

Harbour Village Marina Inc.
176 Harbour Village Dr. P.O. Box 993 Hampstead, N.C. 28443

RULES & REGULATIONS OF HARBOUR VILLAGE MARINA, INC.

1. INTRODUCTION:

The Rules and Regulations contained herein were adopted by the Board of Directors for the safe and enjoyable operation of Harbour Village Marina (HVMI). The rules will be enforced by the Board of Directors and the Harbour Master. Nothing contained in the rules will prevent the Harbour Master from exercising reasonable control of the situations not envisioned by these rules. Decisions by the Harbour Master may be appealed to the Board of Directors, whose decision shall be final. Pending an appeal, the Harbour Master's decisions shall be binding.

As herein used the words "vessel owner" shall mean and refer to any member of the corporation, or as the text may require, any assignee or lessee of any member with a vessel currently registered at HVMI and shall include masculine, feminine, neuter, singular, or plural as the context shall require.

As herein used, the word "vessel" shall mean and refer to any boat, vessel, or watercraft located within the boundaries of Harbour Village Marina, Inc. **or its adjacent waters.**

As herein used, the word "member" shall mean and refer to any member of the corporation and shall include masculine, feminine, neuter, singular, or plural as the context shall require.

As herein used "HVMI" shall mean and refer to the Corporation and any employee or agent of the Corporation acting in such capacity and shall include masculine, feminine, neuter, singular, or plural as the context shall require.

As herein used "HVMI Harbour Master" shall mean and refer to BAYR Marine, Inc. which is a contracted agent of HVMI, or any replacement or substitution thereof.

All members, vessel owners, and invited guests as well as any other persons who might be lawfully entitled to use the facilities of the corporation in any manner, are subject to the Bylaws of the corporation and the most current Rules and Regulations of the Board of Directors of the Corporation ("Board") and by such status, are deemed to and do agree to abide by all of them in their entirety as herein stated, and as may be amended from time to time.

Every member and vessel owner shall obtain a current copy of the Rules and Regulations upon registering, and the same shall be available from the HVMI Website, and acknowledge by either using the facilities or filling out any paperwork with HVMI that they have obtained that copy and agree to abide by them. Every member and vessel owner is requested to address any violation observed first with the violator. If this does not remedy the situation they are directed to report the violation of the Rules and Regulations to the Harbour Master. If not remedied these violations may be forwarded to the HVMI Board of Directors.

If a member is deemed by HVMI or its agent to have violated these Rules and Regulations, unless otherwise noted, one warning shall be given. If the violation occurs again, it will be forwarded and reviewed by the Board or by an Adjudication Body appointed thereby, and if confirmed or approved, a fine of up to but not more than \$100 per violation, per day, will be assessed no earlier than five (5) days thereafter. If the fine is unpaid, late fees, interest and liens against the member's interests (slip and personal) may ensue.

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2. REGISTRATION OF AND ACCESS TO VESSELS:

Below is a list of Forms all Members are required to complete and keep current.

Slip Registration Requirements for Owners:

- a. An Owners Slip Registration form. (an additional form is required for each additional boat)
- b. A Current Years Storm Form, due each year by April 1 (even if slip is to be unoccupied).
- c. A Current Insurance Declaration Page with the proper coverage limits shown on it, all such insurance listing HVMI as loss payee and additional insured, as applicable
- d. An Electric use and Invoicing form (slips 35 ft and greater, unless leased out)
- e. A completed Email Invoicing form.
- f. A Proof of closing statement for all new slip purchases.

Slip Renter Registration Form Requirements:

- a. A Renters Slip Registration form for all renters (an additional form for each additional boat)
- b. A Current Year Storm Form, due each year by April 1
- c. A Current Insurance Declaration Page with the proper coverage limits shown, all such insurance listing HVMI as loss payee and additional insured, as applicable
- d. A copy of a Current Lease agreement
- e. An Electrical Use form and the required Deposit for all slips 35 ft. and larger.
- f. An Email Invoicing form
- g. A Current Copy of the Boat Registration or Documentation.

