

**KONA MAKAI**  
**HOUSE RULES AND REGULATIONS**  
Effective: October 2012

The purpose of these Rules and Regulations is to promote the harmonious occupancy of the condominium apartments and to protect all occupants from annoyance and nuisance caused by improper use of the condominium apartments and also to protect the reputation and desirability thereof by providing maximum enjoyment of the premises.

All Apartment owners, hereinafter referred to as an "owner", and the persons that an owner is responsible for (as hereinafter defined) shall be bound by project document (Declaration and Bylaws) and these rules and standards of reasonable conduct whether covered by these rules or not. An owner is responsible for the actions of an owner's lessee(s), tenant(s), agent(s), contractor(s), guest(s), and any other invitee(s) of the owner or occupant of an owner's apartment, all of whom are hereinafter referred to as an owner's "invitee" or "the person kthat the owner is responsible for".

## **I. OCCUPANCY**

1. An apartment shall be used only as a residence and shall not be used for business or other purposes.
2. Apartment owners/occupants shall be responsible for the conduct of their guests at all times, ensuring that their behavior is not offensive to any portion of the common elements. Corridors, stairways, and parking areas shall not be used as play areas.
3. No livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project. Only with the prior written approval of the Board of Directors, can dogs, cats and other small household pets be kept by the apartment owners and occupants in their respective apartments. A pet that is approved by the Board must be registered immediately upon arrival with the Resident Manager and shall not be kept, bred or used therein for any commercial purpose nor be allowed on any common elements except in transit when carried or on a leash. Any pet causing a nuisance or unreasonable disturbance to any other occupant of the project shall be subject to permanent removal upon notice given by the Board of Directors or Resident Manager.
4. Every apartment owner and occupant shall, at all times, keep the apartment in a strictly clean and sanitary condition and observe and abide by all laws, ordinances, rules and regulations now or hereafter made by any governmental authority or the Association
5. Maximum occupancy to be as follows:
  - One bedroom – 4 persons
  - One bedroom with loft – 6 persons
  - Two bedrooms – 6 persons
  - Two bedrooms with loft – 8 persons

## **II. TEMPORARY OCCUPANCY**

1. Owners shall be responsible for designating a local agent to represent their interest, particularly with respect to rental, if their residence is outside of Hawaii or if they will be absent from the apartment for more than 30 days. Such owners shall file their address, telephone number and that of their agent with the Resident Manager.
2. Subject to the terms of the condominium conveyance document and the By-Laws of the Association, an apartment owner, or the owner's designated agent, may lease or rent the apartment or make it available for the use of guests. The person or persons leasing, renting or living in the apartment shall abide by all Rules and Regulations applicable for owners, and the owner or the owner's designated agent must notify the Resident Manager of the names and length of anticipated occupancy of lessees, renters or guests.

3. An owner or agent shall be responsible for the conduct of any person or persons leasing, renting or otherwise using the owner's apartment. Upon notification, the owner and/or the owner's designated agent will immediately abate and remove, at the owner's expense, any condition that may exist that is contrary to the provisions listed in these House Rules. If the owner or the owner's designated agent is unable to control the conduct of the occupant(s), they shall, upon request of the Board of Directors or Resident Manager, immediately remove such person(s) from the premises. There will be no compensation from the Association to an owner for lost rentals or any other resulting damages relating to any such removal.

