

PU'U HELEAKALA COMMUNITY ASSOCIATION

(HOUSE RULES)

ISSUED AUGUST 2002

HOUSE RULES (August 2002)
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PU'U HELEAKALA COMMUNITY ASSOCIATION

HOUSE RULES

RATIFIED BY THE BOARD OF DIRECTORS

ISSUED AUGUST 2002

These House Rules supersede all previously distributed rules. They supplement, but do not change, the obligation of residents as contained in the Declaration of Covenants, Conditions and Restrictions (DCC&R) and By-Laws. They apply specifically to all Association Members and residents of the Pu'u Heleakala Community Association, as well as to guests on the complex. These rules shall be enforced by the superintendent of Maintenance and Security, the office Manager, Managing Agent, Board of Directors or other responsible person with such responsibility at the time.

These rules are intended to serve as a handbook to be used for the consideration of others in order to create a friendly and pleasant community atmosphere. In the case of a dispute over the application of any house rule or violation of any house rule, it shall be the Board of Directors' determination. The House Rules are part of the Association's Governing Documents and shall be strictly enforced.

The Board of Directors, in accordance with the By-Laws, reserves the right to make, amend or repeal these rules for the safety, care and cleanliness of the premises, and for the quiet enjoyment of all the residents of the Pu'u Heleakala Community Association.

DEFINITION

ASSOCIATION (PHCA) DCC&R	Pu'u Heleakala Community Association Declaration of Covenants, Conditions and Restrictions.
BACK YARD	Yard area off of front entranceway to Residence of two-story and split Level units.
HOUSEHOLD PETS	Dogs, cats and small birds are household pets. Farm animals are not permitted.
LANAI	Area off living room of three-story units.
PRIVATE & LIMITED COMMON AREAS	Water pipes – from meter/shutoff valve inward Drain lines – from common line inward Electric lines – electric meter inward Glass windows & doors – moveable All other moveable doors Enclosed lanais – owner installed surfaces inside/outside Interior walls, floors and ceilings Garden/yards – all grass, trees & shrubs therein Kitchen and other cabinets Bathroom and kitchen fixtures Garage interiors and doors CMU block or concrete floors, walls and ceilings Plumbing – common waterlines and sprinkler lines Electrical lines – common meter to services Windows – plate glass only
COMMON AREAS	Unenclosed lanais – exterior surfaces, roofs & supports Roof and fences Garage exteriors Exterior walls Lanes – avenue of ingress and egress to parking stalls No parking zones Sidewalks, grass, trees & shrubs
VEHICLE VISIBLE	Car, truck, bus motorcycle, moped bicycle Any point from ground to 6 feet looking in a straight lines.

SECTION A – GENERAL

A-1 RESIDENT AND OR OWNER REGISTRATION: Each new resident and/or owner is required to register with the PHCA Office immediately upon occupancy or new ownership. It is the owner's responsibility to **ensure** each new tenant **complies with this** requirement and to make sure they comply.

A-2 VACANCY/EMPTY UNIT: It is the responsibility of the **unit** owner to notify the PHCA immediately upon occurrence of a vacancy.

A-3 OWNER RESPONSIBILITY: The unit owner will be responsible for **all** costs incurred by the Association for the enforcement of PHCA House Rules or any other governing documents. The non-resident owner (and the multiple unit owner) is responsible and liable for the actions of the occupants of his unit and their guests, including any expense incurred to the Association by the occupant or guest.

A-4 GUEST REGISTRATION: Guests staying longer than thirty (30) days are considered residents and must register with the PHCA Office.

A-5 UNDESIRABLE TENANTS: Should the Board of Directors consider household members of a rented unit undesirable to the Community, **all** legal expenses incurred in the removal of the household from the Community will be the responsibility of the owner of the residence.

