

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

***bbRULES & REGULATIONS OF
HARBOUR VILLAGE MARINA, INC.***

1. INTRODUCTION:

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.

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 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 Coastal Carolina Yacht Service, Inc. which is a contracted agent of HVMI.

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 By-laws and Rules and Regulations of the Board of Directors of the Corporation as herein stated.

Every member and vessel owner shall be given a copy of these Rules and Regulations upon registering, or may download them from the HVMI Web Site, and acknowledge by completing their paperwork that they have received a copy and agreed to abide by these Rules and Regulations. Every member and vessel owner is requested to address any violation observed with the violator. If this does not remedy the situation they should report the violation of the Rules and Regulations to the Harbour Master. These violations will be forwarded to the HVMI Board of Directors as needed.

If a member violates these Rules and Regulations, a warning shall be given. If the violation occurs again a fine of \$50.00 per violation will be issued by the Fines Committee. If the fines are unpaid, late fees, interest and liens against member’s interests (slip) may ensue.

2. REGISTRATION OF AND ACCESS TO VESSELS:

An “HVMI Vessel Registration Form” is required for each vessel moored in the marina. Each member must file a “HVMI Vessel 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 a “HVMI Vessel Registration Form” with HVMI for the vessel they keep in their leased slip. Therefore, all vessels residing in HVMI must be registered with HVMI prior to the vessel occupying the slip. This policy includes Boats in slips under lease agreements with any member, boats owned by members, and boats with

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lease agreements from outside agencies. If any vessel so registered leaves, or relocates within, HVMI and another vessel takes its place, the replacement vessel must be registered prior to 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. 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.

It should be understood that the primary responsibility for vessel registration resides with the member who owns the slip the vessel will occupy. All vessel owners must file the current year "HVMI Named Storm Plan" with HVMI at registration and provide proof of insurance, including fuel spill liability. (Please see item 5 below for insurance details.)

All vessel owners acknowledge that their vessels have operational engine(s) and are capable of moving under their own power.

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.

Vessel owners may work on their own vessels as long as said work does not interfere with the rights of other vessel owners. Outside sub-contractors and/or mechanics may work on vessels within HVMI as long as they provide HVMI with a certificate of liability insurance in a minimum amount of \$1,000,000.00. All sub-contractors must check in with the Harbour Master in person or by phone when at the Marina in order to work on a vessel. Any subcontractors who fail to check in will not be allowed to work within the marina.

Vessel owners may not operate their vessels in gear, either forward or reverse, while moored and tied in their slip or moored and tied at the fuel dock.

HVMI allows full time live aboards in a slip occupied by the slip owner's boat and only by the slip owner, in a slip of 35 foot or greater. No slips may be rented for the purpose of living on board. Full-time "live aboards" will be assessed a live aboard fee of \$50.00 per month for 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 their owner spends more than fourteen (14) total days in any rolling 30 day period aboard the vessel. If the slip owner leaves behind a vehicle in the marina or if any mail is received at the marina the slip will 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. Overboard pump out is not permitted at any time.
3. All heads and holding tanks may be inspected at any time throughout the live-aboard dockage by the Harbour Master.
4. Only permanently installed and plumbed marine washers and dryers may be used within the marina.
5. Live-aboards must maintain a separate deposit of \$150.00 on file in the marina office.

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6. The exterior of live-aboard boats must be kept clean and clutter free at all times.
7. No laundry may be hung out in a visible location on the boat.

Members 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 retains voting rights and dues payment responsibility for their slip.

No solicitation of any kind (including by members) is allowed within HVMI unless approved in advance by the Board of Directors.

3. SLIP OCCUPANCY:

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

Any number of vessels may occupy a single slip provided that:

- a. They conform to the total length requirement stated in the above paragraph.
- b. Each vessel occupying a slip has its own ingress and egress with the square footprint of the slip.
- c. Each vessel conforms to the vessel registrations requirements stated in Item # 2.
- d. The Marina total occupancy does not exceed 192 vessels

4. 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 pre-approved by the Board of Directors. Renters will 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. 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 \$20.00 per month for this usage. All other slips will be billed by HVMI according to the respective meter reading, plus a basic monthly charge.

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

5. VESSEL INSURANCE:

Vessel owners agree to have their vessels covered by a full marine insurance package including written coverage for: hull, P&I, indemnity, 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 or as a separate

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liability line item on the Declaration Page. 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. HVMI encourages all owners to request that their insurance company add Harbour Village Marina Inc. as a “certificate holder” for their vessel policy. The insurance company will then automatically send the marina a copy of the declarations page of the policy at every update, eliminating the need for the owner to send a separate copy to the marina office.

6. 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 form must be filed for each vessel no later than April 1 of the current year.

