

ASSOCIATION OF APARTMENT OWNERS OF MAALAEA KAI, INC.  
70 Hauoli Street  
Wailuku, Hawaii 96793

REVISED EDITION OF: 25 September 2007


THE ASSOCIATION'S ADMINISTRATIVE RULES


1. Introduction and Overview. This document sets forth those rules and regulations of this non-profit corporation which apply to the premises of the Maalaea Kai condominium complex, and states the responsibilities of the owners and apartment occupants. The drafting and adoption of these Rules involved several processes of deliberation by members of the Association. The drafting also involved some prudent consideration of the desires of the apartment owners. These rules are subject to revision by the Association-at-large.
2. Enforcement. These rules apply generally to all owners and occupants, their children and guests. Various enforcement measures have been established by the Association's Board of Directors acting under the authority of sections 7 and 16 of the Bylaws of AOA Maalaea Kai, Incorporated. These enforcement measures typically begin with an informal message of caution delivered by the Resident Manager.
3. Publication. A copy of these Administrative Rules shall be delivered to all owners and current permanent residents of the building. Owners are encouraged to display a copy of the rules in their units, if appropriate, for reference by guest – visitors and temporary occupants.
4. History. Slightly over half of these Administrative Rules were adopted by the Association on 21 January 1989 to replace all previous editions of Maalaea Kai House Rules; amendments were subsequently approved at annual Association meetings in each year since 1989. (Refer to minutes of the annual Association meetings for the textual record of adoption.)

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6. Authority. All of the Administrative Rules in this document have been adopted under the authority of (a) Section 104(a) of Chapter 514B, Statutes of the State of Hawaii (Revised) [The Hawaii Condominium Property Regime Act]; and (b) Section 16 of the Bylaws of AOA Maalaea Kai, Incorporated. These Bylaws require that all administrative rules must be approved by a majority vote of voting owners. Approval transactions have been accomplished by one of three processes: (a) by majority vote at an annual Association meeting; (b) by postal mail balloting; and (c) by delegating a stipulated but delimited authority to the Board of Directors.

  
TODD MADDEN  
Secretary

  
BILL DONALD  
President

## **PART I - HOUSE RULES**

1. **GENERAL:** The basic guidelines can be stated simply as common sense and consideration for the rights and feelings of others so that the general atmosphere is friendly and pleasant. The Board of Directors invites all residents to practice reasonable tolerance, remembering the close proximity in which they live.
2. **VIOLATIONS:** Violations of the House Rules shall be reported to the Resident Manager who will initiate corrective action and follow basic procedures as outlined in the Resident Manager's policy file. (The Board of Directors will take action, if appropriate, by acting under the authority of Section 16, Bylaws of AOA O Maalaea Kai, Incorporated.)
3. **DAMAGES:** Damages to the common areas will be reported immediately in writing to the Resident Manager. The cost of repair, plus any legal fees incurred, may be assessed by the Board of Directors against the offender.
4. **GUESTS:** Each owner shall observe and abide by these Rules and see that all his tenants, licensees, and invitees are aware of and observe and abide by them.
5. **MISDEMEANOR OR FELONY:** Any action or transaction which constitutes a misdemeanor or felony, as defined under the ordinances of the County of Maui or the statutes of the State of Hawaii, shall be considered a violation of the House Rules when committed on the premises by a resident or guest.
6. **NUISANCE SITUATIONS:**
  - a. The occupant of an apartment shall not make nor permit to be made any noise in the building by himself or his family or his invitees or licensees which will annoy or interfere with the rights, comforts, and convenience of neighbors. Particular attention must be paid to maintaining a minimum of noise between 10 p.m. and 8 a.m. In particular, this applies to social gatherings, television sets, radio, high fidelity, and musical instruments.
  - b. Outdoor cooking shall be permitted at the barbecue areas only, and shall be conducted so as not to be offensive to any neighbor. Individual barbecues will be used only by the existing barbecue areas. Absolutely no barbecue cooking is permitted on the lanais.
  - c. A vehicle can be washed in the designated "CAR WASH" area only. No mechanical repairs or maintenance shall be performed on a vehicle on the common area, except emergency repairs to start a vehicle or to change a flat tire.
  - d. No rugs or other objects shall be dusted or shaken from the lanais or hallways on any exterior part of the project. The watering of plants and the sweeping of the lanais shall be accomplished in a manner which will not create a nuisance to persons residing in lower or adjacent apartments.
  - e. Smoking is prohibited within the confined spaces of the laundry rooms.
7. **SOCIAL GATHERINGS:**
  - a. The Resident Manager will be notified at least one day in advance of any organized social gathering of 10 or more persons to be held on the common elements.
  - b. The Board is authorized to regulate rowdy or nuisance behavior at such parties for temporary periods provided such regulation is requested by owners of at least five apartments.
8. **PETS.** All House Rules for animal pets are codified at APPENDIX A to these ADMINISTRATIVE RULES.
9. **RUBBISH:** All trash, garbage, and rubbish shall be placed in trash chutes located on the 2nd, 3rd, and 4th floors at west end of the building. Boxes should be crushed and put in a first floor recycling bin. Trash containing food debris shall be securely wrapped to prevent grease leakage before being put down the trash chute. To protect the Wastewater Treatment Plant, no grease or acids should be emptied into drains or garbage disposals.

#### 10. HAZARDS:

- a. No gun, pellet gun, slingshot, bow and arrows, spear guns or other similar contrivances shall be used in any manner on the premises.
- b. The parking lot shall not be used for recreational activities of any kind. The use of skateboards and roller skates is not permitted anywhere on the property. Parents or legal guardians are responsible for the appropriate supervision of minors at all times.
- c. Play with golf balls is limited to putting at putting areas (designated by the Resident Manager) only.

#### 11. PROJECT APPEARANCE:

- a. No unsightliness within the public view is permitted within the project. For this purpose, "unsightliness" indicates, but is not limited to the following: laundry on lines, railing, reels or grass; litter, trash containers (except as specially provided); inappropriate, broken, scarred or offensively ugly furniture or plants on lawns; non-decorative gear, equipment, cans, bottles, ladders, trash boxes, barrels, etc., stored or stowed in or on walks or lanais; or non-shaded or improperly shaded lights that create objectionable glare.
- b. No garbage cans, household supplies, excess items, or similar articles shall be placed outside the apartment area or in a place where they can be seen from outside the apartment, except as the Board shall prescribe.
- c. No items of personal property, including baby carriages, bicycles, or surfboards shall be left or allowed to stand on any of the premises, other than within the confines of the apartment or within any enclosed limited common area adjacent to the apartment. Articles of any kind left in any of the common areas will be removed at the owner's expense at the direction of the Board of Directors.
- d. Clothing or laundry shall not be hung in doorways, windows, lanais (including railings) in any manner as seen by persons outside the apartment.
- e. No owner shall post any advertisement, poster, or other sign on or about the project, except as authorized by the Board of Directors.
- f. The installation of a digital dish antenna for cablevision service, or similar appliance, shall require prior approval from the Board of Directors. Refer to APPENDIX N of these ADMINISTRATIVE RULES.
- g. The Association reaffirms the authority of the Board of Directors to regulate the design, appearance, and materials of all common element windows (including replacement windows) at Maalaea Kai, and all sliding and fixed doors and windows which separate lanais from apartment interiors. Refer to APPENDIX B of these ADMINISTRATIVE RULES.
- h. No shades, awnings, umbrellas, screens, TV or other projections shall be attached to the outside of the walls of the buildings or to the exterior of any door or on the lanais without the prior written approval of the Board of Directors. Refer to APPENDIX C (LANAI SUN SCREENS) and APPENDIX D (PENTHOUSE AWNINGS) appended to these ADMINISTRATIVE RULES.
- i. The installation of motion-activated security lights on lanais is permitted. The technical guidelines for such motion lights are appended at APPENDIX E to these ADMINISTRATIVE RULES.

#### 12. PROJECT MAINTENANCE:

- a. The Resident Manager will police the grounds effectively. In the common interest, every occupant is to do his or her part and to use his influence on all members of his household to do their part toward abating unsightliness within the project to the fullest practicable extent.
- b. The Board of Directors may replace wood components of the common elements with non-wood synthetic materials whenever the Board concludes that such substitution is desirable: the Association acknowledges that the following factors must be considered when relevant: (1) structural integrity; (2) economy; (3) resistance to

termite infestations; (4) improved fire retardancy; (5) replacement of a component only when and as necessary; (6) Refer to APPENDIX L of these ADMINISTRATIVE RULES.

c. Cleaning of individually owned apartments, including all windows, is a responsibility of the respective apartment occupants.

d. Vendors and contractors scheduled for major interior home improvement work in Maalaea Kai apartments must first check-in with the Resident Manager to arrange for parking and for any special use conditions for the use of the common elements. The Board of Directors is authorized to publish from time to time appropriate rules to address potential nuisance problems, such as noise nuisance after 5 p.m., untended equipment on the walkways after working hours, and the use of the elevators and walkways.

e. Modifying or tampering with any of the common elements without prior written approval by the Board of Directors is prohibited. This prohibition extends to the planting, pruning, and removal of trees and plants, the application of pesticides and herbicides, and interference with or modifications to any of the irrigation systems.

f. No owner may install a personal fixed property item at any common element; any temporary variance to this Rule must be approved by the Board of Directors and must conform to, and not violate provisions of the Association's Project Declaration.