A-6 AGENTS AND PROPERTY MANAGERS: An owner residing anywhere other than on the Island of Oahu is legally responsible for designating a managing agent residing on the Island of Oahu. (Hawaii State Landlord Tenant Code Section 521-43, Rental Agreement, Disclosure, Paragraph F). Tenants or other residents living in a rental unit within the Pu'u Heleakala Community shall not be designated as managing agent for that particular unit, unless such tenant or other resident holds a valid, active Hawaii State Real Estate License.

A-7 RESIDENTIAL USE ONLY: All residences shall be used as private residential dwellings.

SECTION B – COMMON AREAS

B-1 CONGREGATING/LOITERING: **No loitering on common areas at any time. No loitering or congregating on common areas after 10:00 p.m. on week days and 11:00 p.m. on Friday and Saturday nights and Holidays.**

B-2 PERSONAL PROPERTY ON COMMON AREA: No personal property of any kind may be placed or stored in the Common Area.

As provided for in Policy Resolution No. 3, 11/97 adopted by the Board of Directors November 19, 1997, owners that allow personal property to be stored on Common Area will receive written notice to have the items removed, in accordance with current policy.

Following a final written notice to an owner who is storing personal property on Common Area property or who allows tenants to remain as residents within the Pu'u Heleakala Community Association who allows personal property to be stored on Common Area property be levied a fine of twenty-five dollars (\$25.00) beginning on the fifteenth (15th) day following the final written notice and continuing until such personal property is permanently removed from Common Area property. The Association maintains the right to dispose of any personal property placed or stored on Common Area.

B-3 COMMON AREA ALTERATIONS: No portion of the Common Area will be altered, except by written permission of the Board of Directors.

B-4 SOLICITING: Soliciting or canvassing is strictly prohibited.

B-5 FIREWORKS: Aerial fireworks are prohibited by the State Law. Fireworks, aerial fireworks and firecrackers are banned on all PHCA property including, but not limited to. Grassy Common Areas or paved parking Areas per Resolution #1-01/99 dated January 1999 and unanimously passed by the Board of Directors at the Board Meeting of January 20, 1999. Any damage done to Common Area or any property due to fireworks will be the sole responsibility of property owners allowing such fireworks.

B-6 HOUSEHOLD TRASH: Trash is to be bagged prior to depositing in Common Area dumpsters. Children not big enough to deposit trash into the dumpsters must be accompanied by an adult or older child while within the dumpster areas. Large bulky items must be placed outside of the dumpster area, as neatly as possible, for pick up by PHCA office should be notified if assistance is needed.

B-7 COMMON AREAS: Vehicles are not permitted on any landscaped area without the express permission of PHCA **Board Officers or PHCA** Office staff. **All costs incurred** to repair damage to Common Area as a result of any type of vehicle will be the responsibility of resident/owner involved.

Bicycles, skateboards, or other objects which could cause damage to all grassy areas that abut individual units, in back or at the sides, and all paved driveway and parking areas is strictly prohibited.

The climbing on trees or detrimental use of trees on PHCA Common Area property is strictly forbidden. The cost to repair ANY Common Area damage caused by a resident or their guest will be assessed to the residence owner.

Residents may use the common area for special occasions upon prior approval by the Board of Directors. Proof of authorization will be rendered to any Board Officer, PHCA Staff, or proper authority upon request.

B-8 SIGNS: No one, without prior permission of the PHCA Office or Board of Directors, is permitted to display any sign, poster, printed material or similar device in or upon any portion of the Common Area.

SECTION C – INDIVIDUAL RESIDENCES

C-1 SIGNS: No one, without prior permission of the PHCA Office or Board of Directors, is permitted to display any sign, poster, printed material or similar device in or upon any portion of the premises so as to be visible from the Common Area except as noted here: One (1) standard "For Sale" sign or one (1) "For Rent" may be posted at the front and rear of applicable units. One (1) "Beware of Dog" sign may be posted on the fence containing a dog or dogs, providing the sign is no larger than 12" x 12".

