

**MAKENA SURF HOUSE RULES**  
**ADMINISTRATIVE RULES/REGULATIONS**  
**APRIL, 2020**

**Dear Makena Surf Residents:**

In order to provide our residents greater service and ease of contact with our personnel, the following information is provided for your use.

1. Before occupying your apartment on a temporary basis, please notify the General Manager's office, in advance, as to dates of arrival and departure.
2. The Association office hours are 8 A.M.-5:00 P.M. daily. The office is closed on holidays. An answering machine is provided for after hour messages. Should you need help, contact your rental agent or the Makena Surf staff, whichever is appropriate.
3. The following emergency numbers are provided for your use:

Association Office	874-0616
Night and weekend Security	283-2862
Emergency	911

**MEDICAL SERVICES:**

Maui Medical Grp, Wailuku	242-6464
Maui Medical Grp, Kihei	270-1528
Kihei-Wailea Med. Ctr.	874-8100
Maui Clinic-Kahului	877-6222
Maui Memorial Hospital	244-9056

Your cooperation in observing all the House Rules - Administrative Rules/Regulations will avoid any confusion and possible embarrassment. Complaints and reports of violations should be immediately directed to the General Manager rather than to the violator.

**Simply stated, these House Rules - Administrative Rules/Regulations are basically tailored around the "Golden Rule". It is asked that all guests respect a "quiet attitude".**

The rules, as hereinafter stated, shall apply to all owners, occupants and guests of Makena Surf.

**I. MAINTENANCE**

- a. Owners are required to make requests on maintenance or landscaping matters to the General Manager and not directly to maintenance personnel.

- b. Common Elements: Under the supervision of the board, the maintenance of the common elements is a responsibility of the Manager. Defects and deficiencies should be reported when and as observed.
- c. Apartments: Maintenance of apartment interiors, including windows and screens is the responsibility of the respective owners and/or occupants. Maintenance includes securing doors and windows as is deemed appropriate by the occupant.

## II. OCCUPANCY

- a. The apartments shall be used by apartment owners, and their guests and tenants, only for residential purposes and for no other purpose. MAKENA SURF AOA restricts rental stays to a minimum of 5 nights.
- b. Owners and occupants must notify Management prior to first night in apartment. Guests of owners must have written permission from owner prior to being given keys.
- c. Quiet shall prevail between the hours of 10:00 PM - 8:00 AM. Avoid excessive noise of any type at any time.
- d. No occupants or guests shall make or permit any disturbing noises or do or permit anything that interferes with the rights, comforts or convenience of other occupants regardless of the hour of the day.
- e. Garbage, rubbish and other trash will be disposed of in receptacles and areas designated for that purpose. Garbage containing food matter will be securely wrapped in plastic bags prior to being placed in receptacles or collection areas.
- f. No alteration or addition to any apartment may be made without the Board's approval (See By-Laws, 23).
- g. No apartment owner or occupant shall erect or place in the project any building or structure including fences, and walls, nor make any additions or alterations to any common element of the project, nor place or maintain thereon any signs, posters or bills without the prior written approval of the board, and when required, by the majority of the apartment owners (or such larger percentage required by law and/or the by-laws) including all owners of apartments thereby directly affected.
- h. EXEMPTIONS FOR HANDICAPPED PERSONS. Notwithstanding anything to the contrary contained herein, handicapped residents shall: (1) be permitted to make reasonable modifications to their apartments and/or the common elements, at their expense (including without limitation the cost of obtaining any bonds required by the Declaration or By-Laws), if such modifications are necessary to enable them to use and enjoy their apartments and/or the common elements, as the case may be; and (2) be allowed reasonable exemptions from the House rules - Administrative Rules/Regulations , when necessary to enable them to use and enjoy their apartments and/or the common elements, provided that any handicapped

resident desiring to make such modifications or desiring such an exemption shall so request, in writing. That request shall set forth, with specificity and in detail, the nature of the request and the reason that the requesting party needs to make such modification or to be granted such an exemption. The Board of Directors shall not unreasonably withhold or delay its consent to such request, and any such request shall be deemed to be granted if not denied in writing, within forty-five (45) days of the Board's receipt thereof or of any additional information reasonably required by the board in order to consider such a request, whichever shall last occur.

