

Makena Surf House Rules

Adopted May 23, 2024

INTRODUCTION

In any community, there are formal rules and regulations – laws – and there are also informal practices and a general mood of the community. Some communities are fraught with tension, with people rubbing up against each other in disharmony, of isolation and even enmity, of people flouting rules and daring others to catch them, or to enforce the rules.

Other communities are different, filled with people wishing each other well, cooperating with each other, committing friendly acts, and being happy they ran into each other. Formal rules & regs cannot dictate this general mood; it is up to the people in the community to foster this mood and these practices themselves, to commit acts of benevolence day after day.

Happy to say, Makena Surf has generally been this latter kind of happy community, where people have treated one another with thoughtfulness, where friendships and cooperation have flourished. Not 100%, of course, because like it or not, we are just people. But on the whole, we have been a happy place.

So, while this is an introduction to our latest set of House Rules, the formal requirements of action in our community, it does not seem out of place to ask everyone to do what they can to make the actual day-to-day living happy for everyone. We ask you not only to follow the formal rules, but to think about the spirit of the rules. If you are making smoke or noise or whatever, it's a good idea to think about who this might be affecting and check with them to make sure you are not a source of irritation. It's a good idea not to skate too close to the line, to examine the rules & regulations with a calculating eye of “well, I think I could get away with that.” Better to think, what's the intent of the House Rules, and am I obeying that? It's a good idea to think, how can I make others happy while I'm doing what makes me happy, and how can we be inclusive rather than exclusive.

In this same vein, a number of offenses will apply to our Fining Policy. It is our hope that observation of the rules shall be such that we never have to assess or collect fines. But if it becomes necessary to do so, this shall be accomplished without fear or favor.

In the end, the safety and happiness of a community lies in the will of the members of that community, and with the issuance of this latest version of rules & regs, we ask you to continually find the best versions of yourselves and put that on display as best you can.

The Board of Directors

DEFINITIONS

- a. "Occupant" means a person occupying the unit. Occupants may be Owners, renters, or non-renters that the Owners allow to reside in the unit.
- b. "Guests" are invitees of the Occupants who are not residing in the unit.

MAINTENANCE/LANDSCAPING

- a. Requests concerning maintenance or landscaping matters must be made to the General Manager and not directly to maintenance personnel. This will help prioritize and track work and enable the GM to assign tasks as equitably as possible.
- b. Maintenance of apartment interiors, including securing doors and windows and upkeep and cleaning of screens is the responsibility of the respective Owners and/or Occupants.

OCCUPANCY

- a. The Units shall be used for residential purposes only. The Association restricts rental stays to a minimum of five (5) nights.
- b. Rentals and leases of Units shall be subject to the terms and conditions set forth in the Makena Surf Declaration, Bylaws, and Maui County Zoning ordinances.
- c. When Owners occupy their Units, they shall ensure that the AOA office knows the dates of their arrival and departure, so that security and the office can be appropriately alert.
- d. When the unit is to be occupied by someone other than the Owner, the Owner, or their managing agent must give prior written notice to the AOA office. The notice shall include the Occupants' names, telephone numbers, and the expected start and end dates of the stay. Owners or managing agents shall make their own arrangements (codes or keys) with the Occupant directly.
- e. When a unit is being accessed by a contractor or service provider, the Owner or their managing agent must give prior notice to the AOA office. The notice should include the names, telephone numbers, and the expected time of the visit.
- f. When a Guest is visiting an Occupant, prior notice shall be given to the AOA office or if after hours, to security. The notice should include name of Guest, Occupant, and time of visit.
- g. Each Owner shall provide a copy of these House Rules to every Occupant and shall be responsible and liable for the conduct of such Occupants.

