



MISTY HARBOR
RESORT

MISTY HARBOR RESORT

Condominium Association Policies

118 Weirs Road
Gilford, New Hampshire 03249
Phone 603 293-4500 • Fax 603 293-0493

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Updated June 15, 2015

Section 1 Misty Harbor Parking Policy

Each Unit Owner will have ONE assigned parking space located at/near their Unit. This parking space will be lettered with the Unit number. If an owner rents his/her unit, this designated parking space may be used by the renter/guest. Each Unit Owner will be given a Parking Pass to display on his/her dashboard.

Spaces at the Beach Building and in front of the Main Lobby have been reserved as Handicapped. The Beach Building also has Guest parking spaces. All Resort employees will park up behind the outdoor swimming pool and tennis court area. The Rear Parking Area, directly behind Building #2, will accommodate four parking spaces for Units 114, 214, 115 and 215. This area has also be configured to provide some additional Guest parking. Parking along the driveways and grassy areas are designated as No Parking/Fire Lanes. Vehicles/Trailers parked in No Parking/Fire Lanes or in designated Owner Unit parking spaces will be towed and stored by a company contracted by Misty Harbor Management and the costs will be billed to the owner of such vehicle/trailer. Prior to towing, every reasonable effort will be made to identify and contact the owner of the vehicle in question.

Approved by BOD May 14, 2012

Section 2 Misty Harbor Parking Layout



Parking Layout



0001001-10



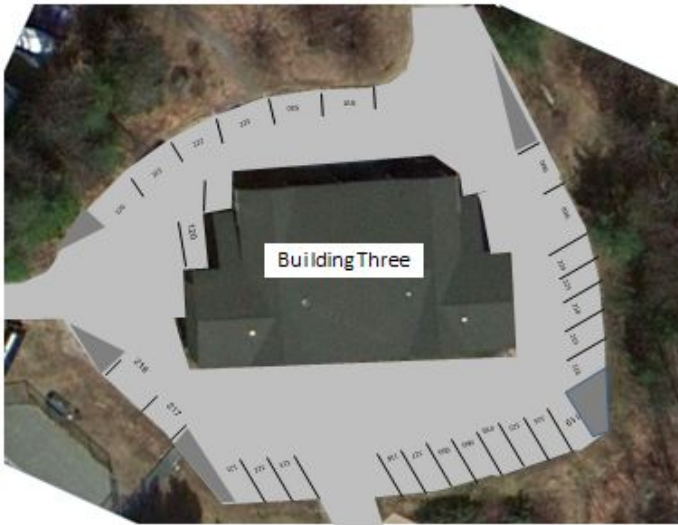


MATCHED KEEP-OUT AREA





HATCHED KEEP-OUT AREA





Guest parking may be used for seasonal recreational vehicle parking during fall/winter/spring season

Section 2a Misty Harbor Recreational Vehicle Storage Policy

Owners, when space permits, will be permitted to store boats, jet-skis and snowmobiles along with their trailers in areas designated for such use in the Rear Parking Lot for a **Seasonal Storage Fee**.

1. Owners storing Boats and their Trailers will be charged a fee of \$50 per month to store their recreational vehicle in the off season – November 1st to April 30th.

Owners of Boats and their Trailers not used on a seasonal basis, but stored at Misty Harbor, will be charged a storage fee of \$50 per month from January 1st to December 31st.

2. Owners storing Jet Skis and their Trailers will be charged a fee of \$25 per month to store their recreational vehicle in the off season – November 1st to April 30th.

Owners of Jet Skis and their Trailers not used on a seasonal basis, but stored at Misty Harbor, will be charged a storage fee of \$25 per month from January 1st to December 31st.

3. Owners storing Snowmobiles and their Trailers will be charged a fee of \$25 per month to store their recreational vehicle in the off season – May 1st to October 31st.

Owners of Snowmobiles and their Trailers not used on a seasonal basis, but stored at Misty Harbor, will be charged a storage fee of \$25 per month from January 1st to December 31st.

4. All boats, jet-skis and snowmobiles, in Seasonal Storage, must be on a trailer and display a **current registration**.