- i. No apartment owner or occupant shall decorate or landscape any entrance, hallway, planting area or lanai appurtenant to his apartment except in accordance with standards therefor established by the Board of Directors or specific plans approved in writing by the Board.
- j. Every apartment owner and occupant shall at all times keep his apartment in a strictly clean and sanitary condition and observe and perform all laws, ordinances, rules and regulations applicable to the use of the project, now or hereafter, made by any governmental authority or the Association.
- k. No soliciting of goods, services or religious activities is permitted. Advertisements, bills, posters, or other signs may not be posted anywhere on the project. Common areas shall not be used for commercial activity or financial gain, without the express permission of the Board of Directors.
- l. No animals, including without limitations, dogs, cats, livestock poultry, and rabbits: shall be allowed or kept in any part of the project.
- m. EXEMPTIONS FOR ASSISTANCE ANIMALS: Notwithstanding anything to the contrary contained herein, occupants may keep certified guide dogs, signal dogs, or other animals upon which they depend for assistance and such animals shall be allowed to walk throughout the common elements while carried or on a leash. This exception shall also apply to certified guide dogs, signal dogs, or other animals depended upon by handicapped guests of occupants. If such an animal causes a nuisance or unreasonable disturbance, the handicapped owner thereof will be given an opportunity to rectify the problem by measures which fall short of ejection of the animal from the project. Ejection of such animal shall be required only if less drastic alternatives prove unsuccessful or would be futile. If the Board determines that such an animal must be ejected, the handicapped owner thereof will be allowed a reasonable period of time to attempt to obtain a suitable substitute animal, and the animal in question will be permitted to remain at the project during that time, provided that the problem is controlled to a sufficient degree that the continued presence of the animal during that time does not constitute an unreasonable imposition upon other occupants.
- n. No occupant shall store or permit to be brought into a unit any flammable or explosive items deemed hazardous to life, limb or property.

- o. No apartment owner or occupant shall, without the written approval of the Board of Directors install any wiring for electrical or telephone installations, television antenna, machines or air conditioning units or other equipment or appurtenances whatsoever on the exterior of the project or protruding through the walls, windows or roof thereof.
- p. Nothing shall be allowed, done or kept in any apartments or common elements of the project which would cause cancellation or invalidation of any insurance thereon maintained by or for the Association.
- q. The Association of Apartment Owners, General Manager and Managing Agent are not responsible for personal property or deliveries left on landings, stairways, in the parking areas, lobby, reception area, at the doors of apartments or any other place on the premises; nor for any article left with an employee. Neither the managing agent nor the association are responsible for any loss or damage to items stored within the project.
- r. No rugs or other objects shall be dusted or shaken from the windows of the project or cleaned by beating or sweeping on any hallway or exterior part of the project.
- s. Occupants and guests on the 2nd and 3rd floors should try to walk quietly to prevent disturbance to the occupants below them.
- t. Occupants and guests should use the sidewalk for access to and from the beach rather than crossing over the lawn or other landscaped areas in front of the first floor apartments.
- u. The use, launching or landing of drones or other types of aircraft is prohibited on the property of Makena Surf.
- v. Owners occupying their own unit(s) may have any number of guests from off-property, although parking restrictions may be put in place depending upon occupancy levels at the time; and non-Owners (persons not listed on the deed) shall be limited to a maximum of five (5) persons from off-property for every unit occupied by said non-Owners.
- w. The current penalty system as outlined in the restated Makena Surf By-laws, Section 22.2: "Sanctions for Violation of Administrative Rules/Regulations", will be in effect for any violation of the "House Rules - Administrative Rules/Regulations."

The General Manager has the discretion to intercede in any event that violates these guidelines.

### **III COMMON AREAS**

- a. No person shall place, store or maintain on the walkways, grounds, or other common areas or elements, any object of any kind or otherwise obstruct transit through any element, or leave any personal belongings on any of the common elements.

