

## **COLONY MARINA HOUSE AND GROUND RULES (2013 REVISION)**

The House and Ground Rules of Colony Marina are guidelines of conduct for all owners, residents, and guests to promote peace and harmony. Ultimately they serve to protect owners' investments in Colony Marina. The House and Ground Rules apply to all owners and tenants, who are required to have a copy before occupying a unit. The Board of Directors serves to interpret and adjudicate the rules.

### **I. GENERAL**

1. All apartments of the project shall be used only for residential purposes. No apartment shall be used for transient or hotel-like purpose or in connection with the visible conduct of any trade, profession or business whatsoever. No yard sales or garage sales are allowed on the premises.
2. Owners are responsible for the actions of their families, tenants, and guests. Owners who lease their apartments are responsible for ensuring that their tenants receive and comply with the current House and Ground Rules and the Pool and Cabana Rules.
3. All common areas such as lawns, mounds, roads, parking and storage areas shall be used only for their respective purposes. The cabana and swimming pool area (see Pool and Cabana Rules) is designated for recreational activities and is the only common area in which group gatherings are allowed.
4. Parents are specifically responsible for ensuring their children or guests refrain from playing in and around the carports and the driveway.
5. No owner or occupant shall place, store or maintain, in or upon the grounds, recreational areas, parking areas or other limited, common areas, any furniture, packages or objects of any kind or, in any other way, obstruct transit through such common elements. Discarded bulky items must be placed at the curb for City disposal no sooner than the night before pickup.
6. Every owner and occupant shall, at all times, keep his or her apartment in a safe and sanitary condition and shall maintain the privacy area in a

neat and attractive condition.

7. No owner or occupant shall strip, waste or make unlawful, improper or offensive use of his or her apartment or the project and shall not damage, remove or alter any structure, furnishings or equipment in the common areas.

8. No owner or occupant shall erect or place in the project any structure, including fences and walls, and shall make no additions or alterations in or to the common areas of the project nor place or maintain thereon, any signs, posters or bills whatsoever. An exception is that owners may place an "Open House" sign at the curb and one at the entrance to their apartment, but only during scheduled open hours when their apartment is for sale. All other signs are prohibited.

9. Apartment owners and occupants shall maintain the entrance area of their respective units in a neat and attractive manner as determined by the Board. Any objects (with the exception of plantings) stored in the privacy area shall not protrude, vertically or horizontally, so as to be visible from the common area. Alterations to apartment entrance (and related fencing) and rear privacy areas without prior Board approval are prohibited. All exterior paint colors shall be Sherwin Williams Brand, Satin Finish:

- a) Main Walls: 6150 Universal Khaki
- b) Fences: 6076 Turkish Coffee
- c) Window Slates (second story): 6081 Down Home

10. All occupants shall refrain from making noise or using musical instruments, electronic devices or other devices in a manner that disturbs other occupants. This courtesy shall apply at all times but will be specifically enforced during the hours between 10:00 PM and 8:00 AM.

11. No garments, rugs or other objects shall be attached to or hung from an outside line or from railings, windows, fences or walls of the project. An exception to this rule is the placement of a retractable awning (of the design and color approved by the Board) at a designated place and height above a unit's privacy area.

12. No owner or occupant shall, without written approval of the Board, install any wiring for telephone or other electrical installations or air conditioners or other machines or equipment on the exterior of the project

or protruding through walls, windows or roof thereof. The Board shall have the right to revoke the right to use an air conditioner or other appliance if it is deemed to be noisy, unsightly or causes any danger or hazard.

13. No apartment owner or occupant shall erect, place or maintain any type of antenna on the project which is visible from any point outside the apartment.

14. Nothing shall be allowed, done or kept in any apartment or common elements of the project which would overload or impair the floors, walls or roofs thereof or which may endanger the building or cause an increase in the project's insurance rates or the cancellation or invalidation of the project's insurance coverage maintained by the Association.