### **III. COMMON AREAS, ENTRANCES AND LANAIS**

1. The sidewalks, passages, lobbies, stairways and corridors must not be obstructed or used for any purpose other than ingress and egress.
2. No shoes, sandals, slippers, laundry, dry cleaning, or other items shall be allowed to remain in view at front entrances.
3. Only appropriate furniture and small plants shall be placed on lanais. Upon the request of the Resident Manager, any items deemed unsightly by the Board of Directors or Managing Agent shall be removed. Lanais are not to be used for the purpose of storage of articles of any kind.
4. Textile items, including towels, bathing apparel and clothing, brooms, mops, cartons, drying racks and other objects, shall not be placed on lanais or passages or in windows so as to be in view from outside the building or from any other apartment.
5. All plants shall be placed in containers so as to prevent the drippings of water or soil onto other apartments or the common elements. Care should be taken in scrubbing lanais so as to prevent water from running down the exterior of the building.
6. Nothing shall be released or thrown from lanais, windows and entrance balconies.
7. All garbage must be deposited, wrapped or bagged, in the trash bins. All large boxes are to be flattened.
8. No fires or barbecuing will be permitted on any lanais.
9. The throwing of firecrackers from lanais and the explosion of any fireworks anywhere on the building grounds or within the building is expressly prohibited.
10. No rugs or other objects shall be dusted or shaken from the lanais or windows of the project; no cleaning by beating or sweeping shall be done in any hallway or exterior part of the project.
11. Nothing shall be allowed, done or kept in any apartments or common elements of the project which would overload or impair the floors, walls or roofs thereof, (specifically water beds) or cause any increase in the ordinary insurance rates or the cancellation or invalidation of any insurance thereon maintained by or for the Association.
12. Water shall not be left running an unreasonable length of time.
13. Damages: The Resident Manager shall survey damage to common elements, and the Board may assess the costs of repair or replacement against the persons responsible.
14. Each owner shall be responsible for the care and maintenance of all lanais that are included in the owner's apartment. An owner may not, however, paint or otherwise decorate the walls and ceilings of the lanais without the prior approval of the Board of Directors. It is intended that the exterior of the building shall present a uniform appearance and, to affect that end, the Board may require the painting of walls and ceilings of each lanai and regulate the type and color of paint to be used. The Board is authorized to contract for the painting of all of the walls and ceilings of the lanais and to make payment therefore out of the maintenance fund.
15. Lockboxes for individual condominiums are permitted, check with the Resident Manager for further information.

16. A screen/security door may be installed at the entry door to a condominium only if it is a Superior Safeguard door in aluminum with Black or Bronze anodized finish. The lock must be re-keyed so that the Kona Makai master key for screen/security doors will open the door. The Board may approve exceptions to this specific model which exception must be approved by the Board prior to the installation of any different model. Screen/security doors that have been installed prior to September 2012 shall be allowed to remain in place but when they are replaced must be replaced with an approved type of screen/security door.
17. Lanai ceiling fans shall meet the following criteria: white, off-white, beige, brown or other color in line with the colors of the building; total diameter of between 48 and 54 inches; four or five blades. Outdoor lighting on lanais shall consist of a hanging fixture which meets the following criteria: white or off-white; round with a diameter of between 10 and 18 inches. Lanai ceiling fans and lights need to be approved by the Resident Manager. The lanai lights, including ceiling fans with lights, shall have a total light output of no more than 1700 lumens (e.g. one 100 watt incandescent) and shall not produce an inappropriate glare to other units or the common areas. Fixture shall be suspended from the ceiling and the bottom of the fixture shall be no more than 7 feet above the lanai. The electric wires must be concealed on the ceiling and walls (wire molding designed for the purpose is permitted). No swag style wires, cords or chains are permitted except from the ceiling vertically to the fixture. Units without a wrap-around lanai are limited to a single fixture. The fixture must be kept clean and rust free. The owner assumes any and all liabilities that may arise from the installation and use of the fixture. The Resident Manager may require the removal or replacement of any lanai fan and/or light fixture that does not meet these specifications. The removal or replacement will be at the owner's sole expense.
18. Exterior decorations on lanais for the winter holidays may not be put up before Thanksgiving Day and must be taken down no later than the last day of the following January.
19. After October 1, 2012, no carpeting may be installed on lanais. The Resident Manager may remove or cause to be removed any carpeting on a lanai that retains moisture in contact with the concrete structure of the lanai.
20. Umbrellas, sun screens, room dividers etc., can be used on lanais to shade from the direct sun but should be used only temporarily when occupants are using the lanai. Such sun screening devices should be in good physical shape, not display any advertisements or inappropriate images, and not block the view of others. These devices must be removed when the occupants leave the lanai.

