- b. The two coral columns cannot be altered in any way nor items mounted or adhered to them.

2 All exterior changes, additions or alterations must be submitted and approved prior to work being initiated. Owners may not make any landscaping changes themselves and all requests for any change to the landscaping must be made in writing and approved by the Site Manager or the Board.

3 Any interior work involving tile work, flooring alterations, alterations to interior walls or structures (note that the common wall cannot be altered in any way), or other major alterations, additions, or changes, or any alteration or addition visible from the exterior of the apartment must be submitted for notification purposes to the Board or Board Committee.

4 All work, whether exterior or interior, must follow the construction rules set forth by the Board including but not limited to hours of operation between 8am and 5pm Monday through Friday.

5 No highly reflective finish, other than glass (which, however, may not be tinted or mirrored), shall be used on the exterior of any building in the Project; provided, however, that a tint in the color and with the reflective value as designated by the Board, may be installed by an apartment owner on the glass located along the perimeter of his apartment. If any bubbling or cracking shall occur, the apartment owner shall immediately remove the tint and may replace it in accordance with the foregoing provision.

6 No wind chimes or other sound-generating devices shall be installed within the lanais or any other exterior location within the Project.

7 Plants hanging from the building will not be allowed, including from the upstairs lanai railings.

8 No garment, rugs, towels or other objects shall be hung from the lanai, railings, windows or façade of the Project.

9 Except for traditional holiday lights, which may be displayed between Thanksgiving and January 7th only, no temporary or permanent exterior lights shall be installed without prior written approval of the Board. This includes but is not limited to landscape lights, pool lights, and lanai fan lights.

a. Flashing lights are prohibited.

10. Except for traditional holiday decorations, which may be displayed between Thanksgiving and January 7<sup>th</sup>, no temporary or permanent exterior artwork or decorations shall be installed without prior written approval of the Design Committee.

a. Decorations and lights must use non-permanent hangers as to not damage façade, doors, etc. with nails holes.

b. Freestanding or inflatable decorations are not permitted.

c. Exterior decorations that play music are not permitted.

11 No unsightliness within the public view is permitted within the Project. For this purpose, "unsightliness" includes but is not limited to the following: laundry on lines or reels; litter or trash containers except as specially provided; non-decorative gear, equipment, cans, bottles, ladders, trash, boxes, barrels, coolers, etc., stored or stowed in or on walks, entryways, or lanais, etc., or un-shaded or improperly shaded lights that created objectionable glare.

12 As per CCR's, approved trash containers are only allowed outside Owner's garage/Apartment the evening before trash pickup and must be returned inside by the end of trash pickup day.

13 No household or commercial supplies, excess items, or similar articles shall be placed outside any Apartment area or in a place where they can be seen from outside any Apartment.

13 All window coverings shall be appropriately installed.

a. Exterior appearance of draperies (as seen from the outside by others) shall be white, off white, or beige in color. (Prints, lace, metallic, reflective, etc. fabrics must be lined with white, off white, or beige fabric).

b. Wooden shutters, wooden louvered blinds, or wooden roman shades may be white or natural wood stained.

- c. The exterior appearance of free standing screens, including Shoji screens must be white, off white, beige or wood tone in color.
- d. Temporary (pleated paper) blinds may be installed for a period of up to 3 months while other window treatments are acquired.
- e. Any window treatments outside of these guidelines will need written approval of the Board prior to installation. The Board shall have the discretion to withhold the approval of any window coverings that, in the reasonable opinion of the Board, do not promote a uniform appearance within the project.

15 All owners must seek approval before installing any tile on the entry or the lanai. All tile must be of a color similar to the developer's option (beige). All field tiles must be 12X12; 16X16; 18X18 unless a Versailles pattern is used. No graphic design or inlays are allowed. Borders of the same colored tile are allowed.

## **ENTRANCES**

1 Nothing shall be allowed to remain in view at front entrances of Apartments except a reasonable number of shoes, slippers or other footwear, etc., as determined by the Board.

- a. Freestanding shelves or other containers for footwear are subject to approval from the Design Committee.
- b. Freestanding potted plants, benches, must be approved approval from Design Committee pursuant to standards approved by the Board prior to installation. These must be appropriate in number and scale to the size of the entry. Plant stands are not allowed.
- c. Colors and materials should be consistent with the existing color scheme of the building and in keeping with the general décor of the project. Reflective materials are not allowed.
- d. Subject matter of any artwork, sculpture, or furniture must be appropriate and inoffensive as determined by the Board.
- e. Hangings at the owner's entry are allowed with Committee Approval and with the following parameters: 1) must be a neutral color within the Kai Malu design parameters; 2) must be no bigger than 3'X3'; and 3) no objects may have wording. The Committee will require owners to submit a Design Request Form and sign a Repair Agreement (stating that upon removal of these items, the wall will be returned to its original condition, including any repairs to the walls), prior to installation.

2 Entry doors may not be altered (i.e. peep holes, door knockers, color, screens) without prior approval of the Board.

3 Screen doors for the entry must be of the approved style, make, and color as selected

by the Board and cannot be installed without their prior approval.

4 Tiling of entry must be of the approved tile selected by the Board and cannot be installed without prior approval of the Board.

5 Changing the paint color of the exterior is not allowed.

6 Painting, staining, or changing the color or finish of the concrete elements (sidewalk, driveway, entryway, etc.) is not allowed.

7 Garages will be used only for the parking of vehicles and/or boats and the storage of recreational equipment.

- a. Apartment owners shall keep their garage door closed at all times except as may be necessary for ingress to or egress from their garage or for brief periods while performing tasks that require the garage door to be open.

