

RULES AND REGULATIONS

FOR

KA ONO ULU ESTATES COMMUNITY

ASSOCIATION

MAY 2024

PREAMBLE

The **KA ONO ULU ESTATES COMMUNITY ASSOCIATION** strives to foster a good neighbor policy. Living in a Homeowners Association becomes a more pleasurable experience when all residents practice and encourage courteous communication, co-operation, and thoughtfulness at home and when interacting with fellow residents. This is more likely to occur when all residents read and abide by all the Governing Documents.

The **KA ONO ULU ESTATES COMMUNITY ASSOCIATION** has the duty, responsibility, and authority to adopt and enforce the Rules and Regulations governing the conduct of owners, residents, and their guest(s). These Rules and Regulations do not supersede the Governing Documents better known as the Articles of Incorporation, By-laws and the Covenants, Conditions and Restrictions and Reservation of Easements (CC&R's). The Rules and Regulations are simply an additional Governing Document.

Unlike the CC&R's which are recorded document that can only be amended with a vote of the membership, the Rules and Regulations are adopted by a majority vote of the Board and may be changed by the Board, provided a majority of the Board approve the proposed change. This allows the Board some flexibility so that they may respond to changing needs and circumstances within the community during its long life. However, the Rules and Regulations adopted by the Board must not conflict with the Governing Documents.

The following Rules and Regulations were adopted *to help* 1) protect property values, 2) foster good neighbor practices and 3) ensure that all members of the Association have a pleasant living environment in which to live. However, the homeowners and residents themselves are the ones who ensure that **KA ONO ULU ESTATES COMMUNITY ASSOCIATION** evolves into a community they enjoy living in and are proud to call home.

The Rules and Regulations are in addition to the CC&R's. For your convenience, we have indicated some of the sections of the CC&R's that relate to the Rules and Regulations For complete information regarding Covenants, Conditions and Restrictions in your community, please always refer to your CC&R's.

**KA ONO ULU ESTATES
COMMUNITY ASSOCIATION
RULES AND REGULATIONS**

ARCHITECTURAL REVIEW COMMITTEE (ARC) and ARCHITECTURAL REVIEW:

No construction, alteration, grading, addition, excavation, removal, relocation, repainting, demolition, installation, modification, decoration, redecoration, or reconstruction of an Improvement, including Dwelling and landscaping, shall be commenced, or maintained by any Owner, until the homeowner has submitted his/her written ARC Application request to and received **written approval** from the ARC Committee. Please refer to the **KA ONO ULU ESTATES COMMUNITY ASSOCIATION ARCHITECTURAL GUIDELINES**, and your **CC&Rs** for further details. See also the HOA's website of <http://www.kouestates.org>

1. **COMPLAINTS:** Must be submitted in writing or emailed to the Board of Directors in care of the Management Company.
PROCEDURES FOR FILING COMPLAINT:
 - A) The homeowner submitting the complaint must include their name and address and sign the complaint.
 - B) For the Board to take appropriate action, the homeowner's written complaint must state:
 - 1) Specific information as to item, event or situation that precipitated the complaint.
 - 2) The exact location of the item or issue to be addressed.
 - 3) The address of the resident the homeowner believes is in violation of the governing documents, if alleging a neighbor has violated them.
 - C) Complaints that are not signed or signed "Concerned Homeowner" will not be acted on.
 - D) You can email the complaint to the Board at **complaints@kouestates.org**
2. **FIRES:** No exterior fires are allowed except for exterior fires that are properly contained within a fire pit/ring that is located a minimum of 10 feet from any building, structure, or overhang. All barbeque grills must be located a minimum of 10 feet from any building, structure, or overhang as required by Maui County and no barbeque shall be used in a garage.
3. **HOLIDAY DECORATIONS:** Holiday lighting and decorations installed on exterior of home do not need ARC approval. Holiday exterior decorations and lighting may be installed NO earlier than 30 days prior to each respective holiday and must be removed within 30 days of the end of the respective holiday.
4. **LEASING OR RENTING:** *(Please see Section 3.1.C of the CC&R's)*
 - A) The owner is responsible for action of tenants, tenants' family, and tenants' guest(s).
 - B) The owner is responsible for supplying and reviewing with the tenants the governing documents of the Association.
 - C) The owner is responsible for the lease. The lease must be in writing and the term of the lease shall not be less than **six months (180 days)**.
 - D) The written lease shall provide that the lessee or sub-lessee and their family members and guests are subject to and bound by the Governing Documents of the Association.
5. **LOUD NOISE:** Radios, stereos, musical instruments, party activities, car horns, unmuffled motorized vehicles, etc. shall be always restricted to a level that is not disturbing to other residents. Any disturbance of the peace should first be reported to the police department and may subsequently be reported to the Association.