#### **IV. PARKING AREAS**

1. All vehicles must be registered and display a current registration sticker.
2. No inoperable vehicles may be parked/stored in the parking areas. Should a vehicle become inoperable it must be removed or repaired within 10 days or it may be towed at the owner's expense.
3. No cars may be parked or left unattended except in designated parking stalls.
4. When workmen are performing work on an apartment, the owner shall advise them to park off the premises if all spaces are occupied.
5. Automobiles shall be centered in parking spaces so as to prevent crowding of adjacent spaces and blocking of passages.
6. Violators of parking regulations will be subject to having their cars towed away at their own expense. If the violator is a lessee, renter or guest of an owner, the owner or agent shall be held responsible for the payment of the towing charge.
7. Owners may wash, clean and polish cars only in areas designated by the Board of Directors. Owners shall clean the area thoroughly before leaving.
8. Only minor vehicle repairs are allowed, this includes changing a tire, a battery, or replacing windshield wipers. Vehicle engine repairs or other extensive repairs of a motor vehicle, boat, surfboard, or other equipment shall not be permitted.
9. Reserved parking for motor scooters is in front of the cage under the center of the tennis courts. Bicycles are to be stored in the north storage room underneath the tennis courts.

10. Boats, canoes, or kayaks may not be stored on the common elements.
11. All stored/covered vehicles parked longer than one month must be registered with the Resident Manager and must be parked in the first and second rows nearest Alii Drive. A car key and a copy of the car registration should be turned into the office.
12. Renters are not allowed to store cars on the property when not in residence.
13. Cars that are waiting in the turnaround shall turn their engines off to reduce noise and exhaust to apartments.

## **V. NOISE**

1. Each occupant is to avoid excessive noise of any type at any time and is to consider the welfare of other residents at all times.

Examples:

- Phone conversations on interior lanais echo across the complex and should be taken inside or to the bedroom lanai so as not to disturb other residents.
  - Excessively loud vehicles (motorcycles and/or un-muffled cars) can only operate on the mauka side of the parking area closest to Alii Drive. Those vehicles must not use the north driveway and circular round-about beyond the end of Building 4 or circle along the edge of the parking lot along Building 4.
  - Front doors and service doors are to be held (or retained) so as to avoid slamming.
  - Departing or arriving guests should keep noise down, particularly at night.
2. No workmen or cleaning people are allowed in the building before 8:00 a.m. or after 6:00 p.m. Except in an emergency workmen should be limited to working Monday through Friday. Noisy construction/remodeling projects should not occur on weekends.
  3. All musical instruments, radios, TVs, and other audio devices must be played at reduced volume after 9:00 p.m. and before 8:00 a.m.
  4. Excessive noise at any time should be reported to the Resident Manager who will take appropriate action.

## **VI. SMOKING**

1. There is no smoking allowed on any common element property, except as designated by the Board.
2. There is no smoking allowed on any lanais.
3. There is no smoking allowed on any area of Kona Makai that affects, interferes with or unreasonably disturbs the rights or health of others owners, renters or guests.

## **VII. BUILDING MODIFICATIONS**

1. No structural changes of any type shall be permitted either within or outside an apartment without prior consent and written approval of the Board of Directors.
2. No canvas awnings, shades, windbreaks, umbrellas, or canopies of any type shall be installed on lanais or the outside of the building, except the type defined in Section III, #20, or approved by the Board of Directors.
3. No signs, signals or lettering of any type shall be inscribed or exposed on any part of the building exterior or in the interior entries. The Board of Directors or the Resident Manager may post special safety or other rules governing the use of roadways, swimming pool, etc.

