

MAALAEA YACHT MARINA HOUSE RULES AND REGULATIONS

HOURS:

QUIET HOURS: 10:00 pm TO 8:00 AM

POOL HOURS: 9:00 A.M. TO 9:00 P.M.

LAUNDRY HOURS: 8:00 A.M. TO 10:00 P.M.

Failure to abide by any of the Rules and Regulations may result in fines of:

WARNING

\$50.00

\$100

\$150.00

First Offense

Second Offense

Third Offense

Fourth Offense and Possible legal action

Fines will apply per unit per category.

AFTER 6 MONTHS WITH NO VIOLATIONS FINES START OVER AT \$50.00

RESIDENT MANAGER:

MATT RAUCH

MONDAY – FRIDAY 242-5997

EMERGENCIES **283-2558**

TONY GARCIA

SATURDAY–SUNDAY **344-2328**

MANAGING AGENT:

ERA PACIFIC PROPERIES

808-877-6565 * 808-281-4883

Scott Sherley (R)

Penny Honda (RS)

EMERGENCIES:

CALL 911 OR THE RESIDENT MANAGER AT 283-2558

TERMINOLOGY

RESIDENT:	Any person living at MAALAEA YACHT MARINA: Owners, Tenants, Lessees.
NON-RESIDENT OWNER:	Any Owner living away from MAALAEA YACHT MARINA
TENANT:	Anyone who rents or leases an apartment in the building.
AGENT:	Any real estate broker, agent, company, or individual who is empowered to act on behalf of any individual Owner.
GUEST:	Any person who is located on the premises for a short period of time (no longer than one month) at the invitation of a Resident.
MANAGING AGENT:	The Management firm whose responsibilities and duties are outlined in the By-Laws.
RESIDENT MANAGER:	Any person or persons authorized to exercise all duties set forth by the Managing Agent to include the full authority to enforce all House Rules and Regulations.
BOARD:	Board of Director members of the Association of Apartment Owners of MAALAEA YACHT MARINA.
PROJECT:	All that is part of the Property at MAALAEA YACHT MARINA.
DECLARATION:	Maalaea Yacht Marina's Declaration of Condominium Property Regime.
UNIT:	Any apartment in the building.

IT IS THE OWNER'S RESPONSIBILITY TO SEE THAT THESE RULES AND REGULATIONS BECOME PART OF ANY AND ALL RENTAL AGREEMENTS AND LEASES (INCLUDING VACATION RENTALS).

The Rules and Regulations for MAALAEA YACHT MARINA are established to protect the reputation and desirability of the Project by providing the maximum enjoyment, comfort and security of all Resident Owners, Occupants, and Guests.

The Rules and Regulations are also designed to avoid any situation that may cause discomfort, annoyance or inconvenience to any Resident or Owner.

The Board shall be responsible for enforcing these Rules and Regulations, but may give full authority for the administering of the Rules and Regulations to the Managing Agent Company and/or the Resident Manager of the Project.

These Rules and Regulations apply to all Owners, Residents, Tenants, Non-Resident Owners, their Guests, Agents, and Employees.

These Rules and Regulations supplement but do not change the obligations of the apartment Owners and all Occupants, tenants and their Guests, as set forth in the Declaration and By-Laws of the Association pertaining to the Project. In the event of any inconsistency, the Declaration and By-Laws will prevail.

All signs posted anywhere within the project must be strictly observed and are an integral supplement to the House Rules.

Maalaea Yacht Marina Rules & Regulations

HOUSE RULES

The purpose of the Rules & 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. The Board of Directors, as provided in the bylaws, may amend these rules and regulations.

The Board of Directors will delegate the full authority and responsibility of enforcing said rules to the Managing Agent and On-Site Manager. Complaints and reports of violations are to be reported to the Resident Manager and forwarded to the Managing Agent Company. These rules and standards shall bind all occupants, tenants and their guests. Reasonable conduct and behavior is expected from all occupants residing at MAALAEA YACHT MARINA

FINES / PENALTIES

Failure to abide by any of the Rules and Regulations may result in fines of:

WARNING	First Offense
\$50.00	Second Offense
\$100	Third Offense
\$150.00	Fourth Offense and Possible legal action

Fines will apply per unit per category.

AFTER 6 MONTHS WITH NO VIOLATIONS FINES START OVER AT \$50.00

** **Legal action** pursuant to the By-Laws include but are not limited to eviction, restraining orders, cease and desist warrants, etc.

** **Tow-Away:** All costs to be borne by violator and unit owner jointly and severally.

Lock-out Services: 4:00 PM to 6:00 AM \$25.00

All appeals must be in writing, attention Board of Directors, addressed to the Managing Agent, and specifically state “factual” reasons or defenses no more than (30) days after the date of the violation or other action being appealed.