13. COMMON PASSAGEWAYS: The common passageways and elevators must not be obstructed or used for any purpose other than egress and ingress and passenger movement.

14. SCREEN DOORS. The Association has authorized individual apartment owners to install screen doors at apartment entryways, subject to strict conditions and regulations. These conditions and regulations are set forth at APPENDIX F of these ADMINISTRATIVE RULES.

15. ELEVATORS: Elevators shall be used with consideration for others and only for the designed purpose of travel between floors.

a. Play within the elevator cabs in any form is prohibited. This includes jumping, pounding, noisy behavior, and indiscriminate pushing of buttons. Activation of the alarm, speaker system, or STOP button is specifically prohibited except in an emergency.

b. When the elevator is used to transport furniture, groceries, luggage, etc., it shall be done as expeditiously as possible, and the elevator left in clean condition. No objects may be left in elevators. Shopping carts should be returned to their original storage location.

c. No smoking, eating, or drinking beverages is allowed in elevators.

d. No persons with bathing suits dripping water or feet covered with dirt or sand are allowed in elevators. Stairways should be utilized under these circumstances.

e. No animals of any type are allowed in the two elevators except as permitted by the provisions of the Administrative Rules for Animal Pets; Refer to APPENDIX A.

f. No child under the age of 10 may use the elevators unless accompanied by a responsible adult.

16. AIR CONDITIONERS AND AIR CONDITIONING SYSTEMS: The Association has adopted strict Administrative Rules for the installation and operation of air conditioning appliances and systems within the privately owned apartments. These are set forth at APPENDIX G of these ADMINISTRATIVE RULES.

17. PARKING. The Board of Directors will establish and publish regulations for the control of the parking lot. These are set forth at APPENDIX H of these ADMINISTRATIVE RULES.

18. COMMON ELEMENT STORAGE ROOMS FOR PERSONAL PROPERTY. The storage rooms are regulated by the ADMINISTRATIVE RULES set forth at APPENDIX I.

19. SWIMMING POOL. The Association's swimming pool is regulated by the ADMINISTRATIVE RULES set forth at APPENDIX J.

20. FOYER CORRIDORS at stacks 11 through 16 (all floors) are limited common elements and therefore subject to regulation by the Association. Refer to APPENDIX K appended to these ADMINISTRATIVE RULES.

21. THREATS TO PUBLIC HEALTH AND SAFETY WITHIN APARTMENT INTERIORS. Under several provisions of Chapter 514B, Statutes of the State of Hawaii (the Condominium Management Statute), the Association, acting through its Board of Directors, has the responsibility of dealing with the special and unique situations involving potential public health and public safety problems within the perimeters of the apartments.

a. Any plumbing, electrical problem or deficiency within an apartment, or any deterioration in a protective structure or drainage system within an apartment, which

- (1) Causes property damage in another apartment; or
- (2) Creates a risk of bodily harm in any apartment; or
- (3) Poses a threat to public health, safety, or security;

shall be corrected expeditiously by the owner(s) of the apartment wherein the problem or deficiency occurs.

b. The Board of Directors is authorized to establish prudent and reasonable standards for expeditious corrective action. Each day of failure to take corrective action beyond the limits established by the Board shall be considered a separate violation of these Rules.

c. To meet provisions of the Uniform Plumbing Code which are enforced by the County of Maui, apartment water heaters must meet Code conditions for accessibility to allow inspection, repair, and replacement.

d. The installation, connection, and operation of a laundry washing machine within any apartment must be given prior permitting approval by the County Plumbing Inspector, County of Maui. Such permitting approval must be on file with the Secretary, Board of Directors at least 15 days prior to installation of the machine; and further, must be accompanied by the owner's statement that identifies the licensed plumber who will install the machine; and further, must include a statement, signed by the licensed plumber who is designated to install the machine, that the plumber guarantees that the machine will not generate laundry suds backsurge at a ground level floor apartment if the machine is operated properly.

e. Owners must obtain approval for installation of clothes drying machines from the Board of Directors. Approval will be based strictly upon satisfactory plans for prevention of fire hazards and lint exhaust.

22. INTERIOR INSPECTIONS. The Board of Directors is authorized to schedule and conduct preventative maintenance inspections on the interior electrical, plumbing and drainage systems and apparatus within apartments. The objectives of such inspections will be to minimize threats to public safety, public health, security and the integrity of neighboring apartments, and to reduce the causes of damage to neighboring apartments. Such inspections will be conducted by the Resident Manager, accompanied by a Board member, and assisted as appropriate by a licensed contractor. The Board is authorized to publish the results of such inspections as a matter of record. The inspections, including any related correspondence, and the publication of results of such inspections, shall be based upon the following disclaimers:

a. As a practical matter, such inspections can discover only the most obvious and egregious deficiencies and defects, and cannot uncover all causal matters which might lead to ensuing problems.

b. The inspections are to be conducted for the limited purposes cited in this Rule, and shall not be construed or interpreted as acceptance of liability or responsibility by the Association and the Board of Directors.

23. PROBLEMS CAUSED BY TERMITE INFESTATIONS. See APPENDIX L to these ADMINISTRATIVE RULES for the text of the policy statement adopted by the Association on 30 March 1996.

24. COMMERCIAL ACTIVITIES AND COMMERCIAL SIGNS ON THE MAALAEA KAI PREMISES.  
Legal Basis for these Regulations:

"The Board of Directors shall regulate commercial activities and commercial signs on the Maalaea Kai premises. Any such regulation shall take effect upon publication to all owners. Any such regulation shall be suspended upon enactment by a majority of owners of a resolution requesting Board reconsideration."

a. Definitions:

(1) "Commercial activities on the Maalaea Kai premises" are defined as those which are:

- conducted for profit;
- are advertised in the telephone yellow pages and/or the Maui News; and
- are conducted within any Maalaea Kai apartment or upon the common elements.

(2) "Commercial signs" are defined as those which advertise a product, commodity, equipment item, personal property, a service, or an apartment for rent or lease or sale.

b. Registration: All commercial activities conducted on the premises must register with the Board of Directors. Excepted from this requirement will be:

- (1) Activities conducted for the sale of a Maalaea Kai apartment;
- (2) Passive investment activities;
- (3) Non-profit activities;

(4) Artistic endeavors carried on as an avocational hobby wherein art products are not advertised in the telephone yellow pages and/or the Maui News.

c. Prohibition: Manufacturing processes for profit are prohibited.

d. Signs: Posting of commercial signs on the Maalaea Kai premises is restricted to the breezeway bulletin board controlled by the Resident Manager. Excepted from this restriction are real estate signs which advertise an "open house" in connection with the marketing of an apartment for resale. These "open house" signs may be posted for temporary periods of dawn to dusk at restricted locales, as follows:

- vicinity of both elevators on the first floor, but not within the elevators;
- at the base of any stairwell on the first floor; and
- on the walkway or the exterior wall of the apartment being marketed.

e. Limits of these Rules: The Association acknowledges that the regulation of commercial signs on Hauoli Street ("off premises") is a matter which falls within the purview of Maui County and not within the purview of the Association or its Board of Directors. None of these administrative rules should be construed or interpreted as impinging or intended to impinge in any way on the County's authority.

25. REMODELING OF APARTMENTS. All private remodeling of apartment interiors shall be governed by the ADMINISTRATIVE RULES set forth at APPENDIX M appended to these ADMINISTRATIVE RULES.

26. SECURITY MEASURES:

a. The Resident Manager shall be provided with a passkey to every apartment in the project. In case of emergency, the manager may enter any apartment deemed necessary; in such case, he shall promptly notify the owner or occupant of the reason and result of such entry. The master key may be used to admit occupants who have misplaced keys. Besides the Resident Manager, only one other person shall have a master key and this person shall be a written designate of the Board of Directors and he shall be a resident of the condominium complex.

b. Owners, guests, and tenants, shall informally notify the Resident Manager when beginning a new period of residency.

27. CONSERVATION: It is the responsibility of each owner and resident to conserve energy by turning off all lights, fans, TV, and other appliances, when not in use. Hot water heaters should be turned off if the resident departs for an extended period.

28. EMERGENCIES: The office will post emergency telephone messages for occupants on the bulletin board directly across from the office.

29. INPUT: Complaints or suggestions are required to be in written form (signed and dated) and given to the Resident Manager or the Board Secretary.

30. STATUTORY RESERVE FUND. The Association acknowledged the requirements for a statutory reserve fund for the maintenance of replacement reserves under Section 148, Chapter 514B, Statutes of the State of Hawaii (Revised) [The Condominium Property Management Statute]; and adopted the following reporting measures for the management of the Maalaea Kai statutory reserve fund:

a. The Treasurer will report on the status of the statutory reserve fund at every annual Association meeting, to include all withdrawals and the purpose of each withdrawal;

b. All withdrawals from the fund must be approved in writing by at least four directors; and

c. All withdrawals from the fund must be made a matter of record in the minutes of the Board of Directors' meetings when approved.

