



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 December 13, 2022

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

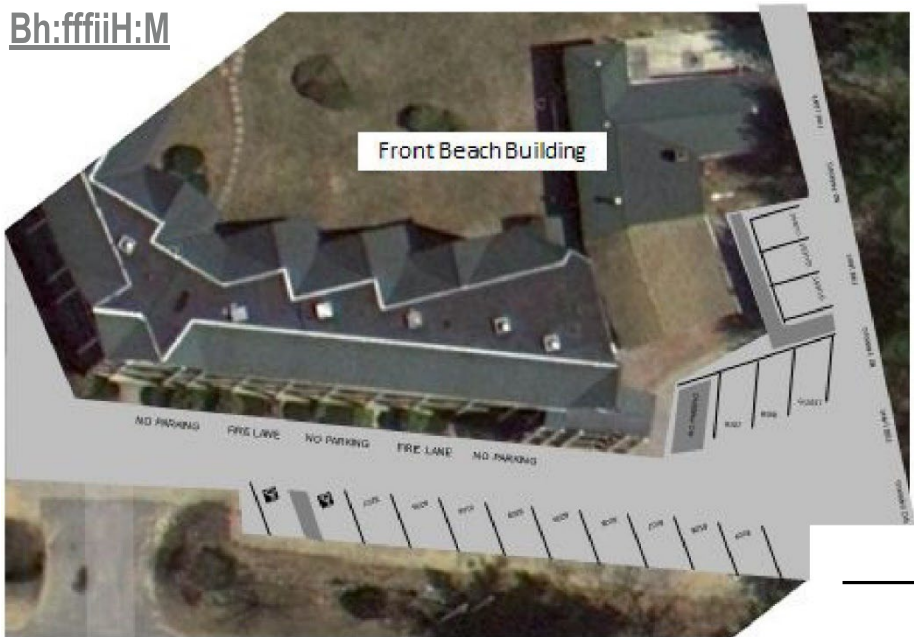
Section 2 Misty Harbor Parking Layout



Parking Layout



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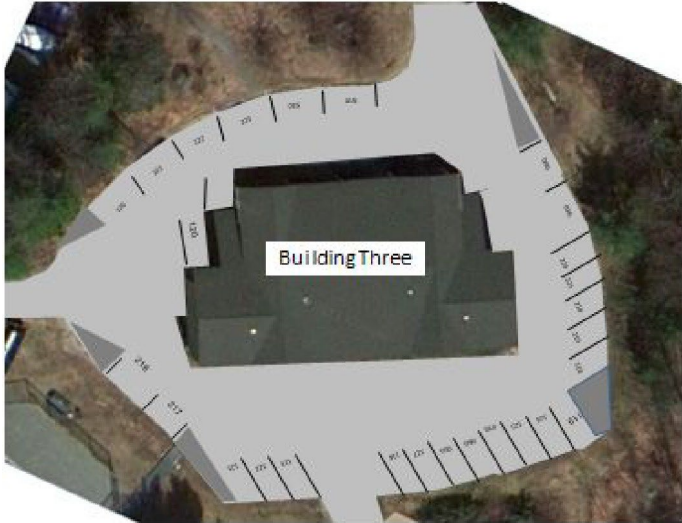
MATCHED KEEP-OUT AREA





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OFFICE 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 Smoking Policy

The policy below is created to protect the owners, staff, and guests from the health risks of exposure to second-hand smoke and to prevent the risks of injury and damage associated with smoking.

Policy Provisions

1. Smoking will be permitted in designated areas only. These areas will be clearly marked throughout the grounds of the complex. Smoking is prohibited in all indoor and outdoor common areas, hallways, stairways, foyers, common rooms and facilities, decks, patios, exterior landings, front steps, entrance ways, storage areas, parking areas, walkways, lawns, laundry rooms, swimming pools, barbeque areas, tennis courts, playgrounds, sidewalks, beach, and other landscaped areas of Misty Harbor Resort.
2. No individual or group of individuals shall smoke in said areas or permit smoking by any occupant, agent, invitee, guest, friend, or family member in said areas. Smoking in violation of this rule shall constitute a nuisance pursuant to the terms and provisions of the Association. Smoking shall include the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, or other similar heated or lighted product including vaping and vape pens, e-cigarettes.
3. Notwithstanding the said prohibition against smoking, the board may designate (or remove from designation) an outdoor area for smoking, provided the smoking area(s) shall not cause secondhand smoke to drift into indoor common areas, exclusive use areas or individual units. Designated outdoor areas will be clearly marked and made available on a property site map.
4. Smoking will be permitted within the individual unit/owner owned dwelling. Guests and/or renters will not be permitted to smoke in the dwelling. Only a unit owner will be permitted to smoke in the unit. If smoke is determined to be a nuisance to neighboring units, it will constitute a violation of this policy and shall constitute a nuisance pursuant to the terms and provisions of the Association.
5. The Board shall have the authority and power to enact rules and regulations which it deems necessary to enforce this policy, including a schedule of fines which will be imposed.