- h. An Owner shall, upon the written request of the Board, immediately abate and remove, at the Owner's expense, any structure, thing, or condition that may exist with regard to the occupancy of a Unit by the Owner, Occupants, or Guests contrary to the intent and spirit of these House Rules, the Declaration, and/or the Bylaws. If the Owner is unable to control the conduct of the Occupants or Guests, the Owner shall, upon written request of the Board, immediately remove such Occupants or Guests from Makena Surf, without compensation for lost rentals or any other damage resulting from such removal. In the event expenses are incurred by or on behalf of the Association as a result of a violation of these House Rules by Occupants or Guests, the Owner shall be responsible for the payment of such expenses.
- i. Quiet shall generally prevail between the hours of 10:00 PM to 8:00 AM. (Note exceptions: court play and pool maintenance are allowed to begin at 7:00 AM).
- j. No Occupants or Guests shall make or permit any disturbing noises or anything that interferes with the rights, comforts, or convenience of other Occupants at any time. Occupants shall be mindful of their music volume in their unit, on their lanai, and around the Common Elements. Earphones must be worn if loud music is preferred.
- k. Garbage, rubbish and other trash shall be disposed of in receptacles and areas designated for that purpose (contractor dumpsters are not for Owner or renter use). Garbage containing food matter shall be securely wrapped in secure bags prior to being placed in receptacles or collection areas.
- l. Every Owner and Occupant shall at all times keep their Unit in a clean and sanitary condition and observe and conform to all laws, ordinances, rules, and regulations applicable to the use of the property, now or hereafter, made by any governmental authority or the Association.
- m. No petitions, opinion surveys, or soliciting of goods, services, or religious activities shall be permitted within any Common Elements, except as otherwise permitted by law for proxy solicitations or distribution of materials relating to association matters. Advertisements, bills, posters, or other signs may not be posted anywhere on the property unless approved by the General Manager.
- n. No pets shall be allowed or kept in any part of the property.
- o. Assistance Animals
- Owners, Occupants, and Guests may have Assistance Animals at the Property.
 - The Hawaii Civil Rights Commission has defined "Assistance Animals" as animals that work, assist, or perform tasks for the benefit of a person with a disability. They can also be animals that provide emotional support. They are not pets. Assistance Animals can include: service animals, emotional support animals, and therapy animals.

- The Assistance Animal must be harnessed, leashed, or tethered, carried, or otherwise under the control of the animal’s handler/owner when in any Common Element.
 - The Owner is responsible and liable for all damage caused by the Assistance Animal on the Property.
 - All Assistance Animals must be in compliance with Hawaii Statutes and Maui County Codes regarding vaccinations and licensing, and be registered with the Association.
 - Any person needing to request a reasonable accommodation for an Assistance Animal, or to register an Assistance Animal, shall contact the Association Management Office.
- q. No gunpowder, fireworks, or other explosives shall be permitted at any time in any Common Element. When stored in the units, such items shall be kept secure, preventing theft and accidental discharge.
- r. Firearms are permitted in residences under Hawaii law. All Hawaii firearm laws must be followed, including storing the guns and the ammunition in different places if there are children in the household, and including the requirement that any nonresident wishing to bring a firearm to Hawaii must register it with the county within 72 hours of arrival. No assault weapons are allowed. Makena Surf also requires:
- Firearms are not permitted in the Common Element, other than in the process of transporting them between the units and the parking lot, during which time they must be properly housed and not carried openly. They may not be fired nor obviously brandished on the property.
 - The AOA office shall be notified if a weapon becomes missing for any reason.
 - Storage of weapons in the units shall be in a safe storage depository, and if key-locked, with key stored in non-obvious place.
- s. The Association and the General Manager are not responsible for personal property or deliveries left on landings, stairways, in the parking areas, lobby, reception area, at the doors of Units, or on any other Common Elements. Personal items shall not be left in the custody of employees for safekeeping. The Association is not responsible for any loss or damage to personal property stored within the property.

COMMON AREAS

- a. No person shall place, store, or maintain on the walkways, grounds, or other Common Elements, any object of any kind or otherwise obstruct transit through any element, or leave any personal belongings on any of the Common Elements. No refuse, garbage, or trash of any kind

shall be thrown, placed, or kept on any Common Elements not designed for such purpose.