31. MEETINGS OF THE ASSOCIATION AND DIRECTORS' QUALIFICATIONS: Section 514B-121(d) of the Statutes of the State of Hawaii (Revised) requires all meetings of condominium associations to be conducted in accordance with the most current edition of Roberts' Rules of Order. In addition, AOA Maalaea Kai has adopted additional rules:

a. The use of cell telephones and video recording machines is prohibited at Association meetings.

b. Any owner nominated to be a director at an Association meeting shall be expected to state for the record whether a Maalaea Kai apartment owned by that owner is listed for sale or being advertised for sale;

c. Any owner named by the Board to fill an unexpired vacancy on the Board must first state for the record whether a Maalaea Kai apartment owned by that owner is listed for sale or being advertised for sale;

d. Any director who lists a Maalaea Kai apartment for sale or advertises such an apartment for sale, if that apartment is owned by the director, shall offer his resignation to the Board; the Board shall thereafter make its response to that offer of resignation a matter of record; and the response may be acceptance of the resignation or a request to remain on the Board.

#### **LIST OF APPENDICES TO THESE ADMINISTRATIVE RULES:**

<b><u>APPENDIX</u></b>	<b><u>SHORT TITLE</u></b>
A	ANIMAL PETS
B	STANDARDS FOR REPLACEMENT WINDOWS
C	SUN SCREENS AT APARTMENT LANAIS
D	AWNINGS AT PENTHOUSE LANAIS
E	LANAI MOTION LIGHTS
F	SCREEN DOORS
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## APPENDIX A: AOA MAALAEA KAI ADMINISTRATION RULES FOR ANIMAL PETS

1. Applicability. The Association's Administrative Rules related to animal pets shall apply to all apartment occupants, visitors, and trades persons who are working on the Maalaea Kai premises.
2. Limits. Each apartment is allowed one dog or one cat or one bird only, without prior approval of the Board of Directors. The Board may approve variances and exceptions only for extraordinary cases (e.g., keeping a seeing-eye dog).
3. Registration. Every pet must be registered in writing with the Resident Manager. Required information is the description of the pet, name of pet, name and telephone number of the pet owner, apartment where kept, age and sex of pet, reference to vaccination documents and the name of the veterinarian.
4. County Requirement. All dogs must be licensed with the County of Maui, and all cats registered with the Hawaiian Humane Society.
5. Identification. Every dog and cat must wear an identification collar listing the pet's name, name of owner, telephone number, and apartment number.
6. Public Health. All legally required immunizations for pets must be current and documented. All pets must be kept groomed and clean and receive regular preventative treatment for fleas and ticks.
7. Restraints. No aggressive pet behavior will be tolerated. This means that the handler must restrain the pet from approaching apprehensive adults and children.
8. Noise Control. Statement by the State of Hawaii Department of Commerce and Consumer Affairs: A pet is considered to be a noise nuisance if howling, barking, or screeching continuously for 10 minutes or intermittently for 30 minutes.
9. Prohibited Activity. Any commercial activity associated with pets (such as breeding or guard training) is prohibited on the premises.
10. Dogs Only. A dog on the common elements must be under the complete control of its owner or responsible person designated by the owner, and kept on a leash under the manual and secure control of the controller.
11. Debris and Droppings. The Maalaea Kai lawns and planter areas will not be used for pets to defecate or urinate. Dog and cat handlers are expected to immediately clean up droppings from their animals on the common element premises.
12. Elevators. Pets should not be taken onto elevators which are already occupied by other persons. The pet owner should wait for the cab to be unoccupied.
13. Cats. Cat litter may not be disposed of in toilets, and must be bagged securely for the trash chutes.



APPENDIX A: AOA MAALAEA KAI ADMINISTRATION RULES FOR ANIMAL PETS

14. Wild Birds. Residents and visitors are asked not to feed wild birds. This will lessen the nuisance problems from feathers, debris, and droppings on neighboring lanais.

15. Remedy and Eviction. Upon receipt of a signed complaint about a pet or pet owner, from adult residents of three apartments, the Board of Directors will appoint a panel of three owners to meet and hear the complaint. The panel will consist of only one Board member and at least one pet owner. The complainants may not serve on the panel. The panel will forward a recommendation to the Board which will be made a matter of record. A decision as to eviction will then be made by the Board. Any appeal of a Board decision on eviction of a pet will be referred to a licensed mediation service with the expense charged to the person who appeals.

16. Short-Term Tenants. The Resident Manager will provide a copy of the Association's House Rules on animal pets to any vacation renter (short-term rental) who registers the animal pet.

17. Individual Apartment Restrictions. The Association will not enforce any apartment owner's prohibition of animal pets.

18. Vacation Renters. Apartment owners who vacation rent their apartments on short-term rentals are requested to advise prospective renters as to whether or not animal pets are prohibited at their apartments; and to further advise, if animal pets are not prohibited, that the animals must be registered with the Resident Manager within 24 hours after beginning occupancy.

APPENDIX B:    AOA MAALAEA KAI ADMINISTRATIVE RULES FOR STANDARDS  
FOR REPLACEMENT WINDOWS

1.    The Association delegated to the Board of Directors at its annual meeting on 27 March 2004 the authority to adopt and publish restrictive design standards for all apartment windows, both common element as well as the sliding and fixed doors and windows which separate lanais from apartment interiors. The Board of Directors thereafter approved a d-r-a-f-t set of standards, and passed these to all apartment owners with an invitation for comment.
2.    On 17 December 2004, the Board reviewed all suggestions received from the apartment owners and adopted the following design standards for all replacement common element windows and for the sliding doors and windows which separate lanais from apartment interiors:

FRAME MATERIAL shall be black or bronze anodized aluminum or an equivalent natural finish aluminum;

GLASS MATERIAL shall be single or double paned;

GLASS MATERIAL COLOR shall be neutral or translucent, or tinted in brown, bronze, or brand-name "smoke";

CLOSURE SYSTEMS shall be fixed or slider or open-in adjustable;

3.    The Board approved standards itemized above shall specifically exclude frames which are white vinyl or colored; and stained glass, glass block and plastic paned; and fixtures which are jalousie or open-out; and tinting which is reflective.
4.    The Board will except from these standards a jalousie window which meets two criteria: (a) The jalousie window was installed during the original construction of Maalaea Kai; and (b) the apartment owner declares in writing to the Board that the jalousie window is desired for retention and, therefore, not to be replaced except by the owner.

APPENDIX C:    AOA MAALAEA KAI ADMINISTRATIVE RULES FOR SUN SCREENS AT APARTMENT LANAIS (EXCLUDING PENTHOUSES)

A.    On 25 March 2000 the Association authorized owners of selected apartments (specifically, all units except penthouses) to install sun screens at their apartment lanais provided that in each case, the sun screen met the Association's technical guidelines for appearance, composition material, color, design, maintenance, and replacement. The Association's authorization stipulated that the guidelines had to be approved and published by the Board of Directors. [The Association also authorized special awnings for penthouse lanais, and these are itemized at APPENDIX D to these Administrative Rules.]

B.    The Board of Directors subsequently organized an ad hoc committee of interested Homeowners to develop an initial d-r-a-f-t of the technical guidelines for lanai sun screens. A final edition of the guidelines was approved by the Board on 1 November 2000 and a NOTICE was published which stated that copies of the guidelines were available from the Resident Manager for any apartment owner who desired to install a lanai sun screen.

C.    The technical guidelines follow:

TECHNICAL GUIDELINES FOR LANAI SUN SCREENS

1.    General. The purpose of the sun screen is to provide shade on lanais from the morning sun. It is not to provide privacy or protection from dust and/or ash nor to provide for shade inside the apartment. (Drapes should be utilized to provide shade inside the apartment.) The sun screen should be lowered only during hours of bright sun invasion and must be raised by sunset.

2.    Specifications. The specifications for sun screens are as follows:

- The sun screen must be of one piece. An owner may apply for permission to install a "split-screen" of two-or-more separate sections by submitting a sketch of the proposed design with a written rationale to the Secretary of the Board of Directors.
- The sun screen must be vertically retractable by raising.
- The sun screen shall be approximately 13-feet 3-inches wide. The top-to-bottom length must meet the requirements stated at paragraph 4.
- The sun screen shall be fabricated using 120/90 percent Awntex vinyl mesh fabric, camel color.
- The sun screen may be trimmed optionally in 3-inch wide 100 percent acrylic Sunbrella, tan color.
- The sun screen must have a weighted PVC pipe fixed into the hem and with grommets for tie down holes on the lower corners.
- Mounting tracks shall be of aluminum alloy (preferably anodized).
- Hardware (pulleys, cleats, etc.) shall be of non-corrosive stainless steel, nickel-plated alloy, brass, and/or nylon.
- Ropes shall be of white nylon, polyester, or equivalent.
- Grommets shall be of nickel-plated brass, stainless steel, or other non-corrosive material.