During Hurricane Season, the HVMI Harbour Master is responsible to 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 be on course to impact Pender County, NC within a 72-hour period, he will declare an HVMI Storm Alert and have placed said storm warning on the HVMI web site. All members and vessel owners are responsible to be aware of the existence of such storms and monitor the HVMI web site diligently.

After the Harbour Master declares an HVMI storm alert status no vessel new to HVMI (those not previously registered at HVMI) shall be permitted to enter HVMI.

Within 24 hours of an HVMI storm warning being declared, all vessel owners shall execute their “HVMI Named Storm Plan” for the current year, which they provided during their vessel registration. **Please note that effective June 1, 2012, all boats 25 feet or smaller which do not self bail, must be hauled from the marina during a storm alert.** 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. 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 items, which might be easily dislodged by high winds, shall be removed and stowed within the boat. All vessels shall 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 that a vessel shall for any reason sink while berthed in a slip, at dockside, or while otherwise occupying HVMI waters, the HVMI Harbour Master will call either Tow Boat US or Sea Tow, whichever the vessel owner indicated in his/her “HVMI Named Storm Plan” to raise and remove and/or repair said vessel. All costs shall be at the vessel owner’s expense and shall be a lien upon the vessel if paid by HVMI.

7. DOCKWAYS AND COMMON AREAS AND PARKING LOTS:

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All children 12 and under MUST wear life jackets at all times when on the dock ways.

Parents shall not allow their children to run and play on dock ways. Skateboards and roller blades are prohibited on the dock ways, walkways, and the sidewalks surrounding the marina is prohibited. Bicycles are permitted on the sidewalks.

HVMI requires that all pets be on a leash while on HVMI or PMHI property. Pet owners are responsible for disposing of pet waste within HVMI. Pender County requires that “animals must be with their owner and under their owner’s control.” HVMI will contact Pender County authorities if a pet is considered a danger to those using the marina.

Fishing is allowed from your vessel and on your slip’s finger pier only. 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 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.

No one is authorized to use another owner’s slip for any purpose, even temporarily loading and unloading.

No swimming or other “in water activities” are permitted except for diving in conjunction with the repair and maintenance of a vessel by a subcontractor. 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.

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

Use of any open flame device, 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.

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 on the dock ways or the creation of any unnecessary disturbance or nuisance on the dock ways.

Vessel owners agree to observe a period of quiet from 11 PM to 7 AM and no obnoxious noise or activity unreasonably interrupting the quiet and enjoyment of neighboring vessels and residences shall be carried on in or upon the common areas, facilities, and dock ways at any time.

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

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the shower room after they are finished. Vessel owners shall straighten up the shower room and turn off the lights when they are finished.

Vessel owners with completed registration paperwork may also 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 should be parked within painted lines. 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 shall 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 are the property of HVMI. These are owned and operated by Pender Marina Holdings, Inc., which has published its own policies for their operation. Vessel owners and their guests agree to be bound by PMHI's policies. Check with the Harbour Master for more information.

8. 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 have dye tabs placed in their heads and/or holding tank periodically. 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.

No fuel of any kind may be transported on HVMI 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 garbage and other perishable items shall be placed in a plastic bag, secured at the top, and placed into the trash receptacles. Loose garbage shall not be deposited anywhere. 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. Violators will be fined as this is now required by law.

DISCLAIMERS AND ACKNOWLEDGEMENTS:

Vessel owners agree that HVMI, its owners, officers, contracted agents, Harbour Master, and directors are not responsible for any personal items left on their vessel. They further agree that 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.

HVMI, its owners, officers, agents, and directors do not guarantee that electrical service shall be continuous. Any electrical tools used must be UL approved, and either double insulated, or connected to the power pedestal using a three prong plug.

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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 in connection with HVMI docking facility or marina. This release and discharge shall cover without limitation any loss or damage resulting from HVMI agents docking, parking or hauling owner's vessel, vandalism, theft, fire, hail, high/low water, wind, hurricanes, collision, ice, rain, or any other act of God.

Vessel owners are responsible if dock boxes are damaged during their use of the slip, the slip owner will be responsible for the cost of repairs or replacement. This includes but is not limited to damages to improperly secured dock box lids.

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

10. GENERAL:

All bills submitted to owners by HVMI, or the Harbour Master and directors are due on the 15th day of the month following the date of billing. Past due payments will be charged a \$25.00 late fee and the maximum amount of interest allowed by the NC Public Utilities Commission per month from due date until date of payment. Liens will be placed on all accounts that are more than 60 days past due.

Guests will not be allowed within HVMI property unless accompanied by either a member and/or vessel owner. Every member and/or vessel owner shall insure that his/her guests abide by these Rules and Regulations. 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 the fuel docks for safety reasons.

HVMI shall have statutory maritime liens (state and federal) placed upon the person, the slip, or owned vessel, and attached equipment to secure any and all services and materials supplied to vessel owner by HVMI during the term of the vessel's residence in HVMI.

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 within Pender County.