Appeals will be processed, presented to the Board for consideration and appellant will be notified regarding findings.

All tenants/guests must write to their Rental Agent/Owner regarding any or all appeals.

Tenants must appeal through their Owner or rental agent. Written appeals should be sent to:

ATTENTION Board of Directors
C/O ERA Pacific Properties
270 Dairy Rd. #150, Kahului Hi. 96732
1-800-325-6284 * 808-877-6565 * Fax: 877-9449

All fines shall be treated as a special assessment against the Owner of the apartment. The Board may also go to court to seek injunctive relief to stop violations of the House Rules, By-Laws and Condominium Property Regime.

GENERAL

1. MAALAEA YACHT MARINA is a residential apartment building. Each apartment shall be used as a single residence only and for no other purpose.
2. OCCUPANCY: Occupancy shall be limited to not more than two (2) persons per bedroom contained in each apartment, **(i.e. 4 in a one bedroom and 6 in a 2 bedroom that utilizes a sofa sleeper or futon for 2)**
3. All off-island Owners are REQUIRED BY LAW to have an Agent living on Maui. The Agent’s name and phone number must be submitted to the Resident Manager. Owner’s Agents should make periodic inspections of the apartment and maintain the Unit in a good condition.
4. Every Owner, Occupant, Tenant, or Guest, must make every effort towards abating unsightliness within the Project, **and at all time keep the residence in a strictly clean and sanitary condition.**
5. Owners are responsible for the actions of themselves, their family, friends, guests, tenants, or anyone else they allow on the Project.
6. NO SOLICITATION shall be permitted on the premises by Residents or any other persons, except as permitted by the Board.
7. KEYS: Each apartment Owner shall promptly furnish the Board with new keys in the event his locks are changed and/or deadbolt locks added. When locks are changed, they must be made so that the lock can be opened with the existing Master keys held by the Resident Manager.

Resident Manager or the Managing Agent may enter any apartment if deemed necessary; in such case, Owner shall be notified of the reason and result of such entry (i.e., emergencies, preventive maintenance, etc.).

8. A resident or guest of an apartment shall be responsible for the conduct of his/her children at all times, ensuring that their behavior is neither offensive to any occupant of the building nor damaging to any portion of the common elements. No one is permitted to play in walkways, stairways, corridors, or in the parking area.
9. **MOVE-IN REQUIREMENTS:** Within (7) days, all new residents are required to:
 - a) Register with the On-Site Manager
 - b) Acknowledge receipt of a copy of the House Rules
10. **MOVE-OUT REQUIREMENTS:** All departing occupants are required to:
 - A. Notify owner, On-Site Manager
 - B. Leave no personal property in common areas of the building. All items will be removed at violator's/Owner's expense with such expense being determined by the Board.

THERE WILL BE NO MOVING IN OR OUT OF MAALAEA YACHT MARINA DURING QUIET HOURS

NOISE AND NUISANCES

1. No nuisance shall be allowed in the Project nor shall any use or practice be allowed which is improper or offensive in the reasonable opinion of the Board or in violation of the By-Laws or these Rules and Regulations, or which unreasonably interferes with or is an unreasonable annoyance to the peaceful possession or proper use of the Project by other apartment Owners or Occupants.
2. **Excessive noise is not allowed AT ANY TIME** ("Excessive noise" may be defined as any sound which creates unreasonable annoyance to other residents).
3. The use of profane or abusive language is strictly forbidden on the premises. Any person using such language shall leave the common elements of the Project upon the request of the Managing Agent, Resident Manager or other employee or representative of the Board.
4. "Quiet Hours": Special consideration of other Residents must be given between 10:00 P.M. and 8:00 A.M.
 - A. TV's and stereos must be operated at a lower volume at this time.
 - B. Voices and noise must be kept to a minimum, especially when outside the Unit, in the parking lot, or anywhere in the common areas.
 - C. Vacuums, power tools, garbage disposals, etc., can be heard by your neighbors and are not to be operated during these hours.
 - D. Shopping carts are to be used with consideration for other Residents and are to be returned to the trash room when finished with them. Carts are not to be pushed through the Project during "Quiet Hours".
5. Tile Floors: Owner's who have elected to "tile" their floors, throughout their Unit should be aware that the nature of the materials could create "excessive noise". You may be required to dampen the sound (i.e., covering, coasters, or carpeting, etc.).

PARKING

1. Parking spaces are assigned and parking is permitted for RESIDENTS ONLY at their own risk. All others are to park outside the parking lot.
2. No vehicles are to be left unattended in the Loading or No Parking zone.