C-2 LANAI: Only appropriate lanai furnishing and plants may be placed on lanais of three story units, unless such lanai has been enclosed in accordance with PHCA Building and Grounds requirements. Other articles not usually considered as normal lanai furniture, visible from the Common Area, are not permitted. At no time should the lanai have a clothes line and be used for drying clothes if visible from any neighboring units or Common Area grounds.

C-3 BACK YARDS: Only appropriate lanai, lawn patio furnishings and plants may be placed in the back yard, unless such lanai/patio has an acceptable fence approved by PHCA Building and Grounds Committee or the Board of Directors, and only then if such items are not visible from Common Area or neighboring properties. Any item that is not lanai, lawn or patio furnishings must first be approved by the Building and Grounds Committee or Board of Directors. No full sized refrigeration is acceptable patio furniture in the back yard. No visible general clutter is acceptable.

C-4 FRONT YARD: **Only PHCA Building and Grounds Committee approved lawn furniture may be kept in the front yard. All other tables, chairs, and barbecues are allowed to be used temporarily in the front yard as long as it does not encroach on common areas and is removed no**

later than 10:00 p.m. on weekdays and 11:00 p.m. on Fridays, Saturdays, and Holidays. No other items may be stored in the front yard areas if such items are visible from the Common Area, street or neighboring properties.

C-5 HOLIDAY DECORATIONS: During holiday seasons, appropriate decorations may be displayed for a reasonable period, not to exceed fifteen (15) days before (prior) or fifteen (15) days immediately following the holiday.

C-6 FENCES AND TOOL SHEDS: Any fence or tool shed considered PHCA Common property or limited Common property is never to be used for storage by use of hanging over such fence or shed, or bicycles or any other such personal item (s). No fence shall be allowed to exceed the City & County Building code of a height limit of 6'.

C-7 UNIT ACCESS: The Board of Directors or authorized member of the PHCA Staff shall be granted access, with notification, to any portion of individual property to inspect for the presence of vermin or other pests. The Board of Directors or authorized member of the PHCA Staff may enter individual property at any time in case of emergency or safety hazards.

C-8 EXTERIOR ALTERATION: Unless authorized by the Building and Grounds/Architectural Committee or the Board of Directors in advance, no residence shall be painted, modified or outwardly changed in any way.

- A. No portion of any residential lot will be altered without the written permission of the Building and Grounds/Architectural Committee or Board of Directors. No building, fence, wall, shed, slab, patio cover or other structure shall be erected or altered without the written approval of the Building and Grounds/Architectural Committee or Board of Directors. The Board of Directors reserve the right to remove any such construction that has not received approval. Approval shall be requested and received prior to the commencement of any work.
- B. Any approval fence, wall, shed, slab, patio cover or other structure that has been erected or altered, shall be maintained in good condition, satisfactorily to PHCA standards. The owner of the residence shall be held responsible for any required work. No enclosed or screened structures, with the exception of acceptable tool sheds, are allowed or acceptable.
- C. The owner of any unit making any alteration is responsible to ensure that such alteration, fence, structure, etc., does not encroach on any portion of PHCA Common Area Grounds. If such an encroachment is detected after the fact, or at any later time, the owner of said unit shall be responsible for the removal or moving such an enforcement. If an

owner is notified that such an encroachment exists, the owner will be responsible for any costs involved to rectify the situation to an acceptable property line limit.

- D. Any fence erected with approval from the Building and Grounds Committee even after the fact, must not exceed the City and County code of a height limit of 6 feet. The owner will be responsible for making a correction of any such fence. At no time shall there be anything hanging on personal or PHCA fences or protruding above 6' height limit.
- E. The time of day for alterations and modifications to take place shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Saturday and 10:00 a.m. Sundays as outlined in Policy Resolution 2 11/97 adopted by the Board of Directors November 19, 1997.

C-9 AWNINGS/TARPAULINS: No canvas or plastic awnings/tarpaulins (tarps), may be installed if visible from the street, Common Area or neighboring units. These temporary structures may be used for special events such as a party, with advance notice and approval by the PHCA **Board**. Any such temporary structure must be taken down, including all supporting structures, immediately after the event is over.