APPENDIX C: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR SUN SCREENS AT APARTMENT LANAIS (EXCLUDING PENTHOUSES)

3. Mounting. The sun screen shall be mounted six-inches from the outer edge of the lanai ceiling with cleats on the right hand wall of the lanai (looking out from the apartment) at least six -inches from the outer edge of the lanai wall. The cleat should be approximately in line with the drop of the sun screen. Tracks, cleats, etc. shall be mounted using only stainless steel bolts or screws into plastic lag anchors. Mounting hole depth shall not exceed 2½-inches.

4. Drop Length. For apartments on the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors, a sun screen drop will be limited, from the ceiling of the lanai to the top of the railing. Apartments at the 1<sup>st</sup> floor may have sun screens which drop from the lanai ceiling to the lanai deck. Factors to be considered for installations:

- The aesthetics of the sun screen from the front lawn.
- The possibility of noise created by the PVC pipe in the hem banging against the lanai railing in the breeze.
- The integrity of the railing anchors being compromised by the movement of the shade screen against the railings.
- The lanai railings are common elements and the responsibility of the Association, and the Association should not be burdened with damage costs or liability caused by an individual owner's sun screen.

5. Removal or Replacement. The Board of Directors is authorized to order the removal of a lanai sun screen which the Board deems as unsightly, or which does not meet the specifications and requirements codified by this APPENDIX C. Unsightly appearance may include fabric tears, color fading, tattered edging, corrosion of metal fixtures, unfastening or unhinging of screen fixtures, and general disrepair. When citing a lanai sun screen as unsightly, the Board normally will follow a process of considering a written, signed, and dated complaint submitted by an apartment owner, or an Incident Report filed by the Resident Manager. Thereafter, the Board will organize a three-person ad hoc Inquiry Panel, consisting of one Director plus two other apartment owners, and charged to evaluate the complaint and to provide written recommendations to the Board for final resolution.

- The Board may thereafter order that the sun screen be removed within 15 calendar days by written notice.
- Failure of any owner to remove an unsightly sun screen within 15 days after the Board issues a removal order will constitute a single violation of the Association's Administrative Rules under Section 16 of the Bylaws of AOA Maalaea Kai, Incorporated. Each subsequent day of failure to remove shall constitute a separate violation.

APPENDIX D: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR AWNINGS AT PENTHOUSE LANAIS

A. On 25 March 2000, the Association authorized owners of penthouse apartments to install awnings at their apartment lanais provided that in each case, the awning met technical guidelines for appearance, composition material, color, design, maintenance, and replacement. The Association's authorization stipulated that the guidelines had to be approved and published by the Board of Directors, and further, prohibited awnings at all other (i.e. non-penthouse) lanais.

B. The Board of Directors subsequently organized an ad hoc committee of interested penthouse owners to develop an initial d-r-a-f-t of the technical guidelines. A final edition of the guidelines was informally approved by the Board in July 2001 for test purposes; formal approval was given by the Board on 8 July 2003, and copies of the approved guidelines were made available by the Board Secretary for any penthouse owner who desired to install a lanai awning.

C. The technical guidelines follow:

TECHNICAL GUIDELINES FOR PENTHOUSE LANAI AWNINGS

1. General.

a. The purpose of the awning is to provide shade on lanais from the morning sun and for shade from winter sun glare inside the apartment. The awning should be lowered only during hours of bright sun invasion and should be raised by sunset, or during times with stiff winds, or whenever the apartment is vacated. Public safety considerations must be paramount.

b. Awnings for penthouse unit lanais shall be wall-mounted above the sliding door and utilize a heavy-duty retractable framework certified by the manufacturer to withstand gale-force winds. Awnings shall not project beyond the lanai railing. The retraction mechanism may be hand-cranked or motorized at the owner's option.

2. Specifications. The specifications for awnings are as follows:

- The awning shall be approximately 14-feet wide, or the full width of the lanai.
- The drop length of the optional front roll-up valances shall not exceed 4-feet.
- Awning proper shall be fabricated of Sunbrella fabric, color toast.
- Optional front roll-up valances shall be fabricated of Awntex fabric, color camel.
- Mounting track, framework, hood, and retraction mechanisms shall be of stainless steel or aluminum alloy (preferably anodized or powder coated), color almond.
- Hardware shall be of non-corrosive stainless steel, nickel-plated alloy.

3. Mounting. Support brackets shall be mounted to walls only by means of stainless steel bolts or screws into plastic lag anchors. Lead anchors may not be used due to spalling concerns. Mounting hole depth shall not exceed 2¼-inches.

4. Removal or Replacement. The Board of Directors is authorized to order the removal of a penthouse lanai awning which the Board deems as unsightly, or which violates the specifications and requirements codified in these guidelines. Unsightly appearance may include fabric tears,

APPENDIX D: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR AWNINGS AT PENTHOUSE LANAIS

color fading, tattered edging, corrosion of metal fixtures, unfastening or unhinging of awning fixtures, and general disrepair. When citing a penthouse lanai awning as unsightly or in violation, the Board normally will follow a process of considering a written, signed, and dated complaint submitted by an apartment owner, or an Incident Report filed by the Resident Manager. Thereafter, the Board will organize a three-person ad hoc Inquiry Panel, consisting of one Director plus two other apartment owners, and charged to evaluate the complaint and to provide written recommendations to the Board for final resolution.

- The Board may thereafter order that the awning be removed within 15 calendar days by written notice.
- Failure of any owner to remove an unsightly awning within 15 days after the Board issues a removal order will constitute a single violation of the Association's Administrative Rules under Section 16 of the Bylaws of AOA Maalaea Kai, Incorporated. Each subsequent day of failure to remove shall constitute a separate violation.

APPENDIX E: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR LANAI  
MOTION LIGHTS

Motion lights may be installed at apartment lanais by the apartment owners. The Administrative Rules in this APPENDIX E shall regulate the installation and operation of lanai motion lights.

1. The following specifications will apply:
  - a. Single bulb fixtures
  - b. Maximum intensity 60 watts
2. Fixtures or bulbs cannot be projecting light toward any lawn area when activated.
3. Primary illumination must be aimed at the lanai deck, and controlled so as to confine the illumination beam toward the center of the lanai deck or toward the lanai sliding door.
4. Lights must be controlled by light sensors with motion activation limited to dusk-to-dawn hours.

## APPENDIX F: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR SCREEN DOORS

A. During the period of 27 March 2004 until 30 August 2004, the apartment owners balloted on a proposed amendment to the Association Bylaws by which the Board of Directors would be empowered to:

- Authorize individual apartment owners to install screen doors at the entryways to their apartments; and
- Require the Board of Directors to strictly regulate plans, specifications, maintenance, and appearance standards for any screen door that might be installed by apartment owners.

B. The proposed amendment to the Bylaws was necessary for two reasons: (1) Screen doors would be installed outside of the private property perimeters of the apartments as defined in the Project Declaration; and (2) Screen doors when installed would be affixed to common elements. The amendment was adopted on 30 August 2004. On that same date, the Board of Directors issued a set of Administrative Rules under the authority granted to the Board by the amendment to the Bylaws. The Rules are set forth in this APPENDIX F.

### REGULATIONS AND GUIDELINES FOR APARTMENT SCREEN DOORS AT MAALAEA KAI

Section 7 of the Bylaws of AOA Maalaea Kai, Incorporated [amended August 2004] authorizes apartment owners to install screen doors and delegates to the Association's Board of Directors the authority to establish and publish regulations and guidelines for the plans, specifications, installation, maintenance, and appearance of apartment screen doors. The regulations and guidelines for screen doors approved by the Board of Directors are set forth below. The Board of Directors is further authorized by Section 7 of the Bylaws to modify and amend these regulations and guidelines at any time in the future.

1. The Board must approve in writing the installation of each and every apartment screen door. Authority for initial approval may be delegated by the Board to the Board's Steering Committee so long as these regulations and guidelines are applied. Final approval will be made a matter of record at formal Board meetings.
2. The Board will not approve the installation of any apartment screen door unless the apartment owner has submitted a written and signed application. Applications will not be accepted from so-called "designated representatives" such as long-term tenants and rental agents.
3. Applications must contain all of the required contents set forth at ANNEX NUMBER 1 of this APPENDIX F, *Instructions for Application to the Board of Directors for Permission to Install a Screen Door at Maalaea Kai Apartment*.
4. Screen doors must be the product known as *Tru-Frame Security Screen Door*, manufactured by the R. Lang Company, 36-inches x 80-inches, in bronze anodized finish only. The Board will not approve deviations from the uniform design without consultation with the Association-at-large.
5. Screen doors shall be installed external to apartment entry doors, open out, be equipped with a functioning heavy-duty pneumatic closer, and shall not intrude into or block walkways when in their normally closed position.