3. All vehicles in the lot are to have current registration, safety sticker, and must be in operating condition.
4. Parking area may not be used for any recreation, including skateboarding, bicycling, ball playing, etc.
5. No trucks, trailers, boats, or other vehicles will be stored on the premises.
6. Oversized vehicles should park outside and not obstruct driving lanes or stalls.
7. Violators of parking lot rules may have their vehicles towed at the own expense.
8. Car wash designated area is located at wall near exit of Project.
9. No major repairs are to be made to any vehicle on the premises.
10. If minor emergency repairs are performed, the respective parking area must be cleaned.
11. Speeding and reckless driving in the parking lot is strictly prohibited.
12. Only one (1) parking stall is assigned to each Unit. Owners/Tenants must obtain prior written Board approval for any additional parking stalls.
13. Traffic through the parking lot is ONE-WAY ONLY. Driver's should be aware of Entrance/Exit signs. Penalties and fines may apply.

ELEVATOR

1. Residents, their Guests, and Agents, are not allowed to let unknown persons in the elevator.
2. Smoking, eating and drinking is not allowed in the elevator.
3. The moving and delivering of large items should be accomplished during the hours of 9:00 a.m. and 6:00 p.m.
4. **ELEVATOR CODES are to be kept confidential.** Visitors are to use the elevator phone to call the Resident to allow them into the building.

COMMON AREAS

1. **OBSTRUCTION AND USES:** All sidewalks, passages, stairways, walkways, and corridors must not be obstructed or used for any purpose other than ingress and egress.
2. One pair of shoes per resident as is Hawaii custom may be left in view at entrances to apartments. Other items of personal property, packages, boxes, crates etc. allowed to stand unattended in any common area, other than within the confines of the apartment or designated storage room, will be removed at the Owner's risk and expense, at the direction of the Board.
3. No littering or defacing of any common area shall be allowed. Owners are responsible for any damage caused to the Project whether it be his Tenant(s), Guest(s), family members or pets.
4. Do not feed stray cats, birds, or other wild animals on the property. Food attracts vermin, including rats, mice, and roaches. Stray animals can be a source of disease & nuisance. (*fines and penalties as stated on page 3 will apply*).
5. No Owner, Tenant, or Resident is allowed to change or alter the common areas (particularly, in respect to planters, garden areas, ground floor entryways). Contact Resident Manager with ideas for landscaping or other changes.

SWIMMING POOL

1. The pool is for the use of the Residents only. Guests must be accompanied by a responsible adult Resident. Residents should refrain from giving pool keys to non-residents (i.e., guests, visitors, etc.).
2. There is **NO LIFEGUARD ON DUTY**. Owners and tenants are responsible for making sure that anyone from their apartment using the swimming pool is a competent swimmer. The

Association and Management are not responsible for accidents or injuries. Management reserves the right to deny the use of the pool to ANYONE AT ANY TIME.

3. Running, pushing, Marco Polo, or other horseplay is not allowed. Jumping into the pool from any part of the building, railings, walls or fence surrounding the pool area is not allowed.
4. Loud playing of radios, yelling, and other boisterous behavior is not allowed.
5. NO GLASSWARE OR OTHER BREAKABLE ITEMS ARE ALLOWED IN THE POOL AREA.
6. Suntan oil, ointment, and sand will clog the pool equipment and must be removed before entering the pool.
7. No boogie boards, surfboards or other inappropriate items allowed in the pool or enclosed pool area.
8. Waste can for trash disposal are provided at the pool area. Littering is not permitted.
9. Swimmers are required to dry off before entering the lobby, elevator, or other common areas.
10. Tampering with any part of the pool equipment is not allowed.
11. BOARD OF HEALTH REQUIREMENTS (Section 61, Personal Regulations):
 - A. "All persons known to be or suspected of being afflicted with an infectious disease, suffering from a cough, cold or open sores, or wearing bands and bandages, shall be excluded from bathing in the swimming pool".
 - B. "Spitting, spouting of water, blowing the nose in the swimming pool are strictly prohibited".
 - C. Babies/infants must wear plastic pants over diapers or special swimming diapers. Special toddler diapers shall be used to prevent contamination of the pool.
12. Animals are STRICTLY FORBIDDEN in the pool or pool area.
13. No intoxicated persons will be allowed at the pool or pool area.
14. Nudity is not allowed regardless of age.
15. Furniture at poolside should not be removed from the fenced pool area at anytime.

