



Makani Kai Marina

45-995 Waialeale Rd., #81 Kaneohe, HI 96744 808-235-4416 / manager@mkmarina.org

Exhibit E – Slip Rental Rules

10-23-2019

Document is currently *Under Review and Revision*.
Please check with Resident Manager for Updated
Version when initiating a rental agreement.

General

1. Makani Kai Marina (MKM) Unit Owners (lessor) are directly responsible for the Slip Renters' (lessees) compliance with the Makani Kai Marina House Rules and this Exhibit E thereto. The Makani Kai Marina Association of Apartment Owners (the Association), by extension of guest rules, allows slip renters the privilege of limited 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 Unit Owner**. Slip renters may use the restrooms at the MKM Community Center, but are not permitted to use any of the other facilities (Swimming Pool, Community Center kitchen, meeting area and picnic area or other MKM grounds). This privilege of access may be revoked by the Board for failure to comply with the MKM House Rules, including this Exhibit E thereto. The MKM Unit Owner or his/her property manager must ensure that the Slip Renter has a current copy of the MKM House Rules, including this Exhibit E thereto.
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 property manager/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. (move this provision to Section 20 of House rules)

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. (move this provision to Section 20 of House rules)

6. Slip Renters pets (limited to two dogs or two cats or one dog and one cat) 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 and dispose of it in the dumpsters and not the green waste or Community Center trash cans. Pets off the leash or displaying aggressive behavior should be reported to the Resident Manager. . Slip renters guests may not bring pets onto the property.

7. 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.

8. 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. (compliance?)

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 residents 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 in other designated areas. **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. If pre-authorized by the Resident Manager, a slip renter vehicle may be parked at Makani Kai Marina for up to 72 hours to accommodate allowable stay aboards or overnight excursions away from the marina.

3. 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 Renter guests 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 Item 1 above referencing the towing of unauthorized and illegally parked vehicles.

4. All vehicles operated on or parked on MKM property must have a current registration, safety inspection, and insurance. Each Slip Renter shall register their vehicle with the Resident Manager at the Makani Kai Marina office. The office will register the vehicle and maintain a file of vehicle parking registration in the office.
5. 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. (move to main body of House Rules)

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. Boat owners should check their vessels often and properly secure valuables.
3. Slip Renter vehicles enter and exit Makani Kai Marina through the gate at Waialele Road. Each Slip Renter will be allowed to be issued one plastic gate card by the Slip Owner or Owner's Agent which opens 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; drivers 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.** (add to main House Rules)
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 to re-open the exit gate. (add to main House Rules)
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. (add to main House Rules)

Marina (this entire section is redundant with main body Section 20 of House Rules)

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

1. Slip renters are prohibited from fishing within any waters of the Makani Kai Marina including Kea'ahala Stream.