An "HVMI Slip Registration Form" is required from each Slip owner and renter in the marina. Owners must complete and file the "HVMI Slip Owners Registration Form" with HVMI for any vessel in a slip owned whether they intend to keep their own vessel in the slip or they intend to lease their slip. Each vessel owner leasing a slip within HVMI must file the "HVMI Slip Owners Registration Form" with HVMI indicating the use of their slip. Therefore, all vessels residing in HVMI and all leased slips must be registered with HVMI prior to any vessel occupying a slip. If any vessel so registered leaves, or relocates within, HVMI and another vessel takes its place, the replacement vessel must be registered prior to its arrival. In this event, the owner of the vessel departing a slip must pay final utility bills, and the new vessel entering a slip must pay an electrical deposit and establish any other utilities desired. If not so paid, the Slip Owner is responsible for any charges left unpaid by its Lessee. All paper work, forms and payments must be completed prior to the vessel entering the slip. All registration must be provided to the Harbour Master's office during regular marina business hours. Short term transients are required to register in the Marina office immediately upon arrival in the marina. If any member has a change in contact or billing information for their slip, a new Boat Registration Form is required to be submitted, or email to hvmiharbormaster@gmail.com within 24 hours.

The primary responsibility for Slip and Vessel registration resides with the member who owns the slip. All vessel owners must file the current year "HVMI Named Storm Plan" with HVMI at time of registration and provide a current proof of insurance, including fuel spill liability. (Please see item 5 below for insurance details.)

All vessel owners warrant that their vessels have operational engine(s) and are capable of safely moving under their own power at all times. If a vessel has a mechanical problem or other issue impairing safe, independent locomotion, it should be brought to the attention of the Harbour Master immediately. Vessels incapable of independent, safe locomotion must be removed within 96 hours of the onset of such condition.

All vessels must be properly moored and tied with adequate mooring lines (in compliance with USCG vessel classes and Boat US line size standards) so as to prevent damage to other vessels, docks, or pilings.

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Vessel owners may work on their own vessels as long as said work does not interfere with the rights and cleanliness of other vessel owners. Power sanding, sawing or grinding equipment may not be used by anyone within the marina. Outside sub-contractors and/or mechanics may work on vessels within HVMI as long as they have provided HVMI with a current certificate of liability insurance in a minimum amount of \$1,000,000.00, naming HVMI as an additional insured prior to performing work.

All sub-contractors must check in with the Harbour Master in person or by phone when at the Marina prior to working on a vessel. Any subcontractors who fail to check in will no longer be allowed to work within the marina. Persons are considered to be a Sub Contractor if they;

- a. Perform any work on any boat within the Marina with or without the vessel owner present at all times for any type of compensation.
- b. Have any current accounts with marine parts suppliers or distributors.

Vessel owners may not operate their vessels in gear at any time, either in forward or reverse, while moored and tied in their slip or moored and tied at the fuel dock. This causes erosion to the Marina Basin and other problems.

HVMI will not accept full time live-aboard by rentals in any slip. No slips may be rented for the purpose of living on board. The grandfathered boat must keep all payments to the marina current including the live-aboard fees previously charged. Once the for this boat expires they will no longer be eligible for live-aboard status.

HVMI does allow full time live-aboard in a slip occupied by the slip owner's boat and only by the slip owner on the Slip Deed, in a slip of 35 foot or greater. Full-time "live-aboard" will be assessed a live aboard fee of \$50.00 per month for up to two people, \$100.00 per month for more than two people. The monthly live aboard fee is due on the 1st of each month.

Boats will be considered live-aboard if any of the following occur;

- Their owner spends more than seven consecutive nights aboard, or more than fourteen (14) total days in any 30-day period aboard the vessel.
- If the slip owner leaves behind a vehicle in the marina.
- If any mail is received at the marina.

The above will cause the slip to be categorized in live-aboard status and appropriate fees will accrue even in the slip owner's absence.

All live-aboard vessels are required to meet the following requirements:

1. The vessel must have an operational head that discharges directly into a working holding tank.
2. All live-aboard vessels must pump out their holding tank(s) at a minimum of every 30 days, and sign the office log sheet when the tanks are pumped out.
3. Overboard pump out is not permitted at any time. Violations will be reported to the USCG and/or NCDEQ, NC Division of Water Quality and the EPA.
4. All heads and holding tanks may be inspected at any time throughout the live-aboard dockage by the Harbour Master.
5. Only permanently factory installed, and plumbed marine washers and dryers may be used within the marina.
6. Live-aboards must maintain a separate deposit of \$150.00 on file in the marina office.
7. The exterior of live-aboard boats must be kept clean and clutter free at all times.
8. No laundry may be hung out in a visible location on the boat.