4. No projections shall extend through any door or window opening into any entry or beyond the exterior face of the building.
5. No radio or TV antenna shall be erected or maintained outside the physical confines of an apartment.
6. Window coverings visible from outside the apartment must be a neutral color (white to beige).
7. No additions or alterations to the original design of the apartment will be permitted which are visible from the exterior of the building other than those originally offered by the developer.
8. Owners are not to place stickers on the exterior of apartment doors. They will be removed. Any signage desired by the owner may be placed on the interior side of the entrance door.
9. All non-carpet flooring installed on 2nd and 3rd levels after September 1, 2010 must include an acoustic underlayment approved by the Resident Manager. The owner is responsible for insuring adequate quality of the underlayment.
10. Owners must notify the Resident Manager before any remodel or restoration work that includes the bathroom “wet-wall” of their unit.

## **VIII. RECREATION AREAS**

1. The pool, Jacuzzi, tennis courts, cabana area, barbeques, and exercise rooms are for the use of the residents (owners, lessees or renters, family members, and guests). Owners are not allowed to use these facilities if their apartment is rented.
2. No more than four (4) non-occupant guests per apartment may use Kona Makai facilities unless permission is obtained from the Resident Manager for additional guests. The Resident Manager may limit the total number of guests to 12 and may impose other restrictions if deemed necessary.
3. No container, tumbler, drinking glass, or any other items made of glass shall be permitted in the recreation areas.
4. Audio devices must be used only with earphones (no speakers) as a courtesy to others.

### **SWIMMING POOL**

1. Pool hours are as follows:
  - 9:00 a.m. – 8:00 p.m. All ages
  - 8:00 p.m. – 9:00 p.m. Quiet time
2. Only proper bathing attire will be allowed in the pool.
3. No food is permitted in the pool area.
4. Persons fourteen years of age or under shall be supervised and accompanied by a parent or other adult at all times when in the pool area. Anyone who does not have complete control of excretory functions is not permitted in the pool or Jacuzzi. Infants under two years of age are not allowed in the pool. No diapers!
5. No person with bandages or open wounds of any type may use the pool.
6. No swim fins, mats, boogie boards, foam noodles, or other flotation devices shall be used in the pool. Balls of any type are not allowed in the pool or pool area.
7. No horseplay, running or noisy games (such as Marco Polo) will be allowed in the pool or pool area.
8. All swimmers must shower before entering the pool. Any sand and salt water must be washed off before entering the pool or pool area.
9. Swimmers shall dry themselves completely before leaving the pool area or ocean to return to their building.
10. Pool gates shall be closed (locked) at all times.

**JACUZZI**

1. Jacuzzi hours: 9:00 a.m. – 9:00 p.m.
2. Only persons over 14 years of age are allowed in the Jacuzzi.
3. Proper bathing attire must be worn in the Jacuzzi.

**TENNIS COURTS**

1. Tennis court hours are 7 a.m. to dusk.
2. There shall be a maximum of three (3) non-resident guests with any apartment owner/tenant allowed to use the courts in any one day. The owner/tenant and guests must use the same court. No non-resident may use the courts without an owner/tenant being present at the time the non-resident is using the court.
3. Owners are not allowed to use the tennis courts if their apartment is occupied by another tenant.
4. Non-scuff tennis shoes are required.
5. Tennis only – no skateboards, roller skates/blades or remote-controlled toys.

**CABANA**

1. Cabana hours: 9:00 a.m. – 9:00 p.m.
2. A \$50.00 deposit will be required when reserving the area for private parties. This deposit will be returned if area is clean afterwards. All general condo events will be excused from the deposit

**EXERCISE ROOM & WEIGHT ROOM**

1. Exercise Room and Weight Room hours: 9:00 a.m. – 9:00 p.m.
2. Facility to be used for workout purposes, not for play area.

**IX. MAINTENANCE**

1. Common elements: Under the supervision of the Board, the maintenance of common elements is a responsibility of the Resident Manager. Defects and deficiencies should be reported to the Resident Manager when they occur or are observed.
2. Apartments: Maintenance of individually-owned apartments, including lanais and all windows, doors (including hinges, lock sets and door closures, if any) is the responsibility of the owners.
3. Pass Key (master): The Resident Manager is to be provided with a pass key to every building and every apartment within the condominium project. In case of emergency, he may enter any building or apartment as he may deem necessary; in such case, he shall promptly notify the owner and occupant of the reason and result of such entry.
4. Condensate from air conditioning (A/C) units must not contact any building structure or drip on any lower level apartment's air conditioner. An owner may be held responsible for any damage to building structure due to condensate. If an A/C unit is determined by the Resident Manager to have condensate contacting the building structure, the owner will have 10 days to remedy the problem. If the owner refuses to act the Resident Manager will remove or cause the removal of the A/C unit. The cost of removal and disposal of the A/C unit will be born by the owner.