- b. Units may have one wooden storage box on the entryway. The box should be no larger than 63"L x 30"H x 28"W. (Storage Boxes must be smaller in Buildings A and C, due to space limitations.) Boxes must be well maintained and close completely. There may be no excess clutter in that area, both to enhance appearance and to ensure safe entrance and egress during emergencies. Up to four (4) chairs may be stacked neatly behind the boxes. In those units with generous space on the entryways, non-obstructive items in good condition, such as chairs, tables, benches, and potted plants may be placed in an orderly manner.
- c. Any sports or activities that may cause damage to the Common Elements or create a nuisance are prohibited. Roller skates, skateboards, scooters, and bicycles may not be ridden but may be walked on the Common Element.
- d. No Owner or Occupant shall remove any furniture, furnishings, or equipment from the Common Elements. Any person who willfully or negligently defaces, litters on, damages, or destroys any portion of the Common Elements or any other property or equipment belonging to or under the control of the Association, shall be liable for the full cost to repair, clean, and/or replace such portion, property, or equipment.
- e. Abusive and/or harassing language, obscenity, swearing, abusive drunkenness, threatening behavior, and other behaviors that create an unreasonable disturbance to other Occupants are forbidden.
- f. The planting and care of foliage in the Common Elements are within the sole discretion and responsibility of the Association, as carried out by or on behalf of the Board. Owners, Occupants, and Guests are not permitted to plant or place shrubs, trees, vines, or other types of plants within the Common Elements, nor do any trimming on their own volition. Reasonable portions of herbs may be gathered from the herb gardens.
- g. Common area cooking is permitted only in areas designated by the Board, and such cooking shall be on gas grills provided by the Association. Hibachis, fire pits, and similar open flame devices fueled by wood, charcoal, or similar combustible fuels are prohibited.
- h. Operation of drones, model airplanes, unmanned aerial vehicles, or any remotely controlled flying devices from, on, or in the Common Elements is prohibited, except as otherwise first approved in writing by the Board.
- i. The grass areas on the Makai side of the buildings are Common Elements and are designed for all to enjoy, however, we request that Occupants and Guests use the walkways when moving between the amenities, beach and parking lots to reduce wear and tear on our beautiful lawns.
- j. Owners, Renters, Guests, and staff shall not feed the birds.

k. Guest access to Common Elements:

- Occupants of each unit and their Guests have access to all Common Elements.
- When Owners are not in-residence, they may not give Guests access to the Common Elements.

l. Non-exclusive use of the Common Elements by groups, regardless of the number of units the members of such groups occupy:

- Occupants in residence hosting small groups (under eleven (11) persons) are allowed non-exclusive use of the Common Elements as a group without notice, subject to availability.
- Occupants in residence hosting medium groups (eleven (11) to twenty (20) persons) are allowed non-exclusive use of the Common Elements as a group and are required to give notice to the General Manager of the plan for this gathering at least one (1) day in advance.
- Occupants may not host groups in excess of 20 persons in the Common Elements, unless all the attendees are Occupants in residence and subject to the approval of the General Manager.
- Events open to all Occupants and approved by the Board are exempted from these rules. Official events hosted by the AOAO are also exempted.

m. At no time may the use of the Common Elements be exclusive (i.e. prohibit the use of the impacted Common Elements by other Occupants) or impinge on such use by Occupants or their Guests (exceptions are the Courts when properly reserved). No signs shall be posted indicating exclusive use of the Common Elements by a group of any size.

n. Owners shall keep shared storage closets tidy and organized. Please be considerate of the space allocated for your neighbors. Please label items in storage closets with your unit number.

PARKING AREA

- a. Occupants and Guests are asked to be considerate of the finite parking available at Makena Surf. Note that the number of parking spaces on the property is approximately equal to the number of units. Please minimize stress on our parking areas by limiting the number of vehicles under your control on the property.
- b. All Motor Vehicles used or parked at Makena Surf shall meet State of Hawaii Motor Vehicle Code standards for street/highway operation, shall display current license plates and a current safety sticker (if required by law), shall be properly equipped and in good and safe operating

condition, suitable for safe travel on public roads and highways. Any car without proper registration will be removed from the Property at the direction of the General Manager at the Owner's expense pursuant to Hawaii Revised Statutes.

- c. Parking areas are for conventional personal vehicles only; boats, trailers and trucks are not permitted. Vehicles that extend beyond the dimensions of the parking stall are not permitted.
- d. General parking is unassigned.
- e. The General Manager is expressly empowered to issue specific parking instructions to all parkers at Makena Surf, and to use his or her judgment in allocating parking spaces.
- f. Vehicle Storage:
 - No Owner may store more than one vehicle per unit when not in residence.
 - The General Manager must be contacted for a specific space to store a vehicle.
 - Keys for vehicles stored for longer than one week must be left with the General Manager.
 - Parking stalls may not be used for storage of anything except private passenger vehicles.
 - Covered vehicles shall be stored in areas designated from time to time by the Board.
 - Covers for stored vehicles shall be kept in good condition, free from tears or holes.
 - Owners undergoing a Level 1 or 2 remodel may not store any vehicle on property.
 - Stored vehicles may be moved at the reasonable discretion of the General Manager.
 - Failure to leave the key at the office may result in a vehicle being towed and moved at the Owner's expense (the charges will be added to the Owner's maintenance fee).
- g. Parking areas shall not be used for any mechanical work on vehicles except in cases of emergency or the need for brief, routine service and/or detailing.
- h. Car washing shall be done in designated areas only and is only permitted for Owners and Occupants.
- i. Damage to Motor Vehicles, personal property, or Common Elements shall be the responsibility of the Owner, Occupant, and/or Guest who is responsible for the damage.
- j. Racing of motors is prohibited. Motor Vehicles shall be equipped with quiet mufflers.