C-10 CLOTHES LINES: No clothes lines are permitted to be visible from the street, Common Area or neighboring units. No clothing or household articles may be hung so as to be visible from the street, Common Area or neighboring properties.

C-11 LIABILITY: No owner, tenant or guest is to allow a situation within their property that would create a liability or otherwise adversely effect the insurance policy of the Association.

C-12 LANDSCAPING OF YARDS: All yards are part of an individual unit, both front and back, shall be properly maintained and landscaped. Bare dirt shall be covered with suitable ground cover or other non-plant landscape material.

- A. It is the responsibility of each owner to maintain a clean, neat, sanitary and well **maintained** front and back yard. The maintenance includes the mowing and trimming of grass or other ground cover and the trimming of trees and shrubbery on a regular basis. Overgrown or unsightly yards will not be tolerated.
- B. Plants, Trees and Shrubs: Any plants, trees or shrubs on a residents property must not infringe on other properties or any Common Area. It will be the responsibility of the owner with a plant, tree or shrub that does infringe, cause damage or threaten to cause damage or hinder the

pathway of other areas to rectify the problem upon notification that problem exists.

C-13 NOISE/INCONVENIENCE: No resident or guest shall cause or permit anything that will interfere with the rights, comfort, or conveniences of other residents, excepting repair or lawn equipment. Audio devices shall be kept at a reasonable volume so as not to be heard at neighboring units regardless of the time of day or night. Additionally, quiet time shall be 10:00 p.m. weekdays, 11:00 p.m. Friday and Saturday and 1:00 a.m. on recognized holidays to 7:00 a.m. the following morning.

C-14 SMOKE DETECTORS: Each residence will have at least one (1) permanent smoke detector in the bedroom area, 2nd floor, permanently wired into the unit's electricity if already equipped for hard wired detectors, or battery operated if not so equipped, either of which shall be maintained in good working condition. Failure to comply with this house may cause the unit owner to be responsible for fire related damage to adjacent property if, in the opinion of the Honolulu Fire Department, such damage was a result of a non-working smoke detector.

C-15 MAINTENANCE REPAIR REQUESTS: When any PHCA related maintenance is required, a Maintenance Request form must be filled out and turned into the PHCA Office for processing and scheduling of work. Request forms may be obtained from the PHCA Office or requested from Maintenance personnel.

SECTION D – PARKING

D-1 GOOD OPERATING CONDITION: All vehicles on Association grounds, including limited Common Areas, must be in good operating condition, including all valid license plates and safety inspection stickers.

D-2 PARKING DECAL: All residents' vehicles will display a parking decal issued by the PHCA Office. Registration with the PHCA Office is required immediately upon occupancy to receive parking decals. Vehicles without decals may be towed away without prior notice at the unit owner's expense.

D-3 PARKING STALL/GARAGE: Those units having covered parking garage shall not use the garage or storage or storage of any items other than an operable vehicle, boat or camper unless screened from view by a garage door approved by the Building and Grounds/Architectural Committee or Board of Directors. Storage of any other items visible from the Common Area must be

approved by the Building and Grounds/Architecture Committee or Board of Directors.

D-4 ACCESS TO PARKING: No vehicle in the determination of the board or its representative, shall be parked in the following manner: that it could in anyway impede ready access to any adjacent parking space, double parked, parked on common area grass without prior approval or impede the ingress or egress of an emergency vehicle. No vehicle, under any circumstances, shall be parked in front of a curb painted in red. Any vehicle as described above is subject to immediate towing without notice at the vehicle owner's expense.

D-5 VEHICLE REPAIRS: No major vehicle repair taking longer than one week is permitted except under the conditions of an approved garage door to conceal the vehicle and then only if is a privately owned vehicle by the owner or tenant of said unit and not done for material repayment or as a business concern.