15. Damage to any part of the building or property by either occupant or guest shall be repaired to the Board's satisfaction at the expense of the owner.

16. No rock or other material shall be thrown into the Marina. In addition, all Hawaii Kai Marina Association Rules are to be complied with by all Colony Marina owners, occupants and guests.

17. Climbing, sitting or walking on any walls (private or common) is prohibited.

18. No food preparation is allowed on the second floor lanai of any unit or in the common area except as allowed in the Pool and Cabana Rules.

19. The use of fireworks, slingshots, air guns or any other items which may either disturb or be dangerous to persons or property is prohibited within the project.

20. All houseguests or house sitters are the responsibility of the occupant or owner. They are entitled to the same privileges and are subject to the same rules and restrictions as other residents.

## II. VEHICLES

1. The speed limit anywhere within the project is five miles per hour.

2. All residents and guests shall exercise extreme caution in the operation of any motorized or non-motorized vehicle on the property to ensure the safety of all pedestrians. All recreational vehicles should have rubber or similar tires to reduce noise. Skateboards and roller skates are prohibited anywhere in the project. Motor vehicles shall not be driven on the sidewalks or planted areas. No vehicles of any kind are to drive on or park on the grassy area due to potential damage to the underground sprinkler system.

3. Residents shall not make or allow major repairs to boats, automobiles or any other vehicles or equipment in the assigned parking spaces or common area.

4. Motor vehicles shall be operational.

5. Bicycles and other vehicles, other than personal cars and motorcycles, shall be kept in the privacy area (not visible to the common area) when not in use.

### III. PARKING

1. Parking stalls are for personal-use vehicles only. They are not to be utilized for storage, boats or any other purpose.

2. Parking on the asphalt roadway is strictly prohibited except for washing resident vehicles or for a maximum of 10 minutes when loading or unloading.

3. Service or vendor vehicles are authorized to park on the asphalt roadway (but not on any planted area) while a contract is being performed. Parking of such vehicles must allow residents to enter and exit their parking spaces safely.

4. Vehicles in parking stalls are limited to 5,000 pounds in weight unless otherwise authorized by the Board.

5. No part of any vehicles parked in the assigned stalls shall touch the project wall or overlap the asphalt driveway.

6. There is no guest parking within the complex. All guests must park either on the street or in their resident-host's parking stall.

#### IV. BOATS, BOAT-TRAILERS AND DOCKS

1. Any boats moored, parked or stored within or adjacent to the project shall be seaworthy, operational, in good condition, currently registered with the State of Hawaii (if required) and shall be at least 50% owned by a resident of Colony Marina.

2. Boat trailers shall have a valid license, be in good, operating condition and shall be at least 50% owned by a resident of Colony Marina.

3. Boats and/or boat trailers stored in the boat storage area (when available and with the Board's permission) shall be there at their owner's risk and may be subject to a monthly fee should the Board so decide. Boats and/or boat trailers not meeting the standards indicated above shall be removed from the Colony Marina property at the owner's expense.

4. Moored boats are limited to 20 feet in length, including the engine and any accessories unless the owner has specifically received written approval of an exception from the Board. No boat shall be moored so that it extends into the area of the neighbor's mooring zone. Almost all units located on the marina have a 21' 4" mooring zone not including the common wall separating them.

5. The dock between A and B buildings is a common area to be used by residents only to receive and discharge boat passengers. It is not to be used for any longer term use without express permission from the Board.

6. The construction of a boat dock must have the written approval of the Board. This approval will be contingent upon but not necessarily limited to compliance with the policy of the Hawaii Kai Marina Association. Requests to construct a dock must be submitted in writing to the Colony Marina Board of Directors and must be accompanied by drawings indicating construction details prior to submission to the Hawaii Kai Marina Association. (Note: this approval may also require a review by the Army Corps of Engineers.)

a) Cantilevered docks are the only type authorized in Colony

Marina. They shall be constructed of treated wood and/or composite material with a fascia around the perimeter.

b) All docks will be natural wood color or the dark trim color of the buildings. No railings, posts, roofs or vehicle tires are permitted on the docks. (Note: existing wharves may have been grandfathered and are exempt from the above requirements until they are either replaced or repainted.)