6. **MOTORIZED BIKES, CARTS, & SCOOTERS:** Gas powered motorized dirt bikes, gas powered motorized go-carts, and gas-powered motorized scooters are not to be driven or operated within the HOA boundaries.
7. **NUISANCES:** *(Please see Section 7.05.a page 41 of the CC&R's)* The Board of Directors shall, in its sole discretion, have the right to determine what shall reasonably constitute a nuisance.
8. **ORDINANCES AND LAWS:** No action or condition may exist that is in violation of any local, county, state or federal law or ordinance.
9. **FIREWORKS:** No illegal fireworks (i.e. those that fly through the air, explode, or rotate on the ground) are allowed in the Association. **ONLY** "safe and sane" fireworks are allowed. Any owner witnessed violating this rule will be fined.
10. **PEACE DISTURBANCES/VIOLATIONS OF LAW:** Vandalism of homeowner's property, burglary, robbery, domestic violence, disturbances of the peace, curfew violations are all police matters and the affected resident is responsible for calling the police and registering a complaint and/or filing a report.
11. **SIGNS:** *(Please see Section 7.4 and 7.15 of the CC&R's)*
 - A) No resident shall install any other sign, poster, display or billboard anywhere on his lot or the property without prior written permission of the Board, unless authorized by law.
 - B) Any sign placed on telephone poles will be removed by the Association without notice to the owner of the sign.
12. **STORAGE OF ITEMS:**
 - A) Trash cans or garbage cans may be placed at the end of driveway no more than **twelve (12) hours before** scheduled pick up and must be removed and placed back in the garage or backyard within **twelve (12) hours after** scheduled pick up.
 - B) Residents must not accumulate any garbage, refuse, or obnoxious material on any portion of the property.
 - C) No item, facility, structure, equipment, object, or condition that is deemed unsightly may remain on the property if it is visible from common areas or neighboring lot within the community when viewed from ground level. An example would be a demolished or partially demolished vehicle.
13. **ANIMALS:**
 - A) Only a reasonable number of suitable domesticated house pets shall be kept for the Owner's companionship. No fowl other than canaries, parakeets and other songbirds shall be allowed. (pg. 10, (g)).
 - B) No animal that is or may be a nuisance to neighbors shall be kept and/or maintained on any lot.
14. **CONSTRUCTION/DESIGN:**
 - A) Building. Plans for fences, walls, additions, sheds, and other exterior alterations must include proposed date of completion and must be submitted to and approved by Board of Directors of the Association prior to construction.
 - B) Building permits for structural renovations must be obtained from Maui County. Copies of approved building. permits must be filed with Board.
 - C) Owner needs to submit plans to the Design Committee in advance of any reconstruction, improvement, or alteration of any lot.

Within in 45 days after submission of plans, Board would return with approval or disapproval in writing.

- D) Fences on roads shall be kept to a height of no more than six (6) feet. Chicken or hog wire or plastic netting are not permitted for permanent fencing.
- E) Aluminum, plastic or canvas awnings shall be put up as approved by the Design Committee and for a temporary period of time not to exceed seven (7) calendar days.
- F) Detached ohana units (cottages) are not permitted.
- G) No exterior structures shall be permitted unless it is approved by the Design Committee.
- H) Owners must maintain the area on other side of the sidewalk that runs along their property.
- I) Trees that overhang onto the sidewalk or onto a neighbor's property must be trimmed back.

KA ONO ULU ESTATES COMMUNITY ASSOCIATION FINE SCHEDULE AND APPEAL PROCEDURES

The governing documents of the Ka Ono Ulu Estates Community Association expressly provide the Board of Directors has the authority to adopt to fines to enforce the provisions of those documents. The following schedule of fines has been adopted by the Board of Directors pursuant to Section 7.05(c) of the Declaration of Protective Covenants. Unless otherwise stated, failure to comply with any of these rules will result in the following:

- A written warning notice will be sent to the Owner and/or tenant.
- A \$50 fine will be levied if a second notice for the same violation is issued.
- A \$100 fine will be levied if a third notice is issued for the same violation.
- A \$200 fine will be levied for the fourth violation and any subsequent violation notices issued will increase by \$100.
- All legal fees and costs will be paid by the Owner in connection' with violations.

The Board of Directors may assess fines for any violation of the provisions of the documents which govern the Ka Ono Ulu Estates Community Association; The fines must be paid to the Ka Ono Ulu Estates Community Association. Failure to pay fines may result in commencement of legal proceedings.

If you disagree with a Notice of Violation to the Community Rules or Association By-Laws, the following appeal procedure is available to you.

1. Once the fine has been levied, it must be paid within ten days of receipt of the notice. After you have paid your violation fee, you have up to thirty (30) days in which you may appeal your concerns in writing, addressed to the KOU Estates HOA Board of Directors. Mail it in care of: Destination Maui, Inc., 380 Huku Lii Pl, Kihei, HI 96753.
2. In your appeal, please provide sufficient factual information (i.e., statements of witnesses, which include their names and addresses, copies of relevant documents, etc.) enabling the Board to make an informed decision.
3. The Board of Directors will consider your appeal at their next regularly scheduled Board meeting, which usually takes place on a monthly basis.

4. The Board's decision will be sent to you within seven (7) days after
After reviewing the appeal.

5. The Board may uphold, reduce, suspend, cancel, and/or refund any fine after
consideration of your appeal. The decision of the Board shall be final.

***THE BOARD MAY IMPOSE FINES AND PENALTIES FOR VIOLATIONS OF THE GOVERNING
DOCUMENTS, INCLUDING THESE RULES AND REGULATIONS.***

***THESE RULES AND REGULATIONS ARE SUBJECT TO CHANGES, ADDITIONS AND/OR
AMENDMENTS UPON APPROVAL OF A MAJORITY OF THE BOARD OF DIRECTORS.***

AMENDMENTS TO THE RULES AND REGULATIONS

The Rules and Regulations may be notified from time to time pursuant to the following criteria:

1. Amendment must be approved by a majority of the Board of Directors
2. Owners are welcome to submit their written recommendations for changes to the Rules and Regulations to the Board of Directors.
3. Upon adoption by the Board, the Board shall cause the revised Rules and Regulation to be mailed to all homeowners and the revised Rules and Regulations shall become effective **thirty (30) days** after the date they were mailed.