



Makani Kai Marina

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Exhibit C Makani Kai Marina – Slip Renters

(Revised 05/2010)

General

1. MKM Home Owners (lessor) are directly responsible for the Slip Renters' (lessees) compliance with these rules. The Association, by extension of guest rules, allows slip renters the privilege of access to common element and limited common element waterways and property. Slip renters may use the necessary common and limited common element to go to and from their assigned slip, **but are not permitted in other areas of the property unless by specific invitation from a Home Owner**. Slip renters may use the restrooms at the Clubhouse, but are not permitted to use any of the other facilities (Swimming Pool, Club House area, MKM grounds). This privilege of access may be revoked by the Board for failure to comply with the "Slip Renters Rules" a sub-section of the Makani Kai Marina House Rules and Bylaws. The MKM Home Owner will ensure that his or her Slip Renter has a current copy of these rules, "Exhibit C".
2. A current, signed Slip Lease Agreement, as prescribed by the Board, must be on a file with the MKM office. Slip Lease Agreements are permitted only between the unit owner or agent (lessor), and the registered owner of the vessel that is moored in the slip (lessee). Sub-leasing the slip to a third party is not authorized.
3. Slip Renters must provide the MKM office and the slip owner evidence of a current liability insurance policy naming the Association as **ADDITIONALLY INSURED in the minimum amount of \$500,000.00**.
4. Minor maintenance and minor repairs may be done to a vessel in its assigned slip, provided the docks, other vessels, and property are protected at all times. Minor maintenance is considered light, sanding, varnishing, and / or minor painting. Major wood repairs, hull painting, motor replacement repairs are not permitted in the marina. When painting or varnishing, the docks must be covered to ensure no paint is spilled on the concrete.

5. The Board of Directors reserve the right to remove any vessel from the marina which is not in compliance with the Rules and Regulations. The slip owner will bear all removal costs and is also subject to fines.

6. No refueling whatsoever may be conducted on the property, including the marina. (Refueling is defined as the transfer of fuel from a container to a vessel, or from one container to another container). No fuel amount in excess of two 6-gallon approved containers may be transported on the property.

7. Slip Renters and their guest are only allowed on the MKM property from 5:00am till 10:00pm.

8. Slip Renters pets are to be on a leash at all times while on the property, and pets may only be walked in the immediate vicinity of the boat slips. Owners and handlers must immediately clean up any mess made by their pets on the property. Slip renters guests may not bring pets onto the property.

9. The Association shall not be responsible for loss or damage to personal property which is left by Slip Renters or their guests in and about any of the common elements or limited common elements.

10. Nothing may be posted on any of the Association bulletin boards without authorization from the MKM office. Notices must be dated and removed or renewed after 30 days. The size of the notices shall be prescribed by the Manager. Commercial advertising is not permitted on the bulletin boards or interphone directory.

11. No Slip Renters shall make or permit to be made any excessive noise in the marina, limited common areas, or common areas by himself, his family, visitors, or guests, which could annoy or interfere with the rights, comforts, and convenience of the residence of Makani Kai Marina.

Parking & Parking Stalls

1. Slip Renters may park in the marked stalls provided on the Makai (ocean) side of the marina T-road. They may also park in the stalls marked Guest Parking or on the roadways where the curbs are not painted. ******* No vehicle may be parked in the Red "No Parking Zones" and no longer than 15 minutes in the Yellow Loading Zones. ******* The Management may direct that vehicles illegally parked on common elements or in the common areas or in another unit's marked stall be summarily removed at the owner's expense and the owner may be charged with trespassing. The owner of the vehicle will be held responsible for towing and incidental costs. Management is under no obligation to give notice of removal in the event of violation of parking regulations within Makani Kai Marina.

2. Slip Renters parking in designated stalls or other appropriate locations shall only be allowed from 5:00am till 10:00pm. For security reasons all slip renters shall display their

MKM Parking Permit on their vehicle. Due to limited number of parking stalls. Slip Renters are only permitted ONE vehicle on MKM property. Additional vehicles must park outside the property. Slip Renters guest must car pool with the slip renter or arrange to be picked up at another location. No boat trailers are to be parked on MKM roadways. Again please refer to Section 2, Item 1 referencing the towing of unauthorized and illegally parked vehicles.