## V. PETS

1. No livestock, poultry, ducks or other animals whatsoever, shall be allowed or kept in any part of the project except for the following:

a) Small birds, fish and other small animals in reasonable number, which reside completely within a closed environment inside the apartment, are allowed as long as they do not unreasonably disturb other residents or create other problems.

b) Dogs, cats in reasonable number, may be kept by occupants in their respective apartments but shall not be kept, bred or used therein for any commercial purposes nor allowed on any common elements except in transit when carried or on a leash. The reasonable number of dogs and cats domiciled in any one apartment is defined as limited to two (two dogs, two cats, or one dog and one cat).

2. Dogs shall be kept on a leash when on the common elements and should be under the control of their masters at all times. Dogs shall be "curbed" - that is, shall be taken street-side of the project exterior wall for relief. Owners are responsible for cleaning up after their pets.

3. Cats are restricted to their owner's apartment and privacy area and are not allowed to run free in the common areas.

4. Any pet causing a nuisance or disturbance or presenting a threat to any other occupant of the project shall be permanently removed promptly upon notice given by the Board or Managing Agent.

## VI. REFUSE

1. No refuse, garbage or trash of any kind shall be thrown, placed or kept on any common elements of the project outside of the disposal bins provided for such purposes.
2. All trash shall be placed entirely within the trash containers. No refuse is to be placed near the trash bins inside the refuse compound.
3. Residents are responsible for the disposal of any item exceeding the dimensions of the trash container or is of such a size or shape as to restrict the use of the container or interferes with its being emptied. All sizeable boxes are to be broken down and flattened for disposal.
4. All trash containers are for the disposal of daily refuse only. The disposal of any substantial construction or "moving" waste is the responsibility of the individual resident who should see to its proper disposal.
5. When necessary, occupants should contact the City of Honolulu regarding the monthly date in this area for "bulky item" pick-up. Bulky items for disposal should be placed curbside no sooner than one day prior to the pick-up date.

## VII. GUESTS

1. Colony Marina is private property and is for the privacy, security and enjoyment of its owners and residents. Invited guests entering the project should proceed directly to the apartment of their host. Any guests remaining on the premises, outside their host's apartment or privacy area, must be accompanied by the host.
2. Any individuals who are on the property without invitation and not accompanied by their host will be asked to leave.
3. Owners or occupants are responsible for the behavior of their guests at all times and should acquaint them with both the House and Grounds Rules and the Pool and Cabana Rules of Colony Marina.

## VIII.AUTHORITY

1. All new Colony Marina owners and renters receive the current House and Ground Rules and are responsible for being aware of its contents and also for compliance with the rules indicated therein.
2. The Board and their Managing Agent have the authority to enforce the House and Ground Rules. All residents share in the responsibility for assisting in the awareness and enforcement of these rules which have been enacted for the general good of all who own or reside in Colony Marina.
3. Failure on the part of a resident or owner to adhere to these rules may result in legal action to enforce compliance.
4. Residents shall refrain from being abusive to the Managing Agent or any Board member in connection with any issue arising from their performing their duties on behalf of the project. Similarly, the Agent and Board Members are required to show appropriate courtesy and respect to residents when informing them of any lapses or infractions of Colony Marina rules.
5. All apartment owners and occupants shall observe and comply with all the laws, ordinances, rules and regulations, now and hereafter, made by any government authority or the Colony Marina Association Board of Directors for the time applicable to the use of the project.
6. The Board may make modifications or exceptions to the above rules as provided by governmental authority and the Association bylaws.
7. The Board of Directors shall manage and operate the project without limitations as provided in Article IV, Section 1 of the Colony Marina bylaws.

**Any conflict between these rules and the bylaws shall be resolved in favor of the by-laws.**