APPENDIX F: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR SCREEN DOORS

6. Because an apartment's screen door will be affixed to a common element owned by the Association, and will be installed outside of the interior perimeter of the apartment (as defined by Section 4 of the Association's Restated Project Declaration filed with the State Bureau of Conveyances on September 27, 1999), the Board shall have final authority in declaring that the screen door meets acceptable standards for public safety and security, for design and appearance, and for repair and maintenance. Section 7 of the Association's Bylaws [amended] will govern and constrain the Board's authority.

7. The Board will not approve an application for installation of a screen door unless the application provides the name of an installer who is licensed as a contractor by the State of Hawaii.

8. The apartment owner shall pay for the complete cost of the door, its workmanlike installation, and all subsequent maintenance. All installations are subject to inspection by a representative of the Board of Directors, or any designated employee.

9. The Board may order follow-on repairs and maintenance at the owner's expense.

10. Employees of AOA Maalaea Kai, Incorporated shall not be responsible for any maintenance of, or repairs to, screen doors.

11. The Board reserves the right to order the complete removal of a screen door for cause. Such cause may include, but not be limited to habitual propping open of the screen door so that it intrudes into or blocks a walkway, noise complaints due to repeated banging or slamming, and gross neglect or disrepair of the door or any component thereof, and any threat to public safety or public security.

12. Should there be a change of ownership of an apartment with an approved screen door, the new owner must reapply for approval of the screen door within 30 days of the change in ownership (i.e. 30 days after the closing date of the escrow process). Should the new owner fail to reapply, the screen door will be removed at the expense of the owner, and this shall include the replacement of any common element to which the screen door was affixed.

ANNEX NUMBER 1 TO APPENDIX F: INSTRUCTIONS FOR APPLICATION TO THE BOARD OF DIRECTORS FOR PERMISSION TO INSTALL A SCREEN DOOR AT A MAALAEA KAI APARTMENT

1. The request must be in writing, signed by the apartment owner(s) and submitted to the Board Secretary, or to the Board Secretary via the Resident Manager.

2. The application must state that the REGULATIONS AND GUIDELINES FOR APARTMENT SCREEN DOORS AT MAALAEA KAI have been read and understood by the applying apartment owner(s).

3. The request must specify that the door will be a Tru-Frame Security Screen Door, manufactured by the R. Lang Company, 36-inches x 80-inches, in bronze anodized finish and include a heavy-duty pneumatic closing mechanism.

4. The request must certify that installation of the door will be in accordance with all applicable Maui County building codes. The requester must also furnish the name, telephone number, and contractor's license number of the proposed installer. Application without this information will not be accepted.

5. After careful consideration, the applying apartment owners will be notified in writing of the disposition of his/her request by the Board Secretary.

6. Installation cannot begin before written approval, signed by an officer of the Board, has been delivered to the applicant.

7. A recommended format for applications for screen door installation is available from the Resident Manager.

APPENDIX G: AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR AIR CONDITIONING APPLIANCES AND SYSTEMS WITHIN APARTMENTS

**HOUSE RULES ON AIR CONDITIONERS: ADOPTED AT ANNUAL AOA MEETING OF 29 MARCH 2003**

A. On 28 March 2003, the Association by unanimous vote rescinded the old House Rule 18 (which prohibited air conditioners within apartments) and substituted these Administrative Rules on air conditioning appliances and systems within the 79 apartments:

1. Any apartment owner may apply to the Board of Directors for permission to install an air conditioner or air conditioning system within that owner's apartment.
2. The Board will publish to the Association a set of technical guidelines for such applications and systems.
3. In order to be acted upon by the Board, the application for an air conditioning appliance or system must be in writing (signed and dated) and include detailed plans for compliance with the technical guidelines published by the Board. [The technical guidelines published by the Board of Directors are set forth in ANNEX NUMBER 1 to this APPENDIX G.]
4. The Board must disapprove any application for an appliance or system which does not meet the technical guidelines.
5. The technical guidelines published by the Board shall strictly regulate noise, aesthetics, and emplacement, and require containment of water condensation within the apartment, and an adequate power supply.
6. The Board of Directors may modify the technical guidelines at any time to meet the requirements of this House Rule.
7. In addition, the Board will post a list of acceptable and approved commercial models of air conditioning appliances and systems which meet the technical guidelines. Any owner may nominate a model for this list.
8. The Board will also post a list of licensed contractors who have installed acceptable and approved air conditioning appliances and systems at Maalaea Kai. Any owner may nominate any licensed contractor for inclusion on this list.
9. Installation of an air conditioning appliance or system within an apartment without prior written approval of the Board of Directors shall be considered a violation of the Administrative Rules of AOA Maalaea Kai, Incorporated under Paragraph 16 of the Association's Bylaws. Each day of use of the non-approved appliance or system shall be considered a separate violation. (Madden/Grindle)

B. On 25 March 2006, the Association amended the Rules (cited above) and delegated some additional "stand-by authority" to the Board of Directors which allowed the Board to impose a temporary moratorium on the installation of air conditioning systems within apartments. [As of the publication date for this edition of the Administrative Rules, that "stand-by authority" has never been exercised by the Board.] The authority was granted because of concerns of the Homeowners about the changing technologies related to apartment air conditioning systems and the potential for future threats from noise nuisance problems. The text of the motion adopted on 25 March 2006 by the Association follows:

**MOVED:** The Board of Directors is authorized to impose a temporary moratorium for up to six months during which the installation of air conditioning systems within apartments would be suspended, pending a review of the standards on noise emanating from such air conditioning systems;

the Board would then terminate the suspension when the Directors are satisfied that the noise standards, including amendments which the Board might adopt, are adequate.

ANNEX NUMBER 1 TO APPENDIX G: TECHNICAL GUIDELINES FOR AIR CONDITIONING APPLIANCES AND SYSTEMS AT MAALAEA KAI APARTMENTS

1. No appliances or components of a system may be emplaced within a window or protrude through an exterior wall.
2. No component of an appliance or system shall be emplaced within two (2) feet of the ocean side (makai) edge of a lanai.
3. The color and configuration of a system component or appliance cannot violate existing House Rules if the component or appliance is emplaced on a lanai.
4. External noise and vibration levels as reported in the manufacturer's specifications cannot exceed 62 decibels.
5. Water condensation must be contained within the apartment. If condensate is disposed of down internal drains, the connections must be air-gapped and trapped. No water condensation may be allowed to escape upon a common element.
6. Condensers or other equipment emplaced on lanais must be mounted only by means of epoxy-coated stainless steel bolts and washers and plastic (not metallic) anchors. Metallic mounting brackets on condensers must be isolated from stainless steel washers and bolt heads with a non-conducting material to discourage galvanic corrosion.
7. There must be professional and technical assurances that the electrical power supply and wiring are adequate to safely support the appliance or system.
8. Existing Administrative Rules of AOA Maalaea Kai, Inc. prohibit tampering with common elements without prior Board approval.
9. Disposal of water condensation from air conditioning appliances and systems into the common element grounds is prohibited.
10. Owners are responsible for the maintenance and proper operation of their air conditioning equipment.
11. All installations are subject to inspection by the Resident Manager and a representative of the Board of Directors prior to initial activation.
12. Approval by the Board of Directors of any system applies only to the system inspected. Any later modifications of the system must be the subject of a separate application to the Board of Directors under the Administrative Rule set forth in APPENDIX G of the AOA Maalaea Kai, Incorporated Administrative Rules.
13. ANNEX NUMBER 2 to this APPENDIX G provides detailed instructions for applications for air conditioning appliances and systems to be installed within apartments.

ANNEX NUMBER 2 TO APPENDIX G: INSTRUCTIONS FOR APPLICATIONS TO THE BOARD OF DIRECTORS FOR PERMISSION TO INSTALL AN AIR CONDITIONING SYSTEM OR APPLIANCE WITHIN AN APARTMENT

1. The request must be in writing, signed by the owner or owner's representative, and submitted to the Board Secretary via the Resident Manager.
2. Installation must be in accordance with all applicable Maui County building codes and cannot begin until written approval by the Board has been signed by an officer of the Board.
3. The request should include the make and model of the proposed system or appliance and an original or reproduced copy of the manufacturer's specification sheet, clearly showing the dimensions and acoustic noise level in decibels of any equipment to be installed.
4. The request should also include drawings or sketches prepared by the installer, clearly indicating that no component of the appliance or system will be mounted in a window or located within two (2) feet of the ocean side edge of a lanai, and that condensate from any internal air handler(s) will be disposed of completely within the apartment.
5. A certification from the installer that the electrical power supply and wiring within the apartment is adequate to support the proposed appliance or system per existing building codes must accompany the request.
6. The requester should also furnish the name, telephone number, and contractor's license number of the proposed installer.
7. The Board will notify the requester in writing as to approval or disapproval for modifications to the application.