5. Each trailer/vehicle must clearly display an “Identification Tag” that contains the following information:

- Name of owner of the vehicle and trailer
- Owners Unit number

6. A log will be kept at the Front Desk containing:

- Name of the owner of the vehicle and trailer
- Vehicle and Trailer Registration Numbers
- Contact Phone number(s)

7. Boats, snowmobiles, jet-skis or trailers left in the Rear Parking Area not approved or without the proper identification are subject to being towed or otherwise moved at the owner's expense.

8. All revenue derived from these fees will be deposited in the Capital Funds Account.

Approved by BOD October 29, 2014

Vehicle/Trailer Identification Information

Name: _____

Address: _____

Unit Number: _____

Phone: (____) _____

Type of Vehicle Stored: Boat Jet Ski Snowmobile Trailer†

Vehicle Registration Number: _____

Trailer Registration Number: _____

Misty Harbor Manager Approval

Date

Please mail or fax this form to the following address:

**Misty Harbor Resort
118 Weirs Road
Gilford, NH 03249
Fax: 603 293-0493**

Section 3 No Smoking Policy

Smoking is **Not Permitted** inside any of the Units or on the Decks of any Unit by guests of Misty Harbor.

Owners may smoke within their own Unit; however, owners are **NOT Permitted to Smoke on Their Deck.**

As a result of any smoking related nuisance to the inhabitant of the complex, staff or property, the Unit Owner will receive one (1) written notice to correct the situation. A second smoking related nuisance to the inhabitant of the complex, staff or property will result in a fine of \$75 assessed to the Unit Owner. Any recurrence of the like or related incident will result in a fine of \$100 assessed to the Unit Owner. Continued nuisance to the inhabitant of the complex, staff or property will constitute a breach of the Smoking Rules and shall constitute a breach of the Condominium Rules and the Board shall have the right to pursue all of its rights and remedies within the laws of the State of New Hampshire and By-Laws of the Association.

Approved
COA
5.20.206

Approved
BOD
11.24.2011

Section 4 Pet Policy

By-Laws Governing Pets

Article V, Operation of the Property

Section 7. Restrictions on use of Units. To assist the Condominium in providing for congenial occupancy, and the protection of the value of the Units, it is necessary that the Board of Directors have the right and authority to exercise reasonable controls over the use of the Units. Violation of the following enumerated prohibitions shall not be permitted, and the Board of Directors is hereby authorized to take all steps necessary to prevent or discontinue any violations thereof, all at the expense of the violator.

(c) No animal, other than common household pets, shall be kept or maintained on the Property, nor shall common household pets be kept, bred or maintained for commercial purposes on the Property. Pets shall not be permitted outside of Units unless they are accompanied by an adult person and carried or leashed. Each Owner shall remove all excrement created by his pets. The Board of Directors may make further provisions in the Rules for the control and regulations of household pets in the Condominium. The owner of a Unit where a pet is kept or maintained shall be responsible and may be assessed by the Board of Directors for all damages to the Property resulting from the maintenance of said pet, and any costs incurred by the Association in enforcing the rules prescribed or to be prescribed by the Board of Directors for the control and regulation of pets in the Condominium.

Rules Governing Pets

1. Pets may be no larger than twenty-five (25) pounds at maturity or accepted with written permission from the Board. Note: Current Unit Owners with pets exceeding 25 pounds as of November 5, 2005 will have these pets excused from this provision.
 2. A copy of a current health certificate from a licensed veterinarian must be presented by the Pet Owner to the Board yearly stating that the pet has had all shots and is in good health and free from disease.
 3. Dogs shall not be left unattended for longer than two (2) hours within their condominium unit.
 4. Pets must be leashed at all times and under the control of an adult when not confined within the unit.
 5. Pets are not to be taken into public buildings or outdoor swimming pool area at any time.
 6. Owners that stay in units other than their own cannot take their pet into that unit.
- Only Unit owners, not their guests, can have a pet on the property.
8. No pets are allowed on the Beach or Beach Area at anytime, carried or leashed. Signage will be placed at the beach.

Rule 1 Voted at COA Fall Meeting 11.5.2005
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9. The Beach Area is defined as the grassy lawn on the Lakeside in front of the Beach Building.

