

HONU ALAHELE

CONSTRUCTION RULES

EFFECTIVE AUGUST 2004
AMENDED SEPTEMBER 2006
Second Amendment February 2007

Honu Alahele requires a \$1,000 deposit from Builders per job, prior to construction. Deposits will be held by Honu Alahele and refunded upon receipt of approved final inspection, less fines for rules noncompliance and/or repair to common property.

Hours of construction are 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 4:00 p.m. Saturday including work preparation and cleanup. Work on Sundays **and the following holidays is prohibited: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas Day.**

General Site Maintenance

Each lot shall at all times be maintained in a strictly clean, sanitary and orderly condition. No unlawful, improper or offensive use of the lot; or permit any tall weeds, litter, debris or tall grass to be grown on or remain upon the lot; or create or allow any fire, safety or health hazard.

All trash must be contained within trash receptacles. Trash blown offsite shall be cleaned up daily. Dumpsters and other trash facilities shall be emptied regularly. Overfilled receptacles shall be prohibited.

No trash or construction debris shall be allowed within the road right-of-ways including sidewalks, curbs, gutters and landscape areas. All trash receptacles shall be maintained within the Property Owner's lot.

Adjacent residential lots, common areas, and street right-of-ways shall not be used for dumping, material staging or equipment storage. Any damage to adjacent lots or to the common area improvements including landscaping, irrigation, and street trees shall be immediately repaired. The Property Owner shall be responsible for the cost to repair any damage to the common areas or adjacent lot pads caused by the Contractor.

Soil or site material spilling onto the roadways from the lot shall be removed daily from the roadway and washed down as needed to keep debris and dirt from accumulating.

Dust control and Best Management Practices shall be strictly maintained at all times.

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Curb Cut – Drive Apron – Irrigation

Curb cuts will be made prior to start of construction. Common area irrigation lines (water & electrical) must be protected and restored immediately. Sprinkler heads that were pre-installed where the driveway will be located must be removed and the source line repaired in a professional workmanship manner to eliminate water leakage under the driveway and to allow the flow of water to continue to the remaining system (if any). Relocation of any common area irrigation components will require the approval of the Honu Alahele Homeowners Association Board of Directors.

The driveway does not have to be completed at this time, however, the apron area must be graveled and traffic to the construction lot must be restricted to the apron area and not over the common area curbs, sidewalks or landscaping. Any damages to the existing landscaping and irrigation system caused by the contractor, their sub-contractors, vendors/suppliers or any of their employees that are not repaired within 48 hours of the damage will be repaired by Honu Alahele Homeowners Association, and all costs associated with such repairs will be deducted from the contractor's deposit.

Personal Conduct

Storage or consumption of alcohol inside Honu Alahele is prohibited.

The Association's insurance policy does not allow for contractor family or friends on Honu Alahele premises. Family/friend gatherings must be held off property.

Radios may not be turned on prior to 9:00 a.m. then must be kept at a minimum volume as not to disturb neighbors. Any request by a resident to have the radio turned off must be honored or it will result in a \$100.00 violation fine.

All contractors must leave premises at the close of their respective workday. There will be no loitering.

Parking

Construction parking is restricted to only one side of the street. No parking on/over any curb.

Temporary Construction Power & Water

All job sites must provide and maintain proper temporary power for construction. This includes the use of generators or temporary power poles with power from Maui Electric. Any use of common area power or from existing owners is prohibited.

Occupational Safety and Health Act Compliance (OSHA)

All applicable OSHA regulations and guidelines must be strictly observed at all times.

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Construction Trailers

No construction trailer or field office may be used for overnight or residential purposes.

Sanitary Facilities

Each owner and builder shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the construction site itself.

Restoration or Repair of Other Property Damage

Damage and scarring to other property, including, but not limited to, open space, other Lots, the Common Areas and/or other Improvements will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person causing the damage or the owner of the Lot on which the construction activity is taking place. Upon completion of construction, each owner and builder shall clean his construction site and repair all property which was damaged, including but not limited to restoring grades, planting shrubs and trees, and repair of streets, driveways, drains, culverts, ditches, signs, lighting, and fencing.

General Construction Practices

All owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, subcontractors, tenants and invitees on or within the Subdivision and neighboring areas. The following practices are prohibited within the Subdivision.

- a. Changing the oil of any vehicle or equipment other than at a location designated for that purpose, i.e. garage/barn.
- b. Allowing concrete suppliers and contractors to clean their equipment other than at locations designated for that purpose.
- c. Removing any rocks, plant material, topsoil, or similar items from any property of others within the Subdivision, including construction sites.
- d. Using disposal methods or units other than those approved by the County of Maui.
- e. Careless disposition of cigarettes and other flammable material. At least one 10-pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- f. No pets, may be brought onto the Subdivision by contractors or their employees. Under no circumstances will pets be allowed to roam at will within the Subdivision. In the event of any violation thereof, the Association or Declarant shall have the right to contract the

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County of Maui authorities to impound the pets, or to take such other action as may be permitted by law, the Design Guidelines, or the Declaration.

Construction Access

The only approved construction access during the time a Dwelling or other Improvement is being built will be over the approved driveway for the Lot.

Dust and Noise

The contractor shall take appropriate precautions and abatement procedures to minimize dust and noise from the construction site.

Signage

Temporary construction signs shall be limited to one sign per Lot not to exceed five (5) square feet of total surface area. The sign shall be free standing. No subcontractors' signs shall be allowed.

Contractor Insurance

Each general contractor shall acquire and maintain in effect for the duration of any construction on the Lot, at its sole cost and expense, commercial general liability insurance, including automobile accident liability coverage, in an amount not less than \$1,000,000 for bodily injury or death to anyone person or more in anyone accident and with a limit or not less than \$250,000 for damage or loss to property in anyone accident or occurrence naming the Association as an additional insured. Such policies shall contain no deductible or risk retention by the contractor and shall be maintained with an insurance company or companies permitted to do business in the State of Hawaii. Each contractor shall arrange for the insurance companies providing the required insurance to provide the Association thirty (30) day's advance written notice of any cancellation or change in coverage or in any material terms of such insurance policies. Each contractor shall furnish the Association with a written certificate of insurance demonstrating that such policies are in effect prior to commencing construction on the Lot.

Design Guideline Violations

Violations of and deviations from Design Guidelines by the owner's agents, representatives, builders, contractors and subcontractors shall be corrected at the owner's expense.

Notification of Infraction

Vehicles illegally parking will be towed.

The Police will be called when unauthorized persons are present on Honu Alahele property.

Every notification of an infraction shall include a \$100.00 fine.

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Acknowledgement of Receipt and Concurrence

I, _____, owner of Honu Alahele Lot Number _____,
have reviewed and understand the Hono Alahele Construction Rules, as stated, and agree to
adhere to the requirements contained herein, during each stage and for the duration of
construction on my lot.

Print and sign

Date