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Members who own a slip should be aware that if they lease their slip to another individual, that their ownership rights and privileges to use the marina are suspended and transferred to the lease holder. During the lease period, the slip owner only retains voting rights, dues payments, and responsibility for the payment of any unpaid fees of the renter for their slip. **Further, slip owner assumes responsibility for all costs, damages, charges and fees owed by, incurred by, or accrued by the vessel allowed into slip owner's slip, and/or by its operator and/or occupant(s).**

HVMI recommends that all Slip Owners use its Model "Boat Slip Rental Agreement" as a guideline for leases to tenants. All leases for any Slips at HVMI shall contain at least the restrictions and protections for the benefit of HVMI and its members that are set forth in the Model Lease. Lessees shall produce a copy of all leases when providing the forms required and any leases without the protections stated above including proof of a deposit held. If none is shown, the Marina will collect and hold the deposit on file. If not it shall be considered a violation of the HVMI Rules and Regulations.

3. **No solicitation of any kind in person, by phone, email or U.S. mail** (including by HVMI members) is allowed by HVMI unless approved in advance by the Board of Directors.

4. **SLIP OCCUPANCY:**

1. Vessel length as described below shall not exceed the designated length of the slip in which the vessel resides. The vessel length shall include the swim platform, bowsprit, pulpit, davits, out drive, and the length of an outboard when in the up position. Vessels shall be measured to the nearest foot. If a vessel is 40 feet 6 inches in length, it will be deemed to be 40 feet. If a vessel is more than 40 feet 6 inches in length it will be deemed to be 41 feet and too long for a 40 foot slip. Vessels must be of conventional mono-hull, catamaran design and small pontoon vessels under 32ft. No floating drydocks, or the like are allowed.

Otherwise, any number of vessels may occupy a single slip provided that:

- a. They conform to the total length requirement stated in the above paragraph, and include the addition of the space left between the vessels (a minimum of 1 feet is required).
- b. Each vessel occupying a slip has its own ingress and egress with the rectangular footprint of the slip.
- c. Each vessel conforms to the Slip registration requirements stated in Item # 2, independently and in total with others.

2. **ELECTRIC SERVICE:**

Each slip shall be provided with appropriate marine electric receptacles. Additional electrical receptacles if requested by a member will be provided by HVMI at the expense of the member, provided that such changes are preapproved by the Board of Directors. A Renter leasing a slip must have service in their name in slips of 35 feet and longer. If two renters are occupying one slip they must agree upon which renter will acquire electrical service, and will each be required to pay a deposit of \$100.00 to begin electrical service.

All slips must have electrical service on and available when the slip is occupied. A \$50.00 Electric Account activation fee will be charged for all new or changes to accounts. Electrical service will be metered individually at all slips except 25 foot and 30 foot slips. These slips shall have a common meter and shall be billed a flat rate by HVMI. If an air conditioner is in use on a 25 or 30 foot slip, the slip will be billed an additional \$10.00 per month for this usage. All other slips will be billed by HVMI according to the respective meter reading, plus a basic monthly service charge.

Electrical bills which are delinquent past the due date shall result in a late fee with interest and shall be given a notice of service termination in accordance with the Utility Policy of HVMI.

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6. VESSEL INSURANCE:

Vessel owners agree to have their vessels covered by a full **Watercraft Insurance** package including written coverage for: hull (in the amount of replacement cost), P&I, indemnity and liability (\$500,000.00 minimum), and fuel spill (\$500,000.00 minimum). Fuel spill/pollution liability coverage must be explicitly stated as part of the liability coverage on the declarations page. All insurance renewals must include a statement that the policy coverage adheres to the Federal Oil Pollution Act of 1990 **on the declarations page**. The marina will not accept policies which have been added to homeowner's policies. Dedicated "lay-up periods" are not permitted. Vessel owners must provide HVMI with a copy of their certificate of marine insurance policy declaration page before the slip is occupied. Upon any change in marine insurance (including annual renewal) vessel owners must provide HVMI with an updated certificate of marine insurance or policy declaration page within one business day.