APPENDIX H: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR PARKING  
AND THE PARKING LOT

- 1.) The Board of Directors will establish and publish regulations for the control of the parking lot. Each apartment is entitled to only one parking space. The Board is authorized to repeal and void any current provisions of the Maalaea Kai House Rules and Regulations which contravene this directive. [This paragraph #1 adopted at the Association's annual meeting in January 1992.]
- 2.) In 1990, the Resident Manager, acting on behalf of the Board of Directors, assigned one numbered parking space to each apartment. Every owner is responsible to assure that they utilize their own assigned parking space. In such cases where the owner(s) of an assigned space has given a family member, guest, friend, tenant, or any other person(s) of interest permission to park in their assigned space, any other vehicle(s) associated with the owner(s) must utilize street parking. The moving or arranging of any single or multiple vehicles is the sole responsibility of the owner(s) of the assigned spot. The Resident Manager has been directed not to participate in vehicle shuffling, for any reason except under Section 7 (g) of these Parking Rules. Unless the owner(s) assigned parking space is vacant, hired maid service must utilize street parking. A maid service is only permitted to park in the parking space assigned to the apartment the maid service has been hired to clean.
- 3.) No campers, boats (including catamarans, windsurfers, etc.), trailers, or any vehicle larger than a passenger vehicle may be parked on the property or in any assigned parking space.
- 4.) Owners and occupants shall not park their vehicles so as to block the entryways, fire lanes for emergency vehicle access, loading zones, or any other areas specifically identified as "NO PARKING." Vehicles must be centered in the parking spaces so as to prevent crowding of adjacent spaces, and must be parked as not to protrude beyond the end of the white lines which identify the parking stall boundaries. Motorcycles must be parked broad-wise (perpendicular) at the head of assigned parking space. Motorcycles and vehicles are prohibited from parking in the same space if the motorcycle obstructs the vehicle by not allowing the vehicle to be positioned inside the parking space boundary as described above.
- 5.) Vehicles are prohibited from parking or being left unattended in any pedestrian lane, driveway, in front of The Cottage, at the designated loading zone, or the car wash point. For reasons of health and safety, drivers are prohibited from backing their vehicles into the parking spaces.
- 6.) Any vehicle and (or) motorized bikes of any kind are not allowed to be parked or driven over (or walked over) any grass, sidewalk, or walkway area, without the express consent of the Resident Manager.
- 7.) Owners and occupants washing, cleaning, or polishing their vehicles are only allowed to do so at the designated car wash point or in their assigned stall. After completing cleaning work, the car wash area shall be thoroughly cleaned to include trash pick-up and rolling and re-hanging the water hose on the hose rack. Car washing must be performed in a manner such that no water damage occurs to the common areas, plantings, vehicles, or to the apartments of others.

APPENDIX H: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR PARKING  
AND THE PARKING LOT

- 8.) No repairs of any type are permitted on any motorized vehicle(s), to include boats, surfboards, or any type of recreational equipment, in the parking areas or any common areas of Maalaea Kai. Specifically prohibited is the changing of any types of mechanical oils to the vehicles.
- 9.) The Steering Committee of the Board of Directors is authorized to negotiate and enter into a written agreement with a commercial tow-away service for removal of vehicles which are willfully parked in certain selected unauthorized spaces and zones on the Maalaea Kai property, provided that there shall be no periodic subscription costs for the service without expressed Board of Directors' consent. Any agreement approved by the Steering Committee shall pass on tow-away charges to (a) the vehicle owner, (b) an apartment resident who files a complaint which initiates tow-away action, or (c) the owner of the apartment occupied by a resident violator.
- 10.) The parking lot at Maalaea Kai is one of the outside common elements. Therefore, the administration of the parking lot is one of the duties and responsibilities of the Resident Manager; within limits established by the Board of Directors. The administration of the parking lot cannot be a distraction from the primary focus of the Resident Manager to take care of the other common elements and support vendors and contractors. The Maalaea Kai Board of Directors has given the Resident Manager a directive and the authority to act in the enforcement of all the "Parking Lot Rules and Regulations." These rules include, but are not limited to:
  - a. Initiate, order, and follow through tow-away procedures approved by the Steering Committee in identified critical parking area.
  - b. Periodic survey of the parking lot to ensure vehicle's proper placement position in the assigned parking stalls.
  - c. Make special 8 a.m. – 4 p.m. arrangements to accommodate parking for vendors and contractors working for the Association (contractors or cleaning persons hired by individual owner(s) are required to adhere to the specified rules set forth in this section of the "Parking Rules and Regulations").
  - d. Provide advisories when requested, when instructed by Steering, or to owners or their principals, short-term or "hotel" renters, or any other persons, as to the Maalaea Kai parking regulations.
  - e. Post tow-away signs and notices regarding tow-away policies, and post tow-away notification procedures.
  - f. Undertake procedures in connection with tow-away which shall preclude storage charges to the Association.
  - g. The Resident Manager must have the keys to vehicles which are assigned to certain specified spaces which are stipulated as "CRITICAL." These areas are the location access points to the WWTP lift station and injection wells, the two entryways to the parking lot, spaces which flank the loading zones and fire lane access points on the north of the building and the car wash area to the south, spaces which front the sliding gate to the nursery, and the area fronting The Cottage (reserved for emergency vehicles and tradesmen performing emergency work). There may also be a situation

APPENDIX H: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR PARKING  
AND THE PARKING LOT

when vehicles owned by absentee owners must be moved due to contracted work (e.g. tree trimming, parking lot repairs, underground infrastructure, maintenance of wall and slab repairs, or a roofing project, etc). It is essential that the keys to some vehicles be maintained in a secure file when an owner is off-island.

- h. The Resident Manager shall observe and notify any owner(s) of vehicles that appear to taking on an "abandoned or derelict appearance." In turn, it shall be the owner(s) responsibility to obtain proper attention to the vehicle to bring it back to an acceptable appearance.
  - i. The Resident Manager is not authorized to move or relocate any vehicle(s) for any reason other than the ones specified above. Due to liability issues, no vehicle that is moved by the Resident Manager (for the reasons stated above) shall be relocated to a location outside of the Maalaea Kai property without Steering Committee authorization.
- 11.) Owners wishing to acquire a new permanent parking space must request Form 70 (Parking Trade Agreement) from the Resident Manager. The owner(s) requesting the form must have an agreeable participant(s) from another parking space owner with whom to trade. The terms of the agreement are attached to Form 70 (Parking Trade Agreement.) In order for this agreement to be valid, all terms and conditions must be met. The Resident Manager is not allowed to act on behalf of any "one" or "both" owner(s) in the negotiations process.

**ENCLOSED: ANNEX NUMBER 1 – PARKING TRADE AGREEMENT**



APPENDIX H: AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR PARKING  
AND THE PARKING LOT

**ANNEX NUMBER 1 TO APPENDIX H: TERMS OF THIS PARKING TRADE AGREEMENT**

(Form 70 continued)

- 1.) This agreement allows two Maalaea Kai apartment owners to permanently trade their assigned parking stalls in the Maalaea Kai parking lot.
- 2.) This agreement is between the apartment owner(s) of record only and in no way shall it be the responsibility of the Resident Manager, or any person(s) of the Maalaea Kai Board of Directors, or any other person(s) of untitled record, to negotiate or get involved in any terms of this agreement. The negotiations and proper completion of this form are the owner's responsibility; that responsibility also extends to submission of this agreement form to the Resident Manager for filing as the official record of the owner's assigned parking spot.
- 3.) It is the owner(s) responsibility to acquire full knowledge of any special limitations or interests to the assigned parking space which they are acquiring by this trade. **EXAMPLE:** parking space #70 is located directly over the wastewater treatment access panel. This vehicle is subject to temporary relocation at times when access is needed. Other special interest areas may include locations at or near access points for vendors or primary service vehicles such as trash pick-up or scheduled deliveries.
- 4.) All owners of record must sign and agree to the terms of this agreement. If affected party or owner does not sign and agree to this trade, this document becomes void and the official record to the assigned parking spaces will not be changed.
- 5.) Three-way or more trades at one time will not be accepted. To avoid confusion, only one form between two apartment owner(s) shall be submitted at a time. If an eventual three-stall rearrangement is contemplated, owner(s) of the three (or more) apartments' should properly coordinate and submit trade agreement forms by arranging only "one" two-apartment trade at a time. Please allow up to 10 working days for any "one" two-party trade to become active.
- 6.) It is all of the owners' responsibility to fully read and understand the terms of this agreement. By signing, I (we) have read and agree to these terms as stated.