Rule 9
Voted at COA
Meeting
5/2/2009

Approved
BOD
10.24.2011

As a result of any pet related nuisance to the inhabitant of the complex, staff or property, the Pet Owner will receive one (1) written notice to correct the situation. Any recurrence of the like or related incident will constitute a breach of the Pet Ownership Rules and shall constitute a breach of the Condominium Rules and the Board shall have the right to pursue all of its rights and remedies within the laws of the State of New Hampshire and By-Laws of the Association.

Pet Owners shall indemnify and save the Association and the Board harmless from and against all liabilities, claims, damages, demands and suits of any person or entity, whether for injuries to persons or loss of life, or damage through destruction of property, occurring on, or about the Condominium or the complex known as Misty Harbor Resort and occasioned in any way by the Pet Owner.

Should any action or proceeding be brought against the Condominium Association and/or the Board, the Pet Owner, upon written requests from the Condominium Association and Board shall, at Pet Owners expense, resist or defend any such action or proceedings.

Section 5 Outdoor Deck Grill Cooking and Storage Policy

***Section 11* Outdoor Cooking and Recreational Devices**

11.01 The use of any, charcoal, gas wood or other open flame cooking grill, barbecue grill, hibachi, chimenea, electric grill, or other similar device shall be prohibited within the Town of Gilford as follows:

- a) On or within ten (10) feet of an exterior wall, means of egress and any combustible balcony, deck, porch, patio or similar projection of any multiple-family residential structure.

**Source: Town of Gilford Fire Code
May 9, 2011**

Section 6 Outdoor Fire Policy

Outdoor fires can be made in **a portable fireplace only**, after obtaining a fire permit from the Town of Gilford for the calendar year in which the fire(s) are to be built.

The permit is for a "Category 1 Fire - meaning a small controlled fire, such as a camp or cooking fire, no greater than two feet (2') in diameter contained within a ring of fire resistive material or in a portable fireplace. A category 1 fire, conditions permitting, may be kindled with a permit during the hours of 5:00 P.M. and 11:00 P.M. whether raining or not."

Source: Town of Gilford Fire Code

Section 7 Overnight Guest Registration Policy

Misty Harbor is registered by the State of New Hampshire as a Resort Motel, Condominium and subject to the Hotel/Motel Provisions and Regulations of the State of New Hampshire which include the provision that all Overnight Guests must be Registered when staying overnight at Misty Harbor. Therefore, to cover our insurance liability and comply with State regulations, the Board of Directors has initiated the following Policy to take effect on June 1, 2011.

The **Overnight Guest Registration Policy** applies to all Unit Owners who have **overnight** guests staying in their units **when the owner is not present.**

An Owner who has a guest(s), including a family member(s), occupying his/her unit(s) overnight when the owner(s) is not present must contact the front desk to inform Misty Harbor Management of the names and length of stay of his/her guest(s) prior to occupancy. The Unit owner is responsible for his/her guest(s). The owner, if not currently in the Rental Pool, will have to supply a key for his/her Unit to the guest(s). Upon arrival, the guest(s) must register at the front desk. The guest(s) will receive a parking pass and a copy of Misty Harbor's Rules and Polices.

It is the statutory duty of the Board of Directors to inform all Unit Owners that violation of this Policy may result in an Owner becoming liable for fines and/or penalties under the "Enforcement Code" provisions of the Town of Gilford, New Hampshire and/or the provisions of the State of New Hampshire.

It should be further noted that the Misty Harbor Condominium Owners Association, its' Employees or the COA Board of Directors will not be liable for any fines, penalties, judgments or other such sanctions that are levied or incurred as a result of any violation of this Policy.

Established by Misty Harbor COA Board of Directors May 16, 2011

Section 8 Long Term Rental Policy

Concerning the on-going issue of long term rentals at Misty Harbor, Section 3, paragraph (h), sub-paragraph (i) of our Association Declaration, states the following:

“The Condominium and each of the units are intended for motel occupancy. Use of a unit as a year round dwelling is prohibited. Use of a unit for residential use is expressly prohibited...Units may not be rented to the same tenant, or occupied by owners or guests, for periods of greater than two weeks consecutively during the period from September 1 to June 1 of any year.”

This requirement was placed in the Association’s Declaration by the Town of Gilford as a condition to approve the plans to build the Resort back in 1984. Last year the Town of Gilford enforced this provision on another resort in Gilford. They evicted all tenant violators and fined the Resort.