BBQ AREA

- 1) **Follow posted instructions for use of the BBQ's.**
- 2) **TO BE CLEANED AFTER EACH USE BY RESIDENT**

RUBBISH & TRASH ROOMS

1. Hours for operating trash chute are from 8:00 a.m. to 10:00 p.m.
2. All garbage, bottles, and other glass items must be placed in plastic bags or wrapped in newspaper.
3. Open Space in trash rooms are NOT designated storage rooms and are NOT to be used to store personal items. The Board, Resident Manager or Managing Agent Company shall remove any item store in a trash room without compensation to anyone.
4. All cardboard boxes must be disassembled prior to disposal.
5. Bulky items or oversized trash bags should be carried to the receptacle bin and should not be "forced" into the trash chutes.
6. There are separate recycle bins in the ground floor rubbish room for newspaper, cardboard, glass and aluminum.

APARTMENTS

1. ALL Apartment Owners shall be responsible for the conduct of his Lessee(s), Renter(s), or Guest(s), and shall upon request (written or otherwise) of the Board or Managing Agent, immediately abate and remove, at his expense, any structure, thing, or condition that may exist with regard to the occupancy of his apartment by his Lessee(s), Renter(s), or Guest(s), which is a violation hereof, or the Declaration, or of any of the Rules and Regulations adopted by the Board; or if the apartment Owner is unable to control the conduct of his Lessee(s), Tenant(s), or Guest(s), the apartment Owner shall, upon request (written or otherwise) of the Board or Managing Agent, immediately remove such Lessee(s), Tenant(s), or Guest(s), from the premises, without compensation for lost rentals or any other loss or damage resulting there from.
2. Every apartment Owner shall, at his own expense at all times keep his apartment in good repair and will maintain, amend and keep his apartment and the limited common elements appurtenant thereto, including without limitation all internal installations therein such as water, electricity, gas, telephone, sewer, sanitation, air-conditioning, lights, and all other fixtures and accessories belonging to such apartment and the interior decorated or finished surfaces of all walls, floors, and ceilings, and shall be liable for all loss or damage whatsoever caused by his failure to do so.
3. Each respective Owner, Tenant, or Occupant is responsible for the maintenance and cleaning of all private entries, lanais and windows.
4. Drapes, curtains, screens and other window coverings placed in view of the exterior of the building shall be in good repair. Colored drapes shall have white linings to provide a uniform appearance to the building exterior. Exterior uniformity is a requirement of the By-Laws and Declaration.
5. No waterbeds of any nature or other apparatus of any kind that may damage the structure of the building or cause the flooding of any other apartment or common area will be allowed. Any item that creates a potential risk of damage will not be allowed.
6. Board approved screen doors are allowed. Check with the Resident Manager regarding color and style.

LANAIS

1. CARE AND MAINTENANCE: Apartment Owners are responsible for the care and maintenance of all lanais that are included in his apartment. Owners may not paint or otherwise decorate the walls or ceilings of such lanais without written approval of the Board. The exterior of the building shall present a uniform appearance. Board may require the painting and may regulate the type and color of paint to be used.
2. Lanais shall not be used to store items of any kind. Only appropriate furniture and small plants shall be placed on lanais. Any unsightly or disturbing items shall be removed upon the request of the Board, Managing Agent, or Resident Manager.
3. Potted plants must have containers under them to prevent dripping.
4. No articles of clothing, sheets, towels, dust mops, rugs, etc., are to be shaken from lanais.
5. Towels, bathing apparel, or textiles of any kind may **NOT** be placed on lanais or within passages or in windows so as to be in view from the outside of the building or any other apartment.
6. No items of any kind are to be thrown from lanai or window.
7. Wild birds are not to be fed from lanai. This practice invites rodents, ants, and vermin.
8. No items of any kind may be draped or hung over the lanai railing.
9. Appropriate holiday decorations may be displayed on lanais from December 1 through January 7 or per written approval of the Board.

10. No signs, posters, bills or lettering, or any other article or item shall be placed in view of any part of the building or grounds.
11. Ceiling fans and electric lights are allowed to be installed on lanais with prior Board approval.
12. Gas or briquette BBQ's are prohibited on lanais as are any open flames.

LAUNDRY ROOMS

1. Permitted hours of use are from 8:00 a.m. to 10:00 p.m.
2. All washer and dryers are on a timer – money inserted in machines “before or after hours”, will be considered lost, as machines will not operate.
3. Clothes must be promptly removed from washers and dryer when done. Items left in machines may be removed by other residents in order to allow others reasonable use.
4. All posted signs must be strictly observed.