5. Air conditioner units shall be maintained for appearance. Any such unit or unit enclosure must not have rust holes. If any A/C unit is deemed to be unsightly in the opinion of both the Resident Manager and the Managing Agent, the owner will be given notice and will have 30 days to adequately maintain or remove the A/C unit. If the owner refused to act, the Resident Manager will remove or cause the removal of the A/C unit.
6. Air conditioner openings that do not have an air conditioner will be filled with a wooden panel or other material, approved by the Resident Manager, with the exterior painted in the color scheme of the of the complex.

## **X. GENERAL PROVISIONS**

1. Certain items of furniture, furnishings, and equipment owned by the Association have been placed in the common areas for the use, safety, comfort, and convenience of all owners, their tenants, guests, and invitees. No person shall remove, transfer, misuse, or alter in any manner any of the said furniture, furnishings, and equipment.
2. Maintenance personnel employed by Kona Makai and/or its Managing Agent are prohibited from working within the area of any apartment or to perform services for individual owners.
3. The Resident Manager is not required to give access to apartments or locker rooms, if any, without the written permission of the owner or agent.
4. Each apartment owner shall observe and comply with these House Rules and ensure that the persons that an owner is responsible for also observe and comply with the House Rules.
5. No open solicitation or canvassing will be allowed in the building at any time.
6. Extensions: The Board of Directors, from time to time, may post special safety or other rules governing the use of roadways, swimming pool, etc. The Board's posted rules shall be considered extensions of these House Rules.

## **XI. STORAGE**

1. Storage areas are for long-term storage of items and not for daily or weekly access.
2. Appointments are to be made with the Resident Manager to access storage areas.
3. Items are to be stored in a sturdy type of container, such as a plastic storage bin, bag or suit case. Cardboard boxes may be used on a short-term basis. All such containers shall be clearly marked with the owner's name, phone number, and unit number.
4. All items stored must be inspected on an annual basis by the owner for pest infestation, rust, corrosion or other deterioration. A colored sticker, with the month identified, will mark the shelf for the next annual inspection.
5. No liquids, paints, or corrosive, explosive or illegal materials may be stored on the shelf.
6. All items stored must fit on a shelf, or on the floor area under the bottom shelf.
7. No furniture, TVs, stereo systems or empty boxes can be stored.
8. All items stored are subject to inspection by the Resident Manager.
9. The Kona Makai Association, Board, and Staff are not responsible for any damage or disappearance of stored items.

## **XII. ENFORCEMENT**

1. The Board of Directors is charged with administering the House Rules. Violators will be warned verbally and/or with written notice and those who repeatedly refuse to comply with a rule or rules will be reported to the Managing Agent for further action.

2. Serious infractions (a violation which, for example, threaten persons or property) shall be the basis for immediate action without any requirement of prior notice.
3. These House Rules shall be observed and obeyed by all owners and all the persons that an owner is responsible for (as defined above). In the event the Association incurs expense as a result of a violation of the House Rules by an owner or the person that an owner is responsible for the owner shall be responsible for the payment of any such expense.
4. The Board may impose monetary fines upon owners for any violation of the By Laws, House Rules, or Declaration by the owner or by the persons that an owner is responsible for in accordance with a reasonable fine policy (see XIII Fine Policy); written notice of which will be sent to the concerned owner. The Board may authorize the Managing Agent to impose fines in accordance with the fine policy. A hearing may be requested.
5. The Board, acting on behalf of the Association, shall have the right of entry only in such instances where the violation or breach threatens an immediate, substantial and undeniable threat to the life, limb or property of an owner, occupant or guest. Such entry is for the sole purpose to summarily abate and remove, at the risk and expense of the defaulting owner whether caused by the owner or by any person for whose conduct the owner may be responsible.
6. The violation of any of these rules or breach that exists, gives the Board, acting on behalf of the Association, the right to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such violation, and all costs and expenses, including attorney's fees, shall be borne by the defaulting owner (whether caused by the owner or by any persons for whose conduct the owner may be responsible).