D-6 COMMON AREA: At no time may a vehicle park or be driven on the grassy Common Area without advanced permission of a Staff Member.

D-7 SIDEWALK and LANES: The sidewalk and lanes are not to be used for any playground type activities.

D-8 GUEST PARKING: PHCA has no designated guest parking. Guests may park in their hosts parking stall if available for short periods of time, providing a note is placed on the dashboard or taped to the front or rear window, showing the address of the unit being visited. Three story units with garage may use the area in front of their garage for TEMPORARY guest parking if such parked vehicle does not protrude beyond the outermost yellow curbing. Permanent use of this area for such a purpose is not allowed. All other parking must be off of PHCA property on Helelua Street or Helelua Place.

D-9 TRUCKS: Vehicles are restricted to no more than ¾ ton and no commercial vehicles are allowed.

SECTION E – PETS

E-1 HOUSEHOLD PETS: Household pets are considered to be dogs, cats and small birds. No farm animals will be allowed. Household pets are permitted so long as there is no inconvenience or discomfort caused to surrounding residents. Pets are only for personal pleasure and not for any commercial purpose.

E-2 CLEAN PET AREA: Pet owners must keep all fences cleaned from their yard on a daily basis so as not to create any odor or unsanitary conditions for neighbors. The pet owner is responsible for spraying and any other use of tick and flea control possible so as not to spread to neighboring units or Common Area grounds.

E-3 DOG LEASHES: Dogs on Common Area must be on a leash and be accompanied by a handler. City and County leash laws will be strictly upheld. Any pet allowed to run loose on PHCA Common Area property may be detained and **the appropriate government agency contacted for removal of the animal.**

E-4 PET SCOOPERS: It is the responsibility of the pet owner/handler to remove animal waste or mess created by their pet on any public or Common Area.

E-5 PET NUISANCE: Any animal causing nuisance or disturbance to other residents may be promptly and permanently removed from PHCA properties.

E-6 PET FINANCIAL RESPONSIBILITY: The unit owner will be responsible for any cost incurred by the Association for any action PHCA is forced to take to enforce any of the Pet House Rules.

SECTION F – FINES AND ASSESSMENTS

F-1 PAYMENT OF FINES: Payment of fines levied against a resident or residence is the responsibility of the owner of the residence.

F-2 FINES: Fines against owners may be levied by the Board of Directors for failure to comply with House Rules. Fines are to be decided at a Board of Directors Meeting in Executive Session. Owners have seven (7) days in which to appeal a fine.

F-3 DOLLAR AMOUNT OF FINES: **Minimum amount of fines may be found in paragraph F-7, Schedule of Fines. The Board of Directors may levy a fine on infractions of all house rules and may vary a fine on a case by base basis.**

F-4 SAFETY: For safety reasons, PHCA responsible personnel are authorized to clean parking stalls of grease and oil and to charge the owners time and material.

F-5 OTHER COSTS: Extra costs such as repair of damage to the Common or Limited Common Area and use of Association labor and/or materials will be in addition to any fine levied.

F-6 PHCA TIME AND LABOR: Should it become necessary, as determined by appropriate PHCA personnel or Board of Directors, to require in-house personnel to clean, mow, trim or otherwise maintain any yard area attached to a part of a residential unit, the owner(s) will be responsible for reimbursement to the Pu'u Heleakala Community Association.

SCHEDULE OF FINES

RULE	AMOUNT of FIRST FINE	AMOUNT of 2ND FINE	AMOUNT of FINE and possible referral to attorney
A1, 2, 3, 6, 7 B3, 4, 5, 6, 8 C1 - 12, C14 D2, 3, 5, 7, 8, 9 E1	\$25.00	\$50.00	\$75.00 + Additional \$10.00 per offense
A4 B1, 2 C13 D1 E2, 3, 4, 5, 6	\$35.00	\$70.00	\$100.00 + Additional \$25.00 per offense
A5 B7 D4, 6,	\$75.00	\$150.00	\$200.00 + Additional \$50.00 per offense