All vessel owners must have their insurance company add Harbour Village Marina Inc as an additional insured and loss payee. The insurance company should then automatically send the marina a copy of the declarations page of the policy at every update.

7. STORM OR HURRICANE PREPAREDNESS:

"Hurricane Season" begins each year on June 1 and ends on November 30.

Storm preparation is the responsibility of every member and/or every vessel owner. The primary responsibility for storm preparation of every vessel rests with its owner. Storm preparation is critical. If any vessel is left unprepared, it jeopardizes all other vessels, pilings, and docks in the area. The "HVMI Storm Plan" will be updated each year, and a new storm form must be filed for each vessel no later than April 1 of the current year.

Noncompliance with this rule will result in a \$20.00 late fee to the boat owner without Adjudication, in addition to being subject to such other penalties under the constitutional documents and applicable North Carolina law as applied to violations of Rules and Regulations.

During Hurricane Season, the HVMI Harbour Master may monitor the National Weather Service, Weather Channel, and other sources of weather information for the formation and movement of tropical depressions, tropical storms, hurricanes, etc. When the HVMI Harbour Master deems such a storm to possibly be on course to impact Pender County, NC within an undetermined period, he may declare the appropriate HVMI Storm Alert and a text message alert will be sent to the texting phone numbers on record at the Marina Office. Anyone not having a text number available will be required to get all their storm notices and information from the Marina on their own. Do not call the Harbour Master, as he will be busy securing the public areas of the Marina. All members and vessel owners are independently responsible to keep themselves apprised of the existence of such storms and monitor the Nation Weather Service and the HVMI web site diligently.

After the Harbour Master declares a HVMI storm alert status no vessel new to HVMI (those not previously registered at HVMI by June 1st, 2020) shall be permitted to enter HVMI. The only exception will be transient vessels traveling the coastal waters covered under the "Safe-Haven Rule."

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The Marina will have the following three (3) Types of Storm Alerts.

“GREEN” = Normal Everyday Practices will be observed.

“YELLOW” = Storm Alert (see Description Below)

“RED” = Storm Alert (see Description Below)

“GREEN ALERT”

Signifies that all Storm Alerts have been returned back to a normal operating designation.

“YELLOW ALERT”

Within 24 hours of an HVMI Storm Alert, all vessel owners shall have executed their “HVMI Named Storm Plan” for the current year, which they provided during their vessel registration. Please note that all boats 26 feet or smaller which do not self-bail (as defined by boat manufacture) **without the use of a bilge pump must be removed from the marina.** HVMI strongly recommends that all small open outboard vessels should be hauled and removed as power to HVMI will be shut off and bilge pumps will be able to function only as long as the batteries remained charged. . **All canvas and any other gear and loose articles must be removed and stowed securely within the boat.** It is recommended that all thru hull fittings be closed. All vessels shall be double lined. In the event that the mooring lines are too small or are improperly tied (based upon USCG vessel classes and Boat US line size standards) HVMI shall have the right, but not the obligation, to replace said lines at the vessel owner’s expense. Vessels will remain unoccupied, all utilities (water and electricity) may be shut off, and the parking lots shall remain empty until the HVMI Storm Alert has been lifted, and the storm has passed and cleared the area. Electricity will be re-activated on a controlled basis by the Harbour Master.

“RED ALERT”

Within 24 hours of the original HVMI Storm Alert being declared, all vessel owners shall have executed their “HVMI Named Storm Plan” for the current year, which they provided during their vessel registration. Please note that **all trailerable boats are strongly advised to be removed from the marina.** HVMI advises that larger boats make preparations as the power to HVMI may be shut off and bilge pumps will be able to function only as long as the batteries remained charged. It is recommended that all thru hull fittings be closed. All vessels shall be double lined. In the event that the mooring lines are too small or are improperly tied (based upon USCG vessel classes and Boat US line size standards) HVMI shall have the right, but not the obligation, to replace said lines at the vessel owner’s expense. **All canvas and any other gear and loose articles must be removed and stowed securely within the boat.** All vessels will remain unoccupied, all utilities (water and electricity) shall be shut off, and the parking lots shall remain empty until the storm has passed and cleared the area. Electricity will be re-activated on a controlled basis by the Harbour Master.