### **XIII. Fine Policy**

1. Any person fined for violation of these House Rules may have an opportunity to be heard by the Board of Directors regarding the incident(s) leading to the fine or regarding the fine itself.
2. All fines are billed to the owner and an accompanying citation will be issued briefly describing the nature of the violation.
3. All fines will be in writing and sent by US Mail with return receipt requested.
4. Where the violation is related to building modifications or unapproved fixtures or items on lanais etc., a thirty (30) day notice shall be given to the owner to correct any deficiencies before a fine is levied.
5. After a fine is levied, the owner shall have thirty (30) days to pay the fine from the date assessed as noted by mail to the owner.
6. In the event said fine is not paid within thirty (30) days, the fine will be deducted from the owner's maintenance fee payment which may result a partial maintenance fee which would incur additional late penalties.
7. Schedule of Fines and Penalties for violations are as follows (see 8. below for exceptions):
  - First offense – a verbal and/or written citation
  - Second offense – \$50.00 fine with a written citation
  - Third offense – \$100.00 fine with a written citation
  - Fourth and Subsequent offense - \$250.00 fine with a written citation
8. The exceptions to the above fine schedule are:
  - Violations that constitute a threat to personal safety or involve damage to property - \$100.00 fine with a written citation.
  - Any activity that requires a police intervention - \$100.00 fine with a written citation
  - Any infractions that are not corrected with a specified time frame - \$100.00 fine per month



# KONA MAKAI HOUSE RULES IN BRIEF

*This is a list of the key rules that are often problems for renters/vacationers*

*The complete House Rules can be found at: <http://www.konamakai.org/documents/KMIhouseRules.pdf>*

**Owners will be assessed a fine when any of these rules are not followed!**

- **Do not smoke** in any area of the complex, on the lanais, walkways, parking area, tennis courts, pool, BBQ and cabana area or on the public access lava along the ocean front. Smoking is **only** allowed in the area specifically designated by the Board of Directors.
- **Do not take any glass or breakables** to the pool, cabana, or BBQ areas.
- **Do not hang towels or other articles** on railings or on lanais.
- **No children under 14 years old** are allowed in the **pool area without parent or guardian.**
- **No children under 14 years old** are allowed in the **SPA.**
- **No food** of any kind is allowed in the **pool** area.
- **Do not use air mattresses, noodles, balls, or other toys** in the pool.
- **No diving, horse play, running or noisy games (Marco Polo)** are allowed in the pool area.
- **No small children with diapers or incontinent persons** are allowed in the pool or Jacuzzi.
- **Do not sweep, shake, spit or throw anything** from the lanais.
- **Do not feed the birds or other animals.**
- **Do not store boards, bikes, luggage, drying racks or any other unsightly items** on lanais.
- **Do not use any audio device** in common areas without earphones.
- **Do not park or leave vehicles** in the round-about with the engine running.
- **No phone conversation** on interior lanais which disturb other residents.
- **Do not allow doors to slam. Excessive noise** is prohibited at all times.

**All guests and autos must be registered at the office.**

## **ABSOLUTE MAXIMUM OCCUPANCY:**

One Bedroom – 4 persons, One Bedroom with loft – 6 persons

Two Bedrooms – 6 persons, Two Bedrooms with loft – 8 persons

The Resident Manager **cannot** provide extra keys or allow access to any unit – guests need to contact their rental agent.

## **Emergencies**

- Contact the Resident Manager (808) 329-1511 for all issues that threaten the safety or property of Kona Makai.
- For Medical/Fire/Police: Call 911, the address here is 75-6026 Alii Drive, specify your building and unit number.