### **LANAI & BACKYARD**

1 Lanais may be furnished appropriately with typical lanai furniture in keeping with the décor of the project which includes chairs, lounges, and tables which shall be kept in an orderly fashion and maintained in good, clean condition. Furniture may be temporarily used in the yard but must be moved to the lanai when not in use. Hammocks are not allowed.

2 Any furniture, plants or other articles which, in the opinion of the Board, are unsightly or not in keeping with the overall décor of the Project, shall be removed from the lanais upon request of the Board.

3 No more than 4 plants of up to six feet tall, and in pots no larger than 24"d x 24"h in size, are allowed on the lanais or in the pool area of an apartment (4 in total). Additional smaller plants less than 18" are permitted within limits.

- a. Ceramic pots of a consistent style should be of colors in keeping with the general color scheme of the project.
- b. Plants must be kept in healthy and attractive condition.
- c. Artificial plants must be closely monitored for fading to an unnatural color and removed or replaced should this occur.
- d. Plants may not in any way block or obscure any neighbors' view.

4 An Apartment owner or occupant may install lanai shades of the style, make, and color designated by the Board. In designating the type and color of lanai shade that will be permitted within the Project, the Board will consider and select the types and colors of lanai shades that

will promote a uniform appearance within the Project.

5 Free standing screens may be used for decorative purposes within the lanai area however they must be in keeping with the general décor of the project and not used to create a storage area on the lanai, nor obstruct any neighbor's view. Barbeques may not be placed adjacent to free standing screens (or other such items) for safety reasons.

6 Bird baths, bird feeders, and bird houses are not allowed in the Project.

7 Freestanding fountains/water features are not allowed.

8 Landscaping stones or steps may not be installed without prior approval of the Board.

9 Fences must be of the approved style and color selected by the Board and cannot be installed without prior approval of the Board. If deemed necessary, a gate or gates must be installed to provide access for landscape maintenance.

10 No apartment owner or occupant shall make any exterior additions or alterations to the lanai without prior approval of the Board.

- a. Plans and specifications, including detailed plot plan, finish and materials prepared by a licensed architect may be required by the Board.
- b. Contractor's name, license, and proof of insurance, with AOA named as an additional insured, along with a signed acknowledgement of rules must be furnished to the Board.
- c. A refundable construction deposit as determined by the Board will be submitted.

11 The addition of Spas, whether in-ground or above ground are not approved.

12 Charcoal barbeques are prohibited within the Project. Outdoor cooking shall be permitted only in the common barbeque area at the Community Center and each of the Yard Areas which are Limited Common Elements of the Project and shall be conducted so as not to be offensive to any neighbor. Barbeques shall be stored next to the privacy wall separating the two Yard Areas when not in use.

13 Fires such as but not limited to tiki torches, fire pits, etc., are not allowed.

14 Freestanding storage structures of any kind are not allowed in Yard Area or on lanais. Storage benches on lanais as determined by the Board to be appropriate may be allowed with prior Board approval.

15 No items of personal property, including baby carriages, velocipedes, bicycles, surfboards, recreational toys, kayaks, pool toys, gardening tools, cleaning tools/supplies, packages, boxes or crates shall be left or allowed to stand on any of the Yard Areas or Common Areas, other than within the confines of the Apartment or within designated storage areas. Articles of any kind left in any of the Yard Areas or Common Elements, including without

limitation, the parking areas, will be removed at the owner's risk and expense at the direction of the Board.

16 No children's play equipment (for example, swings, slides, etc., or basketball hoops) shall be installed within the Yard Area or any Common Elements.

17 Textile items, including towels, bedding, bathing apparel, clothing, brooms, mops, yard tools, rubbish containers, cartons etc., shall not be placed on passages or in windows or stored openly so as to be in view from outside the building or from any other apartment or Common Areas.

18 Outdoor ceiling fans specifically designed for outdoor use (suitable for wet conditions as defined by the manufacturer) and of consistent style and color as to not clash with the exterior finishes of the unit may be installed with approval of the Design Committee. Ceiling fans with lights that are enclosed in a frosted or white glass shade may be approved. However, such ceiling fan lights must be dimmed at night so as not to be objectionable to others. Down rods must be the minimum length allowable by the manufacturer. Down rod extensions are not allowed.

19 Artwork, approved by the Design Committee, may be allowed on the rear lanai walls (Common Elements). The Committee will require owners to submit a Design Request Form and sign a Repair Agreement (stating that upon removal of these items, the wall will be returned to its original condition, including any repairs to the walls), prior to installation.

20 Decorative finishes on lanai ceilings are not allowed.

#### **EXTERIOR AESTHETICS**

1 Any exterior door screen, lanai shades, and awnings for the second floor lanais must be of the approved color, materials, and size as selected by the Board and cannot be installed without prior approval of the Board.

2 Umbrellas on are not allowed except at the Hale.

#### **ENFORCEMENT AND PENALTIES**

1 Owners are responsible for ensuring compliance with these Design Rules, regardless of whether they are residing in their unit or have tenants in place.

2 Notice of an infraction of the Design Rules will be issued by the Board with instructions and a timeframe for rectifying the infraction. First time, minor infractions, which are generally defined to include, but not limited to alterations or additions to the Apartment or other area of the Project that are not permanent will not result in a penalty assessed against the owner. Subsequent, similar minor infractions, failure to correct minor infractions within the specified time frame to the Board's satisfaction, or major infractions of the Design Rules will be assessed penalties up to and including monetary fines and appropriate legal action. A fine of \$500 to \$2,000 will be levied for an unauthorized permanent alteration of limited or common elements, including landscaping.