3. All vehicles operated on or parked on MKM property must have a current registration, safety inspection, and insurance. Each Slip Renter through their Home Owner shall obtain a Makani Kai Marina vehicle identification sticker from the office. The office will register the vehicle for which the sticker issued and maintain a file of vehicle parking registration in the office. The vehicle ID will be located either on the left rear bumper or driver side windshield of the vehicle so that it is easily visible from the rear of the parking stall.

4. No excessively noisy vehicle, or noisy contraption on a vehicle, shall be operated in any part of Makani Kai Marina. Additionally, any motorized vehicle such as a moped, scooter or powered Razor, or other powered vehicle may not be operated in any part of MKM for recreational purposes.

Security

1. All slip renters have an obligation to make the security to Makani Kai Marina a primary consideration at all times. Be alert to suspicious or unknown people, vehicles, and situations; this includes unusual sources of smoke, fire, or water. Do not hesitate to investigate and notify the MKM office, manager, Fire Department, or the Police if warranted. Do not attempt to directly confront a suspicious stranger yourself, promptly report them to the manager or the Police.

2. Slip Renters are encouraged to always lock their vehicles and never store valuables inside. Make sure valuables which are stored in the garages are locked and secured. Boat owners should check their vessels often and properly secure valuables.

3. Vehicles enter and exit Makani Kai Marina through the gates Waialele Road. Each Slip Renter will be issued one plastic gate card which open the entrance gate. Slip Renters are responsible for the control, distribution, and use of this card. Lost or stolen cards should be immediately reported to the office for deactivation.

4. The vehicle entrance gate opens slowly; drives must wait for it to completely open before entering. Tailgating is not permitted; **only one vehicle is allowed to enter or exit per gate cycle.**

5. The vehicle exit gate does not require a gate card; it is automatically activated when a vehicle stops and waits at the speed bump and "Stop" sign in front of the gate. The gate opens to the inside; drivers must wait for it to completely open before proceeding out. If

the gate starts to close before the vehicle has entered the swing path of the gate, the driver will have to reverse the vehicle back over the speed bump to re-open the exit gate.

6. Once opened, both the entrance and exit gates will automatically start closing after a short delay. After the gate has completely opened, vehicles should move through smartly to get clear of the gate. Stopping the vehicle part-way through the gate or entering the swing gate after it has started to close could result in damage to the gate and to the vehicle. The Association is not responsible for resulting vehicle damage and owners are responsible for gate damage caused by themselves, their family, guests, service personnel, tenant, or slip renter.

7. The MKM office will not open the entrance gate to let in visitors or service personnel in the absence of the slip renter, unless specifically authorized to do so by the slip renter. These entries are to be made only during MKM office hours 8:00am to 3:30pm, Monday thru Friday. To be placed on the Daily Access Roster, the office must be provided the **visitor's or business' name and their expected date & times of arrival.**

8. During posted business hours, the MKM office may open the entrance gate for delivery companies; however, access to individual apartments will be provided by prior arrangement only.

Safety

1. Parents or legal guardians are responsible for the appropriate supervision of minors (persons under the age of 18) at all times. No bicycling, skateboarding, or roller skating shall be permitted at any time on the MKM grounds.

2. No activity shall be engaged in and no substance introduced into or manufactured within any area or vessel which might result in violation of the law or in the cancellation of insurance or increase the insurance rate on any building within the project.

3. Speed in excess of 10 mph will not be permitted within the project. Appropriate action will be taken by the manger or Board pursuant to the letter of the law. Tailgating, speeding, and other reckless driving habits are a violation of these rules.

4. Motorized vehicles are permitted on the roadways only, they are not to be used on the sidewalks. The only exception to this will be the use of golf carts by the maintenance crew or Resident Manager through the property.