Violations of this Policy will result in the below listed fines to the Unit:

- (1) Written warning. You will ONLY receive ONE written warning to this policy.
- (2) \$100.00 Fine
- (3) \$250.00 Fine for each infraction thereafter

Violations of this Policy by an employee or contractor of Misty Harbor may be subject to disciplinary actions including termination.

Please note, guests/renters within a dwelling renting through the Misty Harbor Renter's Pool Program will be assessed a \$250 fine for a violation to this policy. The owner will not be directly fined.

We cannot guarantee that the premises or the community will be totally free from smoke. Our ability to police, monitor or enforce this policy is dependent on the full cooperation of all staff, owners, guests, etc. Continued nuisance to the inhabitant of the complex, staff or property will constitute a breach of the Smoking Policy 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 Bylaws of the Association.

Designated Smoke Area Map



Beach Building Designated Smoking Area



Building #1 Designated Smoking Area



Building 2 and 3 Designated Smoking Area

Approved BOD and Smoking Committee December 13, 2022

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.

Rules Governing Pets

1. Misty Harbor Resort has the right, at their sole discretion to deny any animal if believed to be a threat to others or if the animal has been repeatedly in breach of these By-laws and Rules.
2. Only owners of Misty Harbor Resort units (unit owner) are allowed one (1) approved dog (or approved domesticated animal) on the premises and in their unit. Renters will not be authorized any pets within the unit. **This (1) dog (or domesticated animal)** will be assigned to the **unit** as specified by the Misty Harbor Resort owner. Only an owner can specify the assigned pet to the assigned unit # and will be responsible for notifying the Misty Harbor Resort Management of any changes or updates. No other animals are permitted on the premises at any time without the written consent of Misty Harbor Resort. Misty Harbor Unit Owners will be held responsible for breaches of this policy. The handling of service animals will follow current statute and local laws.
3. All animals shall be registered at the office with a completed Pet Policy Application form. This registration process will require a current health certificate from a licensed veterinarian showing all updated shots and photo and be re-registered annually with the office (1/1-12/31).
4. The unit owner agrees to maintain control over the animal in accordance with this Pet Policy Agreement, and any statutes, City Codes, Rules, and Regulations.
5. All pets are required to be leashed at all times when outside a unit.
6. Approved animals are prohibited on the beach or beach area, inside the common area of all buildings at any time whether carried or leashed and/or where otherwise restricted via signage.
7. Unit owners are responsible for any damage caused by their pets.
8. Unit owners are required to immediately remove and properly dispose of all animal/pet waste.

9. Unit owners shall indemnify Misty Harbor Resort and Board of Directors, hold them harmless against loss or liability of any kind arising from their pet including but not limited to claims, damages, demands and suits of any person or entity whether for injuries to persons or loss of life or damage to property occurring on or about the Condominium or the complex known as Misty Harbor Resort.
10. The unit owner shall be responsible for any disturbance by their pet and maintains a peaceful and disturbance free environment for all other persons at Misty Harbor Resort. Excessive and/or continued noise and/or nuisances caused by the pet will be addressed immediately by Misty Harbor Resort.
11. Violations of this Policy will subject the owner to the following:
 - A. One (1) written notice to correct the situation.
 - B. Any recurrence or like incident will constitute a breach of the Pet Ownership Rules and constitute a breach of the Condominium Rules. In addition to fining the unit owner \$50 for each additional infraction, 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.

Any animal found to be vicious, unsafe and/or dangerous will be instructed to be immediately removed from the premises and all rules noted above may also apply and may be subject to non-renewal of their approval for subsequent years.

Approved by BOD September 27, 2022

Pet Registration Application

❖ Owner Name: _____ Unit #: _____

❖ Dog name: _____ Breed: _____ Color: _____

Please attach a copy/proof a current health certificate from a licensed veterinarian showing all updated shots and photo

1. All pets are required to be always leashed when outside a unit.
2. Approved animals are prohibited on the beach or beach area, inside the common area of all buildings at any time whether carried or leashed and/or where otherwise restricted via signage.
3. Unit owners are responsible for any damage caused by their pets.
4. Unit owners are required to immediately remove and properly dispose of all animal/pet waste.
5. Unit owners shall indemnify Misty Harbor Resort and Board of Directors, hold them harmless against loss or liability of any kind arising from their pet including but not limited to claims, damages, demands and suits of any person or entity whether for injuries to persons or loss of life or damage to property occurring on or about the Condominium or the complex known as Misty Harbor Resort.
6. The unit owner shall be responsible for any disturbance by their pet and maintains a peaceful and disturbance free environment for all other persons at Misty Harbor Resort. Excessive and/or continued noise and/or nuisances caused by the pet will be addressed immediately by Misty Harbor Resort.

Owners Signature: _____

Date: _____

Managers Signature: _____

Date: _____

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 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