- b. Any sports or activities that may cause damage to the common elements or create a nuisance are prohibited. The use of roller skates and skateboards is prohibited.
- c. No apartment owner or occupant shall remove any furniture, furnishings, or equipment of the common elements.
- d. Outdoor cooking is permitted in areas designated by the Board only, and such cooking will be on gas or electric grills provided, or approved, by the Association. Hibachis and similar open flame devices fueled by wood, charcoal or similar combustible fuels are strictly forbidden.
- e. Residents and guests will be prohibited from feeding the birds anywhere on the Makena Surf Common Elements.
- f. Rental agents should ensure that there is a teak box (or approved alternative) on the entry lanais in rental units\*. Boxes are intended to corral chairs and beach items, minimizing clutter on entry lanais. They should be large enough to accommodate the unit's miscellaneous items. Up to four chairs may be stacked neatly behind the boxes. Boxes should be well maintained; maintenance is the responsibility of the rental agent. Boxes should close completely.

The best option we know of for maintenance and appearance is the classic teak box; if properly maintained it should retain function and appearance for many decades. The General Manager will maintain a list of suggested methods for retrofitting the existing boxes.

\*Exceptions exist in Buildings A&C due to space limitations.

#### **IV PARKING AREA**

- a. General parking is unassigned. The General Manager must be contacted for a specific space in order to store a vehicle. Keys for stored vehicles must be left with the General Manager. Parking stalls may not be used for storage of anything except private passenger vehicles. Stored cars should be secured and covered with a car cover that is tan, light grey, silver or the like and be kept in good condition. Covered cars may be stored behind A Building along the road or between the tennis courts and Makena Alanui next to the green dumpsters and the 3 spaces closest to the tennis courts next to E building stairs. Any time a car is stored or left on the property for more than two (2) weeks, the key must be stored at the office so the car can be moved. The car shall be moved at the discretion of the General Manager. Failure to leave the key at the office will result in the car being towed and moved at the owner's expense (i.e., added to the owner's maintenance fee).

Further, any car without proper registration will be removed from the property by the General Manager at the owner's expense pursuant to Hawaii State Statute.

- b. Parking areas shall not be used for any mechanical work on vehicles except in cases of emergency.
- c. Car washing shall be done in designated areas only.
- d. Parking areas are for conventional personal vehicles only; boats, trailers and trucks are not permitted. Trucks that extend beyond the dimensions of the parking stall are not permitted.

## V LANAI AREAS

- a. No garments, rugs or other objects shall be hung from windows or lanai railings. No additional structures, i.e., cabinets, unusually large furniture or any other visually nonconforming use of lanais is permitted.
- b. Clotheslines or other objects used for similar purpose shall not be hung in any outside area. Dust, rubbish or litter shall not be swept from any lanai onto the common area.
- c. It is recommended that the 2nd and 3rd floor lanais in B, E, F, and G buildings should be swept or mopped, not hosed. Occupants of B, E, F, and G buildings should be aware that the domed drain cover in the corner of the lanais is for the overflow drain which dumps directly on to the lanai below. Water damage from water from hosing through the overflow drain to the occupant below is the responsibility of the offending lanai owner. Hosing may also cause damage to the ceilings of the lower floors.
- d. Maximum of ten (10) plants per lanai. Visible pots should be something other than nursery pots. Pots are not to allow leakage or staining of tile; owner is responsible for removal of stains that may occur.

Any portable electric light fixtures cannot be left on after 10:00 p.m.

Speakers are prohibited.

Tables and chairs are allowed provided they are in good condition.

Umbrellas are allowed but must be a patio umbrella in a consistent color with the buildings and be properly anchored.

Wall plaques on mauka side lanais are allowed but are not to exceed 6" x 6"; this guideline does not apply to artwork.

Limit of one (1) wall decor, no more than a total of 225 square inches, per entryway lanai. Wall decor that is no more than 576 square inches is allowed on the makai side lanais with no quantity limit. No artwork can be lit. Any variances can be appealed to the Board.

No built-in barbecues.

The above-stated regulations apply to items that are visible from the common element. An appeal process is available to owners.