- k. Loudspeaker sound systems emitting loud sounds from vehicles are not allowed.
- l. Motor Vehicles must be operated so as to prevent a noise nuisance to others.
- m. Electrical charging stations shall be utilized only by Owners, Occupants, and Guests; Charging Stations are not open to the public.

LANAI AREAS

- a. No garments, rugs, towels, or other objects shall be hung from windows or Lanai railings. No additional structures (for example, cabinets, unusually large furniture, or other visually non-conforming objects) are permitted on lanais and/or entryways.
- b. Clotheslines and other objects used for similar purposes shall not be hung in any outside area. Dust, rubbish, or litter shall not be swept from any Lanai into the Common Elements. No rugs or other objects shall be dusted or shaken from the lanais onto the Common Elements.
- c. Extreme caution should be taken when cleaning upper floor lanais. Each upper lanai contains an overflow to the lower unit in case of flooding. Damage of the lower unit ceilings or furniture could result from hosing which would be the responsibility of the lanai owner to repair. It is recommended that the 2nd drain located in the corner of the drain channel, which is designed to dump excessive water and 3rd floor Lanais in B, E, F, and G buildings be swept or mopped instead of hosed whenever possible. If water is used to clean the lanai, the overflow drain must be plugged to prevent water from dumping to the unit below.
- d. A maximum of ten (10) plants per Lanai is permitted. Pots must retain excessive water to prevent leakage or staining of tile; Owners are responsible for the cost to remove tile stains or damage to Common Elements as a result of plants.
- e. Any portable electric light fixtures on Lanais cannot be left on after 10:00 p.m.
- f. Speakers or devices emitting noise shall not create a sound nuisance to other Units.
- g. An effort should be made to minimize smoke, fumes, or other emissions that may intrude on other units or the common area.
- h. Outdoor furniture must be in usable condition. Furniture that is deteriorated, faded and/or worn must be replaced.
- i. Patio umbrellas are permitted and must be properly anchored, and their size must not exceed the dimensions of the lanai. Patio umbrella fabric must have neutral colors.
- j. Wall plaques on mauka side lanais are allowed but should not exceed 6" by 6", with the exception of artwork.

- k. There is a limit of one (1) wall décor, occupying a space of not more than 225 square inches per entryway. Wall décor that is no more than 576 square inches is allowed on the makai side lanais with no quantity limit. No artwork is allowed to have lighting.
- l. All lanai lighting must conform to Maui County Lighting codes. Light fixtures must be mounted on the lanai ceilings only and project downwards.

SWIMMING POOLS AND SPAS

- a. Pools are available for use, without charge, to Occupants and their Guests. Occupants must accompany their Guests to the Pools and Spas.
- b. POOL & SPA HOURS: 8:00 AM to 10:00 PM
- b. Sunblock creams and ointments are allowed in pools or spas, but other oils and ointments, and small objects such as hairpins are prohibited. Showers must be used prior to entering pools and spas. Please cover pool furniture with towels when using suntan lotions, oils or ointments.
- c. Use of glass or other breakable items shall be confined to the cabana area.
- d. No large rafts, large toys, balls, surf boards, inner tubes, air mattresses, frisbees, or other unauthorized items are permitted in the pool. "Large" is defined as larger than a kickboard or a small float/inner tube. Swim fins, goggles and, kick boards used for lap swimming, and water aerobics gear are permitted. No extraneous items (toys, flotation devices, goggles, swim fins, masks, etc.) may enter the spa.
- e. The pool areas are for the enjoyment of all Occupants and Guests. A natural conflict exists between people wishing to play and those who wish to read and enjoy a quiet surrounding. Everyone is encouraged to be thoughtful, cooperative, good-humored, and tolerant of the needs and wishes of others.
- While fun in the pools is to be encouraged, excessive noise is not allowed. Playing "Marco Polo" and similar loud games, and persistent screaming are prohibited.
 - No "Horse Play" or running, boisterous or rough play, or excessive noise is allowed on the pool deck, in the pools, or in the surrounding area.
 - Loud music and other loud sounds at pool side are permitted only if used with earphones.
 - Diving into the pools, cannon balls, and splashing in the pool is prohibited.
 - The General Manager and security staff are expressly empowered to use their judgment in

individual situations in issuing instructions on behavior, and in requiring someone to leave the pool area.