In the event a vessel shall for any reason sink while berthed in a slip, at dockside, or while otherwise occupying HVMI waters, the HVMI Harbour Master may, in his sole discretion, call either Tow Boat US or Sea Tow, (with a preference for whichever the vessel owner indicated in his/her “HVMI Named Storm Plan”) to raise, remove and/or repair said vessel. All such work shall be considered ordered with authority and on behalf of vessel owner, and all costs, fees and charges shall be at the vessel owner’s sole expense.

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8. DOCKWAYS AND COMMON AREAS AND PARKING LOTS:

All children 12 years old and under **MUST** wear life jackets at all times when on the sidewalks, the docks, steps, ramps and boats within the Marina. Any Member whose children, grandchildren or guests violate this rule will be fined without adjudication.

Parents/guardians/hosts shall not allow children under their cognizance or supervision to run and play on dock ways. Skateboards and roller blades are prohibited on the dock ways, walkways, steps, ramps and the sidewalks surrounding the marina. Bicycles are only permitted on the sidewalks. For safety reasons, no member is allowed to walk on any quay/bulk-head wall that does not provide direct access to their personal slip. These walls are not wide enough for safe passage, and/or without trespassing onto personal property not owned by the marina.

HVMI requires that all pets be on a leash 12 feet or less and the leash shall be held by the pet owner or the person designated by the owner and under complete control while on HVMI or Pender Marina Holdings Inc. (PMHI) property. Pet owners are responsible for disposing of pet waste within Marina Property. Owners/custodians of pets are solely liable for any loss, damage or injury caused by such pets. HVMI may contact Pender County authorities if a pet is considered a nuisance or danger to those using the marina. Violations will be reviewed by the Board of Directors or an Adjudication Board, for action and could result in a fine of up to \$100 per day for each occurrence involved.

Fishing is only allowed from your vessel and on your slip's finger pier. Persons not a member (to include lessees from a member) cannot fish from your/their slip or boat unless accompanied by the Boat owner at all times. Fishing will be limited to "lobbing" only. No casting will be permitted for safety reasons. The cleaning of fish shall be done only at the fish cleaning table on the fuel dock, and no dumping of fish carcasses in the water is permitted under any circumstances. There will be no fish cleaning on the docks or sea walls. Violations will be reviewed by the Board of Directors or an Adjudication panel, and if approved may result in a fine of up to \$100.00.

The use of alcoholic beverages on the fuel dock during operating hours is prohibited. Also, the use of alcoholic beverages in any business meeting of the association is prohibited. This includes scheduled meetings of the Membership or the Board of Directors.

No one is authorized to use another owner's slip for any purpose, even temporarily for loading and unloading, unless a written lease is in place containing at least all the protections for HVMI and its members in HVMI's required forms section above. Passengers may be loaded **only** within the boat owner's current slip that is either owned or leased and the current owner/lessee member is present.

No swimming or other "in water activities," including paddle boards, is permitted in the marina, other than actual operations of registered boats. Divers are permitted for diving in conjunction with the repair and maintenance of a vessel by an insured subcontractor and only if the required Bottom Cleaning Forms are completed for each boat using this service. A new form is required for each calendar year.

No signs or advertisements shall be allowed within HVMI without the express written consent of the Board of Directors of HVMI and no solicitation is permitted. Owners may place "Boat for Sale" signs on their vessel so long as they do not exceed 18" by 24" in size.

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Only boarding steps approved by HVMI will be allowed on the dock ways for boat access. Contact the Harbour Master for approved step descriptions and specifications. Access across finger piers may not be more than 50% blocked at any time. No holes or attachments of any type may be made to the docks, quay walls, or pilings without the express written permission of the HVMI Board of Directors. A fee to replace any deck boards altered or damaged will be assessed and due immediately for replacement cost.

No sea water (salt water) may be discharged from any boat on to the docks. Any through hull fittings discharging salt or grey water onto the docks must be modified to ensure that the discharge does not empty on to the docks, to avoid saltwater damage to the docks.

Use of any open flame device, including gas grills, toxic chemicals, or any other hazardous equipment or supplies on the dock ways is prohibited. The only exception is a Coast Guard approved bottled gas grills. All grills on board vessels must be Coast Guard Approved.