While it is common knowledge that in the past the issue of long-term rentals was either overlooked or not enforced, please be advised that **effective December 1, 2013 Misty Resort Management has been instructed by the Board of Directors to enforce the two-week rental maximum from September 1st to June 1st**. No “grandfather” provisions/arrangements will be permitted.

The Board of Directors has directed Misty Management to take the necessary steps to enforce the aforementioned provisions of the Declaration against any unit owner who has rented his or her unit for a period or periods in excess of the permitted two-week rental period from September 1st to June 1st. Enforcement will include, but not be limited to, seeking a court order to enforce the rental restriction outlined in the Declaration which could result in an owner’s tenant/guest/lessee being required to leave the property. Also, any fines levied on Misty Harbor by the Town of Gilford for violation of this Declaration will be billed to the Unit Owner(s).

Since the Board of Directors wish to avoid having to take such action against a unit owner, the anticipated cooperation of all owners in this matter is appreciated. Questions are to be directed to Misty Manager, Denise McGuire at 603/293-4500.

Approved by Misty Harbor Board of Directors September 17, 2013

Section 9 Misty Harbor Personal Watercraft Policy

Owners of Misty Harbor may keep their Personal Watercraft (PWC) in designated areas on Barefoot Beach. Each PWC must be stored on a suitable Roll-On Roll-off or platform or in water hoist type rack supplied by the owner. Prior to launch, PCW's must be registered at the front office. A fee of \$250 is due at the time of registration. A Misty Harbor permit sticker will be issued and must be attached to the Front hull, right side so as to be visible when a storage cover is in use. The storage platform must also be clearly marked with the owner's name. Owners must be current on their condo fees in order to receive a permit.

The designated PWC storage area is limited in space. Permits will be given on a first-come, first-served basis starting after the Spring Owners meeting. Although every attempt will be made to accommodate everyone, space is limited and a spot is not guaranteed.

Visitor Policy: If space allows, friends of owners will be allowed to temporarily park their PWC on the beach as long as the duration is reasonable, being only a few hours in length. The PWC must be parked in a designated spot and must not be a hazard. If an owner has a permitted spot, a guest's PWC may be swapped in its place as long as a temporary (no cost) permit is displayed. No visitor overnight parking will be allowed.

PWC trailers may be stored for the season in the back Parking Lot area designated for PWC Trailers adjacent to the Meadowbrook Walking Path. Per the trailer policy, owners are reminded to register their trailer at the front office. Trailers must also be marked with owner name.

Non-permitted PWC's will be given a warning notice to comply. If within 2 weeks the PWC is not permitted, a bill of \$250 will be levied to the owner along with a \$25 non-compliance fee. When paid, a permit will be supplied to the owner. Un-permitted PWC's left over two weeks will be given a 2nd Notice. If not resolved within 2 weeks, the PWC will be removed from the property by an approved towing company and put into storage. The owner will be responsible for paying all fees associated with retrieval including storage and towing.

Approved by Misty Harbor Board of Directors May 14, 2012

Updated July 1, 2012

Section 10 By-Law/Declaration/Policy Violation Procedure

The Board of Directors has authorized the following procedure to enforce any violation(s) to the Misty Harbor Condominium Association's By-Laws, Declarations, Rules and/or Policies not otherwise specifically stated within said By-Laws, Declarations, Rules or Policies.

As a result of any documented, written complaint to Misty Harbor Management, Staff or Condominium Owner's Association Director, made against a Unit Owner or against the Unit Owner's guest(s) for a violation to the Condominium Owner's Association By-Laws, Declarations, Rules and/ or Policies will result in the following action:

First, the Unit Owner will receive one (1) written notice to correct the situation.

A second violation will result in a fine of \$75 assessed to the Unit Owner.

Any subsequent violation(s) will result in a fine of \$100 per violation assessed to the Unit Owner.

Non-payment of assessed fines will constitute a breach of the Condominium Owners Association By-Laws and the Board shall have the right to pursue all of its rights and remedies within the laws of the State of New Hampshire and the By-Laws of the Association to collect such debt.

Approved by Misty Harbor Board of Directors September 17, 2013