RESIDENT MANAGER

1. Is not responsible for personal property or deliveries left on the premises.
2. Cannot give access to an apartment to anyone without written permission from the Owner or Tenant. In case of emergency, he may enter an apartment and will promptly notify the Owner or Tenant of the reason and result of such entry.
3. Will not be asked to do work within an apartment unless it is an emergency affecting other apartments or common areas.
4. Is subject to the Rules and Regulations and the policy of the Managing Agent Company.
5. Is authorized to enforce all House Rules, posted signage and directives from Managing Agent or Board of Directors.
6. Resident Manager may enter an apartment with proper notice (i.e. 48-hours) for pest control, maintenance inspections, cable installation, or for other necessary purposes.
7. No Owner, Tenant or Resident shall interfere or harass the Resident Manager in the performance of his duties, especially in regards to House Rule Enforcement.

PETS

1. No livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project, except that dogs, cats, and other household pets in reasonable number (2), may be kept by the apartment owners and residents inside their respective apartments, with the prior written approval of the Board of Directors.
2. Pet owners and apartment Owners are responsible for any damage and problems caused by their pet(s).
3. Excessive noise from pets is prohibited. Fines may apply.
4. All approved animals must be kept inside Owner's unit at all times except that they must be kept on a leash or carried when transporting them to and from the Project.
5. No Resident shall allow his visitors to bring animals to the Project.
6. Continued violations will be grounds for permanent removal of any pet allowed to “roam” or causing a nuisance.
7. Pet owners are responsible for animal wastes deposited, wrapped or bagged and placed in trash bins. Urine will be washed off of solid surfaces.

STORAGE ROOMS

1. Use of designated storage areas shall be at the Owner's risk.
2. It is the purpose of the storage rooms to store excess items that Owners cannot keep in their units.
3. No furniture, appliances, or hazardous materials shall be kept in the storage rooms.
4. All items stored shall be boxed, as appropriate, and clearly marked with Owners name, apartment number and date item was stored.
5. Any item left by Tenant, Lessee, or person other than an Owner will be disposed of by the Board 60 days after person has vacated the Property.
6. Any unmarked item in storage will be disposed of in any manner deemed appropriate by the Board.
7. Storage is shared space. Use shall be apportioned by owner's square footage when storage space is limited in relation to storage needs.

HAZARDS

1. NO FIREWORKS ALLOWED ON THE PREMISES AT ANY TIME.
2. No personal items of any kind shall be left unattended in hallways, stairwells, lobbies, or elevator.
3. ALL FIRE EXIT DOORS SHALL REMAIN CLOSED AT ALL TIMES. This is a fire regulation, which involves severe penalties for non-compliance.
4. NO HAZARDOUS MATERIALS OF ANY KIND SHALL BE ALLOWED ON THE PREMISES without the written consent of the Board in EACH and EVERY instance. This includes but is not limited to gasoline, kerosene, naphtha, benzene, etc.
5. Fire Regulations forbid open-fires (barbecuing or otherwise) on lanais or any other part of the building. This includes but is not limited to LP gas and briquettes.
6. No blocking of entryways or exits with any object (i.e., shoes, toys, tools, plants, etc.). Items that could be deemed a "hazard" will be removed by Management if the Resident does not comply.

BUILDING MODIFICATION

1. Except as permitted by the Declaration, no structural changes of any type shall be permitted either within or without an apartment.
2. No signs, signals or letter shall be inscribed or exposed on any part of the building or on the exterior door of any apartment (other than the apartment number), nor shall anything be projected out of any window or off of any lanai, door, or window opening.
3. No apartment Owner or Occupancy shall install any wiring or other device for electrical or telephone installation, television, machines, or other equipment or appurtenance on the exterior of the building or protruding through the walls, windows or roof thereof.
4. Except as permitted by the Declaration or By-Laws, no alteration or addition to an apartment nor any alteration or addition to the common elements may be made.
5. No repair/construction work is allowed in the building before 8:00 AM or after 6:00 PM (except in emergencies). No loud construction and repair work are allowed on Sundays (i.e., drills, electric saws, heavy construction). Owners/tenants contemplating repairs must notify On-Site Manager prior to commencing work. (See Resident Manager for Remodeling Rules)

FIRE FIGHTING EQUIPMENT, FIRE EXIT DOORS

1. Anyone found tampering with the Fire Fighting Equipment or Emergency Exit Doors will be subject to police action and liable for all costs involved in repairs, replacement, or damages caused to the building or personal property.
2. In case of Fire, do not use the elevator. Exit from your unit through the Fire Exit Doors.

CERTIFICATE OF ADOPTION

The Board of Directors of Maalaea Yacht Marina hereby adopt these Rules and Regulations of the Maalaea Yacht Marina Association of Apartment Owners on the *16th* day of June *2007*.