Vessel owners and their guests shall use the dock ways and attached facilities for reasonable or typical boating activities. The dock ways must be kept clear of gear tackle and other obstructions at all times. HVMI shall not permit the storage of rubbish, chairs, anchors, maintenance equipment, etc. on the docks or the creation of any unnecessary disturbance or nuisance on the docks. Any tents, canopies, and or other equipment erected on the Marina Grounds must be taken down and removed from the Marina Grounds by 10:00pm each day that they are erected.

A period of quiet is mandated from 10 PM to 8 AM, and in addition, no loud or obnoxious noise or activity unreasonably interrupting the quiet and enjoyment of neighboring vessels and residences at all times shall be carried on, in or upon the common areas, facilities, any boat or the dock ways at any time. Violations will be reviewed by the Board of Directors or an Adjudication panel, for action and could result in a fine for the boat owner and/or slip owner. The only exception to this rule is for Board sponsored social events held during the annual meeting, and other occasions which may extend to 10:30 PM. Violations will be reviewed by the Board of Directors or an Adjudication panel, and if approved may result in a fine of up to \$100.00

Vessel owners may use the shower rooms provided by Pender Marina Holdings, Inc. in the Office Building. They are available on a first-come, first-served basis. No one shall leave clothes or personal grooming items in the shower room after they are finished. Vessel owners shall straighten up the shower room and leave it as nice as it was when they went in.

Vessel owners with completed registration paperwork may access the boater's lounge on a non-exclusive basis, observing the rules set forth by the lounge access code form. Access to the lounge is via a personal code. Contact the Harbour Master to complete the form and set up your code.

Vehicles may only utilize the Marina parking lots to access their slip and boats. No vehicle may utilize the Marina parking lots to visit any adjacent homes in the area. Vehicles should be parked within painted lines. Any vehicles parked in the HVMI and PMHI parking lots must have a current license tag and inspection sticker. Vehicles without said tags may be towed at the owner's expense. No washing of cars or vessels shall be allowed in the parking lots. There will be no vessels, trailers, or campers parked in the parking lots. Any vessels, trailers, or campers so parked shall be towed away at the owner's expense. Cars must be moved from designated loading areas before vessel owners go to their slips. Parking is on a first-come, first-served basis.

Neither the "Boat Ramp," located in the northwest corner of HVMI, nor the fueling operation, located at the south end of E-Dock, is the property of HVMI. These are owned and operated by Pender Marina Holdings, Inc., which has

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published its own policies for their operation. All HVMI Slip and Vessel owners and their guests agree to be bound by PMHI's policies. Check with the Harbour Master for more information.

9. ENVIRONMENTAL:

Vessel owners and their guests acknowledge that this is a Locked Head Marina and agree to keep their heads in the locked position discharging waste only into their holding tanks at all times. They also agree to regularly and have new dye tabs placed in their heads and/or holding tanks if required by the Harbour Master. Any waste discharge must be reported to HVMI immediately. Any expenses incurred by HVMI to clean up any such discharge will be billed to the vessel owner and slip owner. Note that all users of the HVMI head pump out system will be charged a \$5.00 usage fee per pump out and must complete the Pump Out Log for record. The pump out only operates during Marina business hours of operation.

All vessel owners agree to have a periodic inspection of their power cords by the Harbour Master to check for damage and verify proper operation. Any cords not in good condition or showing any signs of overheating will be required to be replaced. Violations will be reviewed by the Board of Directors or an Adjudication panel, and if approved may result in a fine of up to \$100.00

No fuel of any kind may be transported on HVMI or PMHI grounds unless it is contained in a Coast Guard approved outboard fuel container with "quick-connect" fittings. The filling of vessel fuel tanks from any transported receptacles or fuel tank trucks is not permitted within the marina basin. The discharge of oily waste or bilge water into the marina basin is prohibited. All reported violations will be immediately fined up to \$100.00 without Adjudication.

All garbage and other perishable items shall be placed in the plastic bags in the trash receptacles on each dock. No trash or empty boxes of any kind shall be left on the dock way. **Receptacles for recyclable materials must be utilized. Non-recycle items cannot be placed in the recycle bins.** All violations will be reviewed and violators, when identified, will be charged a \$20.00 fee per incident for the clean-up and separations of recyclables from the trash bins. This is now required by the county.

10. DISCLAIMERS AND ACKNOWLEDGEMENTS:

HVMI, its owners, officers, contracted agents, Harbour Master, and directors are not responsible for any personal items left on vessels. HVMI, its owners, officers, agents, Harbour Master and directors are not responsible for any delays in launching caused by weather or any other event beyond the control of HVMI.