- f. Swimming is not allowed in anything other than proper swimming apparel.
- g. Any person with an infectious or communicable disease shall be excluded from the Swimming Pool and Spa. Persons having any open blisters, cuts, etc. shall be warned that these are likely to become infected and advised not to use the Swimming Pool or Spa. Spitting, spouting of water, blowing the nose in the swimming pools and spas is prohibited.
- h. Occupants use the swimming pools and spas at their own risk. **A lifeguard is not provided at the Swimming Pool or Spa by the Association.** Neither the Association, the Board, nor Management shall be responsible or liable for any injuries that may occur in connection with any use of the Swimming Pool or Spa
- j. Incompetent swimmers of all ages shall be accompanied by a competent swimmer who can ensure their safety while in or near the Swimming Pool or Spa.
- k. Any person who is incontinent must wear appropriate waterproof clothing to prevent leaks when in the Swimming Pool or Spa. The CDC recommends that children under the age of five (5) not enter the Spa.
- l. Persons with health problems especially those with heart or muscular diseases should not use the Spas unless allowed by physician.
- m. Use of the Swimming Pool and Spa under the influence of intoxicants such as alcohol, narcotics, drugs or medications is prohibited.
- n. The Swimming Pools and Spas may be closed during inclement weather, as determined by the General Manager.
- o. The Swimming Pools and Spas may not be used while they are being cleaned and serviced.
- p. Cabana area: Rules posted in the cabana area and posted on the Makena Surf website must be followed.

CABANA RULES

- a. Cabana hours are 8:00 AM to 10:00 PM
- b. The Cabana is available for shared use by Owners, Renters, and Guests.
- c. No breakable clear glass items, including drinking glasses, cups, bottles, dishes, bowls, and any other clear glass breakable items, shall be brought to the cabana or the pools.

- d. Clean up after using the Cabana; no items are to be left overnight in the cabana.
- e. Do not leave alcoholic beverages unattended.
- f. Use the cutting board and hot pads provided to protect the countertops.
- g. Use the sink strainer provided and dispose of food particles into the garbage can.
- h. Do not leave food unattended to prevent attracting birds and pests.
- j. Clean the counters, stovetop and sink after use.
- k. Turn stove and oven off; run dishwasher if needed.

TENNIS/PICKLEBALL COURTS (“Courts”)

- a. Courts are available for use, without charge, to Occupants and their Guests. Occupants must accompany their Guests on the Courts.
- b. Codes for entry to the Courts are updated periodically. The new codes will be provided whenever there is a change.
- c. Reservations may be made up to two (2) days in advance for a period of no greater than ninety (90) minutes. However, this time can be extended if no other Owner or Occupant has signed for the Court before the end of the reserved 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.
- e. The Courts are open for tennis from 7:00 A.M. to 9:30 P.M. and for pickleball from 8:00 A.M. to dusk.
- f. “Stacking” reservations, wherein each member of a playing group requests a back-to-back playing time, is prohibited.
- g. All players must wear appropriate attire including non-marking shoes. Shirts shall be worn at all times while on the Courts.
- h. In-residence Occupants may use the Pools, Courts and fitness center for private individual and small group tennis, swimming, and/or fitness instruction. Only an Occupant of a unit may receive paid instruction on the Courts or other Common Element. For Court instruction, reservations must be made by an Owner or Occupant, and not the instructor.

SMOKING

- a. Smoking (including vaping) is prohibited on the property. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated tobacco product or plant product intended for inhalation in any manner or in any form. Smoking also includes the use of a device that simulates the act of smoking and discharges smoke or vapor, including electronic smoking devices. “Electronic smoking device” shall mean any electronic product that can be used to aerosolize and deliver nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, hookah pipe, or hookah pen, and any cartridge or other component of the device or related product. The only exception is the designated smoking area by the maintenance building, and in the north parking lot twenty (20) feet away from any building.
- b. Owners or their managing agents must inform Guests and renters that smoking is prohibited except in those designated smoking areas, per the Bylaws.
- c. All employees of Makena Surf and all other people doing business at Makena Surf, including but not limited to maintenance, repair and cleaning personnel, contractors, subcontractors, and their employees, must follow these smoking rules.