5. The use of fireworks of any kind within the premises of Makani Kai Marina is strictly prohibited.

Marina

1. No person shall use any type of chemical nor discharge any type of fluid or material within the marina to cause pollution. Any person causing such a discharge will be responsible for the cost of cleanup. Slip owners are responsible for their slip renter.
2. No refueling whatsoever may be conducted on the property, including the marina. (Refueling is defined as the transfer of fuel from a container to a vessel, or from one container to another container). No fuel amount in excess of two 6-gallon approved containers may be transported on the property.
3. The entire marina is a no-wake zone.
4. A boat in the marina shall not be used as a live aboard (Bylaws, Article V, Section 2.01). Any person using the marina as a stay-aboard herein shall be considered a live aboard and will be in violation of the Association's Bylaws.
5. Due to the rising utility costs, air conditioners, radar systems, and other high-drawing electrical equipment are not allowed to be left continuously running on unattended vessels moored in the marina.
6. Boat slip rentals to other than individuals, i.e., organizations, partnerships, huis (family business), or corporations, must have prior approval of the Board.
7. Prior to concluding any slip agreement or the vessel occupying the slip, the manager must determine the suitability of that slip to satisfy the needs of the prospective slip renter and their vessel. The determination will be made in accordance with the physical description of the slip provided herein.
8. MKM management and staff may remove any improperly stowed equipment or paraphernalia from the marina area. Unidentifiable and unclaimed items may be considered abandoned and will be disposed of.
9. All vessels using the marina shall be maintained in shipshape condition at all times. ("Shipshape" means the vessel is able to safely process to sea under its own power in accordance with the minimum requirements of the U.S. Coast Guard). MKM management or the Board may further require improvement in the appearance of any vessel. Lack of compliance to either of these conditions may be cause for legal action against the vessel's owner and / or the homeowners / lessor responsible.
10. MKM management shall have the discretion to properly secure any vessel found to be inadequately secured. MKM management and staff may board any vessel as needed to secure the vessel. Any costs incurred to properly secure a vessel will be borne by the responsible homeowner at a rate \$50 per hour. All vessels shall be secured in an orderly manner and in accordance with standards of seamanship.

11. Only standard fenders and rubstrips may be used in the slips. The use of tires, hoses, or other makeshift fenders is not permitted. No structures, fixtures, or other equipment may be affixed to docks and piers, or moorings without prior written approval of the Board. Dock fingers and gangways must be clean and clear of obstructions at all times. Lines and halyards shall be secured in such ways as to remain quiet during periods of high winds. Slip owners wishing to install a dock box must first submit a Project Request to the office for Board approval.

12. The slip owner and the vessel owner are responsible to notify the MKM office of any defect in the slip, dock, or associated utility services.

13. When in use, dock electrical lines must not create a safety hazard for dock users. Electrical lines must be disconnected and stowed when the vessel is out of the slip.

14. On a limited basis, MKM residents may stow small boats on the outer seawall. All boats must be properly tied and secured; they must also register at the MKM office and proof of insurance provided. Additional rules are set forth in Exhibit B "Seawall Storage Rules." 15. Barbecuing with open flames, wood, or charcoal is not permitted on any Makani Kai Marina dock; only gas or electric grills may be used on boats.

16. The end of the 'B' dock (previously referred to as the "T Pier") may be used as a temporary mooring from time to time at the discretion of MKM management or the Board.

17. No charter or other commercial use of a vessel shall be conducted

Fishing & Rubbish

1. Keep the fishing area clean and do not trespass on any vessels. Do not directly cut bait or clean fish on any structure of the marina. Use cutting boards. Dispose of any waste bait or fish parts in double-sealed plastic trash bags before placing in a dumpster.

2. Garbage, rubbish, and other trash shall be disposed of only in the receptacles provided. Trash containing food and / or animal waste shall be securely wrapped before being placed in dumpsters to prevent offensive odors that attract insects and rodents.

3. Hazardous wastes must be disposed of according to state and federal laws. No hazardous wastes, toxins, or comparable dangerous substances are to be disposed of in dumpsters. This includes batteries, paints, oils, tires, etc.

4. Any leftover project or maintenance supplies must be removed from the dock area and MKM property.