The availability of electrical service is not guaranteed, and if present, may not be continuous. All electrical tools used must be UL approved, and either double insulated, or connected to the power pedestal using a three-prong plug.

Vessel owners release and discharge HVMI, its owners, officers, contracted agents, Harbour Master, and directors, from any and all responsibility or liability for injury (including death, loss or damage to persons or property, including also personal injury) related to use or operation of the HVMI docking facility, marina and/or its fixtures, equipment or gear. This release and discharge shall cover without limitation any loss or damage resulting from HVMI agents docking, parking or hauling an owner's vessel, vandalism, theft, fire, hail, high/low water, wind, hurricanes, collision, ice, rain, or any other act of God, or the gross negligence of any employee or agent of HVMI.

Vessel owners are responsible for any and all damage to the dock boxes or other marina property occurring during their use of the slip. The slip owner will be responsible for the cost of repairs or replacement in the event the renter fails to pay any due charges. This includes but is not limited to the damages to improperly secured dock box lids.

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Only the Harbour Master or his designee may move or adjust the dock cleat positions. If a vessel owner needs a cleat added or moved, they must contact the Harbour Master, who may move, attach or remove a cleat at its sole discretion. Vessel or slip owners are not allowed to add or adjust the cleat positions.

11. GENERAL:

All bills submitted to members, owners and lessees by HVMI, or the Harbour Master and Board of Directors are due within 15 days of the date of billing. Past due assessments will be charged a late fee of \$20 or 10% of the amount past due, whichever is greater as stipulated by the highest fee, plus interest, allowed by the North Carolina Planned Community Act or North Carolina Condominium Act, as applicable. Upon the provision of services, liens may be filed on an account holder and the account holder's vessel(s) where a related invoice is more than 60 days past due. Payments are applied on a FIFO (first invoice, first paid) basis, which means that all payments are applied to the oldest dated invoice amounts first. If you have a concern about your billing that cannot be resolved by the Harbour Master, you may request a hearing before the Board of Directors, or an Adjudication Panel.

No Guests will be allowed within HVMI property unless they are accompanied by either a member and/or a vessel owner. Every member and/or vessel owner shall insure that his/her guests abide by these Rules and Regulations, and are personally and financially responsible for such compliance. The number of guests invited at one time by any member and/or vessel owner shall be in keeping with the rights of members and/or vessel owners to enjoy the use of these same facilities. Pick up of guests is allowed in the member's slip only, not at any other slips or the fuel docks.

All Signage in the Marina must be adhered to especially those indicating NO WAKE zones. Boaters producing a wake in a NO WAKE ZONE may be fined up to \$100 by the Board of Directors or the Adjudication Panel.

HVMI has instituted the following **“Winter Weather Dock Water Policy”**. (Effective January 1st 2021.)

When the first low temperature is forecast to be **34 degrees or below**, all of the dock water will be shut off and drained. It will then remain off at the discretion of the Harbor Master until the cold weather freeze season has discontinued after winter.

Note, there will always be water available for use on the Gas dock from the faucet next to the Men's Room door.

HVMI shall have statutory maritime and other liens (state and federal) on the slip, vessel, and appurtenances thereto, to secure any and all charges, services and materials supplied to vessel or a vessel owner by HVMI during the term of the vessel's presence in HVMI or its marina.

Vessel owners agree to reimburse HVMI for reasonable attorney fees and costs relating to a suit or other collection efforts by HVMI against said vessel owner to collect any amounts due HVMI or any amounts due and secured by maritime liens.

All disputes arising from interpretation of these rules and regulations shall be resolved in accordance with the laws of the State of North Carolina and Pender County, North Carolina shall be the exclusive forum for resolution of all disputes, other than federal maritime matters, which may be brought in the Eastern District of North Carolina where jurisdiction may lie.

Whether or not a particular rule hereunder is explicitly associated with a fine herein, any violation of these Rules and Regulations may subject a boat owner and the slip owner of the offender to a fine in accordance with the constitutional documents of HVMI and North Carolina law.

Harbour Village Marina Inc.
176 Harbour Village Dr. P.O. Box 993 Hampstead, N.C. 28443