APPENDIX I:    AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR COMMON  
ELEMENT STORAGE ROOMS FOR PERSONAL PROPERTY

1.    The Association will not accept responsibility for damage, loss, or theft of any personal property stowed in the storage rooms.
2.    Owners and tenants are hereby deemed to be advised that Association insurance may not cover personal property stowed in the storage rooms.
3.    Certain categories of personal property cannot be stowed in the storage rooms. Specifically: explosives, inflammables, foods and edibles, used plumbing and kitchen fixtures, bathroom properties and accessories, painting and construction materials and equipment, and any items on a current valid list of items considered unacceptable for unrestricted storage by the Fire Chief of Maui County or by the Association's insurer for liability insurance.
4.    Special storage arrangements will be provided by the Board of Directors for outdoor broilers and cookers.
5.    Personal property which is stowed in any storage room should be reclaimed each year by the owner to indicate non-abandonment. This action should include a labeling of the property with name, apartment number, and date.
6.    The personal property of an owner or his tenant which is left in a storage room shall be deemed abandoned in the event that the title to the owner's apartment is sold or otherwise conveyed to another party. The Board of Directors shall consider the abandonment to have taken effect 60 days after the date of the sale and/or conveyance. The Board of Directors will dispose of abandoned or apparently abandoned property items by applying the procedures stipulated by Section 139, Chapter 514B, Hawaii Revised Statutes.
7.    Use of storage rooms by owners and tenants shall be limited. Each year the Board of Directors shall prescribe storage limits per apartment. These limits shall be stated in terms of square footage and cubic footage. These limits will be announced at the annual Association meeting.
8.    Fabric-covered furniture items, fabric-lined furniture items, mattresses and hideaway beds which meet either of the following two criteria: (1) are rated extraordinarily combustible by the Maui County Fire Inspector; or (2) provide attractive nuisance havens to rodents; must be enclosed within containers or wrappings in adherence to specifications prescribed and published by the Board of Directors.

APPENDIX J: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR THE SWIMMING POOL

1. **DISCLAIMER:** The swimming pool and other common areas are for the exclusive private use of apartment owners, long-term tenants and authorized temporary guests. Unauthorized outside users and members of the general public will be asked to leave. Maalaea Kai does not accept any responsibility for injuries or damages sustained by the users of the pool. Anyone using the pool does so entirely at his own risk. No lifeguard is on duty.
2. **HOURS:** The hours for use of the swimming pool are 9 a.m. until 9 p.m. The evening lock-ups are routinely scheduled for no later than 10 p.m.
3. **GUESTS:** Residents, tenants and vacation renters are permitted no more than eight guests at a time, and are responsible for their guests' conduct within the enclosed pool area. For more than eight guests at a time, refer to the ADMINISTRATIVE RULES for SOCIAL GATHERINGS, and specifically, "The Resident Manager will be notified at least one day in advance of any organized social gathering of 10 or more persons to be held on the common elements."
4. **AGE RESTRICTIONS:** Children under the age of 10 must be accompanied by a responsible adult at all times while inside the enclosed pool area. Children between the ages of 10 through 13 may be permitted unsupervised use of the pool facility, provided that written permission from a parent or guardian is delivered in person to the Resident Manager so that it is on file, AND provided that said youngster has passed a water safety test administered by the Resident Manager. Said privileges extended under these conditions may be revoked at any time by the Resident Manager if he determines that the youth has violated the Pool Rules.
5. **PROHIBITED ACTIVITY:** No running, jumping, horseplay, throwing of balls, Marco Polo, skateboarding, cannonballs, playing with the shower, slamming of the gates, or any other undue noise shall be permitted within the fenced pool area.
6. **PROHIBITED ACTIVITIES IN WATER:** Rafts, surfboards, toys, diving tanks, fins, spears, or metal articles such as hairpins and/or other items which may cause damage to the filter system or pool, are not allowed in the water. Swimming aids and small floatation devices for small children (other than those which are itemized above as prohibited) are permitted. Masks, goggles, and breathing tubes are permitted.
7. **LITTER:** Cigarettes and other litter must be disposed of in the receptacles provided for that purpose.
8. **PETS:** Animals are not permitted in the swimming pool area.
9. **PROHIBITED WITHIN FENCE:** No breakable glass is allowed in the pool area. Radios or tape decks without headphones, and all noise-producing toys are prohibited within the boundaries of the pool and on surrounding lawns. Pool users must not prop open the pool gates or otherwise defeat their locking mechanisms.
10. **FURNITURE:** Lounge chairs may not be reserved in excess of 20 minutes.
11. **SANITATION:** General good health and sanitation practices must be observed while using the pool and surrounding area. Parents are asked to see that their children and toddlers use the bathrooms in their apartments prior to entering the pool.
12. **AUTHORITY:** Maalaea Kai reserves the right to deny use of the pool to anyone at any time. The Resident Manager shall be the final judge as to whether any behavior in the pool area is within acceptable bounds or in violation of the Swimming Pool Rules; the Manager is authorized to bar any resident or guest from the pool area for a specified time period.

APPENDIX K: AOA MAALAEA KAI ADMINISTRATIVE RULES WHICH APPLY TO  
FOYER CORRIDORS

- A. These Administrative Rules regulate the foyer corridors which adjoin the one-bedroom apartments and penthouses situated at stacks numbered 11 through 16. The Project Declaration for AOA Maalaea Kai, Incorporated cites these foyer corridors as LIMITED COMMON ELEMENTS and therefore subject to regulation by the Association.
- B. The Association adopted the following resolution at its annual meeting on 29 March 1997:

MOVED: The Association authorizes the Board of Directors to publish and enforce rules for the future installation and emplacement of decking materials (such as outdoor carpeting) on the foyer corridors of the penthouses and 1-bedroom apartments at STACKS #11 through #16; provided:

- (1) The objective shall be the achievement of uniform standards for material and appearance;
- (2) Replacement of current decking materials shall take place as these wear out; and
- (3) Tile decking already emplaced shall not be affected.

- C. Thereafter, the Board of Directors approved the following Administrative Rules for foyer corridors on 21 August 1997:

- (1) Decking. New and replacement decking material shall consist of outdoor carpeting colored dark brown, or acrylic paint which is consistent in color with the color and tone of the walkway decks. The paint surfacing shall contain a silicon mix to provide skid retardancy when wet.
- (2) Unsightly Decking. The Steering Committee of the Board of Directors shall have authority to order removal of decking material which deteriorates to the point of unsightliness. Steering will act on recommendation of the Chairman Maintenance. The Resident Manager will be tasked to remove unsightly decking material.
- (3) Replacement Decking. The Resident Manager will apply acrylic paint as replacement decking material unless the owners of both adjoining apartments agree to and pay the cost of outdoor carpeting (dark brown).

APPENDIX L: AOA MAALAEA KAI ADMINISTRATIVE RULES: ASSOCIATION POLICY  
STATEMENT ON DEALING WITH TERMITE DAMAGE

1. On 30 March 1996, the Association endorsed the following policy statement which had been adopted by the Board of Directors on 20 December 1995:

a. Termites pose a particularly serious pest problem within any land area situated in a tropical environment, and termites are endemic to Hawaii.

b. Because termites eat wood, the buyer of any house or apartment or commercial real estate in Hawaii is expected to be aware of the probable problems with termites at the time of purchase.

c. The Board of Directors of Maalaea Kai is responsible for the care and maintenance of common elements. The Board is not responsible for dealing with termite infestations of personal property within apartments.

d. Appurtenant to all apartments are some common elements which are wood fabricated. The most typical examples of these are at the walkways - entry doors and door frames. However, the most extensive wood fabricated common elements are at the nine penthouse apartments on the fourth floor - including the penthouse roof beams, ceilings and loft walls.

e. When making an assessment as to maintaining common elements which have incurred a termite infestation, the Board measures three paramount considerations --

- maintenance of structural integrity;
- the threat or potential threat to public safety, public health and security; and
- the severity of a nuisance to the apartment residents.

f. When a termite infestation is first discovered in a wood fabricated common element, the initial counter-measure is always topical treatment with a commercial termicide.

g. To address the challenge of repairing or replacing a wood fabricated component of a common element, the Board makes a serious effort to replace the wood with a synthetic material when appropriate. Factors weighed in this decision are increased fire retardancy, resistance to further and future termite infestations, and economy.

h. The overall general policy of the Board is to replace a wood component when a termite infestation becomes serious. This policy is primarily driven by the extraordinary cost of fumigation. In the long run over time, and given the architecture and the character of the construction of the main building of the Maalaea Kai complex, it would actually be less expensive to opt for replacement of wood components of common elements than to fumigate the building. Moreover, the fumigation serves only to kill termites which actually have already infested a wood component; it will not prevent future reinfestations. On the other hand, a long-lasting chemical termicide, effective for 10 years or more, can be impregnated into new and old wood.

The Board will continue to be alert to new technological applications for dealing with termite problems. However, before money is spent on these new methods they must be proven effective and demonstrated as appropriate for the building's construction and architectural configuration.

2. Cooperation of owners, residents, and tenants is essential for the care and maintenance of common elements, and this extends to (a) termicide treatment of termite infestations at components of the common elements -- including components which are appurtenant to individual apartments, and (b) replacement of wood fabricated components.

3. Specific provisions of Chapter 514B, Statutes of the State of Hawaii and the Administrative Rules of AOA Maalaea Kai, Incorporated and the Bylaws of the Association provide that owners should cooperate with the Board of Directors and the Resident Manager in the completion of termicide projects, as well as wood repair and replacement projects.