## **VI. SWIMMING POOLS**

- a. POOL & JACUZZI HOURS: 8:00 AM to 10:00 PM
- b. Bathers are prohibited from entering the pool with suntan oil, ointments, hairpins, or other small objects. Please use the showers to remove oil and/or sand prior to entering pools.
- c. No glass or other breakable items shall be used on the pool deck or vicinity.
- d. No rafts, large toys, balls, surf boards, inner-tubes, air mattresses, Frisbees, or other inappropriate or unauthorized equipment are permitted in the pool. Swim fins and/or face masks (with the exception of black fins or face masks which mark the pool), kick boards used for lap swimming, and devices used for water aerobics are permitted.
- e. Pool furniture shall be covered with towels when using suntan lotions, oils or ointments.
- f. The pool areas are for the enjoyment of all residents and guests. A natural conflict exists between persons wishing to play and those who wish to read and enjoy a quiet surrounding. As stated in the preface of these House Rules - Administrative Rules/Regulations we ask users of the pool adopt a "quiet attitude" and respect the varied uses of others.

The playing of games in the pool area, such as "Marco Polo" and similar loud games is banned at all times.

No "Horse Play" or running shall be allowed in the pool or surrounding area.

Radios at pool side are permitted only if used with earphones.

Screaming and squealing is strictly prohibited. Guardians of children are requested to enforce this rule.

- g. Swimming is not allowed in other than proper swimming apparel.
- h. All persons suffering from any disease generally accepted by the medical community as communicable through casual contact shall be excluded from bathing in the pools. Spitting, spouting of water, blowing the nose in the swimming pools is strictly prohibited.
- i. Occupants use the swimming pools at their own risk
- j. Children less than twelve (12) years of age must be under the pool-side supervision of a responsible adult. Parents and guardians are responsible for the safety and conduct of their children.

- k. Owners and residents are permitted a reasonable number of non-resident/guests who must be accompanied by the owner or resident when using the pool area. Reasonable number is defined as not more than five (5) persons.
- l. Incontinent children and adults are not allowed in the pool or jacuzzi.
- m. Diving into the pools is strictly prohibited.
- n. Persons with health problems especially those with heart or muscular diseases may not use the jacuzzi. Excessive use of alcoholic beverages is prohibited.

## **VII. TENNIS COURTS**

- a. Tennis courts are available for use, without charge, to owners, occupants and guests of owner or occupant when accompanied by same.
- b. Each unit will be updated on the codes to these gates quarterly.
- c. Reservations are made through use of the "Reservation Board" in each tennis court area. Reservations are to be made for a period of no greater than 90 minutes for singles or 120 minutes for doubles. However, this time can be extended if no other owner or occupant has signed for the court before the end of the reserve period. The person who makes a reservation must be on the court within 5 minutes of the starting time of the reservation or it is subject to cancellation.
- d. Reservations may be made a maximum of 2 days in advance.
- e. The tennis courts are open for play 7:00 AM to 9:00 PM. Tennis reservation periods begin at 8:00 AM and continue until closing. Pickleball reservation periods begin at 9:00 AM and continue until closing.
- f. "Stacking" reservations, wherein each member of a playing group requests a continuous playing time, will not be honored.
- g. All players must wear appropriate attire including non-marking shoes. Shirts shall be worn at all times when on the tennis courts.

## **IX. SMOKING**

- a. Smoking of any kind, including vaping is prohibited at Makena Surf in all outdoor areas, including the swimming pools and jacuzzis, walkways, grass, entry lanais and tennis courts. The only exceptions are the LISTED designated smoking areas and the private lanais provided no one complains. The only area designated for smoking is the parking lots, 20 feet away from any building and the South Tennis pavilion.
- b. The Board shall have the power to eliminate any of the listed designated smoking areas.



- c. Anyone who is bothered by smoking on private lanais may file a complaint to the management who has the authority to direct the smoker to stop.
- d. Owners may permit or prohibit smoking inside their own units at their discretion.
- e. Owners or their designated representatives must notify in advance all prospective guests or renters of this smoking policy.
- f. All employees of Makena Surf and all other persons doing business at Makena Surf including, but not limited to, maintenance, repair and cleaning personnel, contractors, sub contractors and their employees, shall be informed of this smoking policy by the General Manager.