APPENDIX M: AOA MAALAEA KAI ADMINISTRATIVE RULES FOR REMODELING OF APARTMENTS

A. On 29 March 1997, the Association adopted a motion which instructed the Board of Directors to develop, approve, and publish Administrative Rules to regulate and control all major interior home improvement work within the 79 apartments. The text of the motion follows:

MOVED: Vendors and contractors scheduled for major interior home improvement work in Maalaea Kai apartments must first check-in with the Resident Manager to arrange for parking and for any special use conditions for the use of the common elements. The Board of Directors is authorized to publish from time to time appropriate rules to address potential nuisance problems, such as noise nuisance after 5 p.m., untended equipment on the walkways after working hours, and use of the elevators and walkways.

B. In drafting the first edition of the Rules on Remodeling of Apartments, the Board of Directors paid particular attention to the following provisions of the Project Declaration of AOA Maalaea Kai, Incorporated:

Section 4. Location and Description of Apartments (which includes a precise definition of the perimeter limits of each owner's property rights);

Section 5. Description of Common Elements (including those which are appurtenant to each of the 79 apartments);

Section 6. Description of Limited Common Elements (including the responsibility of the Association to repair and replace, and the responsibility of the apartment owner to pay for the costs of repair and/or replacement).

C. The Board also took note of the following provisions in the Bylaws of AOA Maalaea Kai, Incorporated:

Section 17. *Addition to or Alteration of Apartment. [Of particular relevance is the requirement that, "No owner shall undertake any addition to, or alteration of, his apartment without first obtaining the written consent of the Board of Directors..."]*

D. The code of Administrative Rules on REMODELING OF APARTMENT INTERIORS was first approved by the Board and published in a NOTICE to all Homeowners on 20 August 1997. These initial Rules have been revised subsequently from time to time as cognizance was taken of nuisance problems which were cited in written complaints submitted by Homeowners to the Board.

E. The currently approved Administrative Rules for REMODELING OF APARTMENTS follow:

1. General. These Administrative Rules apply to all major interior improvement and remodeling projects within Maalaea Kai apartments.

2. Definition. Major remodeling is defined as any interior improvement projects extending more than six hours which can generate potential nuisance problems for the Association or Association members who reside in neighboring apartments. The definition excludes plumbing and electrical repairs, replacement of an appliance, and cleaning of carpets, drapes, and furniture. The Steering Committee of the Board of Directors shall be the final arbiter as to whether a project meets that definition.

APPENDIX M: AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR REMODELING OF APARTMENTS

3. Plans and Preparations by the Apartment Owner.

a. Submit plans to the Board of Directors (ATTENTION: Board Secretary) via the Resident Manager at least two weeks prior to the start of the actual remodeling work. Plans should cite approvals by Maui County Building Inspectors where required by County of Maui ordinances and supported with photocopies of the permits. This specifically includes any County permit for installation of a laundry washing machine.

b. Any alteration of a common element or limited common element must receive formal prior approval of the Board of Directors. (All common elements and all limited common elements are described and itemized in the Project Declaration of AOA Maalaea Kai, Incorporated.)

c. Coordinate with the Resident Manager all use of common element facilities, waste removal, and vendor parking. Use of any temporary hoist system must receive prior approval from the Steering Committee, Board of Directors.

d. Provide to the Resident Manager a POINT OF CONTACT with telephone number (or FAX number) which can be used in situations in which problems arise or violations of these Administrative Rules occur.

e. Replacement of windows should be executed to comply with separate Administrative Rules for REPLACEMENT WINDOW STANDARDS. Refer to APPENDIX B of these Maalaea Kai Administrative Rules.

f. Remodeling which involves refurbishing of decks or walls should include detailed inspections of all private and limited common element electrical, plumbing, telephone, and cable TV fixtures which are thereby exposed. The inspections should identify corroded or otherwise deteriorated fixtures, connections, or apparatus material which need replacement. Water heaters which are eight years old and toilets which are 12 years old should be regarded as appropriate for replacement in order to reduce the risk of apartment flooding.

4. Responsibility of the Apartment Owner. Owners of the apartment where remodeling takes place have these obligations:

a. Ensure that participating vendors and contractors understand these Administrative Rules, and the enforcement measures cited below in paragraph 10.

b. Review all of the Association's Administrative Rules to identify any Rules which might be applicable to the planned remodeling project. (Two hypothetical illustrative examples follow: EXAMPLE "A": If an air conditioning system will be installed, the apartment owner should apply the Administrative Rules for air conditioning systems within apartments. EXAMPLE "B": If a temporary resident with an animal pet will perform the remodeling work, then the Rules for Animal Pets will be pertinent.)

c. Notify residents of neighboring apartments, including those above and below, of any scheduled projects.

d. Be prepared to sacrifice the parking stall assigned to the apartment whenever vehicles of the vendor or contractor are on-premises.

APPENDIX M: AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR REMODELING OF APARTMENTS

5. Contractors. Residents, vendors, trades personnel and contractors engaged in a major interior remodeling project have these responsibilities:

- a. Check-in with the Resident Manager before beginning the project and coordinate arrangements for parking stalls, and use of elevators, walkways, and stairwells.
- b. Alert residents of neighboring apartments of any likely noise nuisance from demolition and razing activities and from use of tools and equipment.
- c. Assume accountability for damage to common elements caused by employees. This responsibility extends to elevator interiors, stairwells and walkway surfaces. Bills for repair of damages to common elements will be passed by the Board of Directors to the apartment owner.
- d. Ensure that untended equipment and materials are not left on the walkways overnight.
- e. Painting equipment and materials (including drop cloths, brushes, opened paint cans, etc.) cannot be left on common elements (i.e., outside of the perimeter of the apartment) at any time except for disposal measures coordinated in advance with the Resident Manager.

6. Noise Nuisance. Activities which generate a noise nuisance are prohibited at the following times:

- Monday through Saturday before 8 a.m. and after 5 p.m.
- Entire Sunday.

Noise nuisance shall be defined as any distracting noise generated by work on the remodeling project which provokes a complaint from a neighboring resident.

7. Special Cautions.

- a. The Association expects reasonable precautionary measures to protect windows from damages.
- b. A remodeling project must not reduce emergency access to the apartment's hot water heater. Emergency access means that the water heater can be shut-off within two minutes from the time of discovery of a water leak problem.
- c. Owners and/or Contractors must receive approval from the Resident Manager to disconnect or otherwise disable the Intellimeter electric submeters connected to the electrical panels. Apartment owners will be billed and are expected to pay for electricity used by their contractors during remodeling. If it is necessary for a contractor to temporarily disconnect an Intellimeter, it is the owner's responsibility to ensure that it is reconnected with the correct polarity and is completely functional upon completion of the electrical work. Functionality will be certified by the Resident Manager.
- d. The apartment owner must pay for the replacement of an electric meter which is damaged by tampering. The replacement cost includes the cost to the Association for a new replacement meter PLUS the installation expenses PLUS the travel costs of the installing technician (air fare to and from Honolulu plus rental car) by Submetering Systems, Incorporated, Honolulu.



APPENDIX M:    AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR REMODELING OF APARTMENTS

e.    Any remodeling work which involves rerouting, reconfiguration, replacement, or tampering with telephone, cable TV, or electrical lines should include two special measures: First, alert adjacent apartment residents; and Second, ensure that at the conclusion of the work that service to the neighboring apartments has not been interrupted or otherwise affected.

f.    The vendor contractor and the apartment owner must plan the remodeling project so as to minimize impacts on the residents of neighboring apartments, including those located at the floors above and below.

8.    Waste. The Resident Manager is authorized to prescribe appropriate measures for removal and disposal of waste materials generated by the remodeling project. The Resident Manager is authorized to require a vendor contractor to cap any stipulated drains within the apartment in order to regulate waste debris flowage into the Association's Wastewater Treatment Plant.

9.    Complaints. Residents who experience a nuisance problem or inconvenience caused by a violation of these Administrative Rules should state a verbal complaint at the apartment undergoing the remodeling and directly to the engaged contractor, vendor or apartment resident. If the verbal complaint fails to produce compliance and cooperation, the complainant should then file a verbal complaint with the Resident Manager and a written complaint (signed and dated) with the Board of Directors (within a sealed envelope via the Resident Manager).

10.   Enforcement Measures. The Resident Manager has the authority – when approved by the Board President on a case-by-case basis – to stop all work on an apartment remodeling project. The Board of Directors has the authority under Section 16 of the Bylaws of AOAO Maalaea Kai, Incorporated to impose a penalty of up to \$250.00 for each violation of these Administrative Rules.

APPENDIX N:    AOAO MAALAEA KAI ADMINISTRATIVE RULES FOR ANY  
ANTENNA, SATELLITE DISH, AND SIMILAR STRUCTURES

Administrative Rules for any antenna, satellite dish, or similar structure were adopted by the Association at its annual meeting in March 1997. (A d-r-a-f-t of the proposed Rules had been sent to all apartment owners in November 1996.)

Any Homeowner may request a copy of these Administrative Rules from the Secretary, Board of Directors.

As of the date of publication of this APPENDIX N, the Administrative Rules in this Appendix are under revision because of recent amendments to the federal Telecommunications Act of 1996 and regulations promulgated by the Federal Communications Commission since 1997.