

CHAPTER SIX – Section 6.05
BOATS, MARINA AND BOAT SLIPS

Adopted: March 30, 2005
Amended: September 22, 2005
Amended: March 22, 2007
Amended: June 25, 2009
Amended: February 23, 2017
Amended: May 24, 2018

I. POLICY

The following rules and regulations shall be in force regarding boats to be used within the Lake Monticello community, the use and management of the Marina and boat slips, and enforcement of the LMOA Invasive Species Prevention Program, [Ref:] PM 21.06. (Note: These rules and regulations shall not apply to public safety organizations in the performance of their public safety activities. See [Ref:] PM 19.13 except for Invasive Species Prevention Program requirements, which are applicable for non-emergency operations.) The goal of these rules and regulations is to ensure the safety of those using the lake and the safety of the watercraft on the lake.

A. General

1. The use of the main lake and its coves for boating and related recreation purposes is restricted to LMOA property owners, Marina Point unit owners, Tenant Associate and Social Associate members, tenants, family members and guests of the preceding, and those individuals or activities authorized by the Board of Directors, or the General Manager, or his/her designee. Guests are not permitted to put their watercraft on the Lake.
2. No watercraft and/or trailers shall be permitted to use any Association property (e.g. the marina launching facilities, boat/pontoon and trailer storage and parking areas, boat and refueling facility, beach and picnic access roadways, etc.) unless the owner has registered the watercraft with LMOA, meets the intent of the LMOA Invasive Species Prevention Program and has the required insurance coverage. Autos and trailered boats may use the automobile refueling facility. Individuals who violate this requirement will be charged with trespassing.
3. Boats and pontoons shall only be launched at the marina. They may not be launched via trailers at the beaches. Portable, car top, inflatable and other small boats and canoes may be put into the water at the beaches outside the swimming buoys or from private water-front property provided they meet the intent of the Invasive Species Prevention Program.
4. All watercraft test drives must be approved by the General Manager or his/her designee and performed during normal Marina hours of operation, for a maximum of 2 hours.
5. No property owner shall be a lessor of any watercraft for a period of less than one month, or which is to be stored, docked or launched from the lessor's property, unless the lessee is a properly registered tenant residing at the owner's property under a valid lease agreement. (Also see [Ref:] PM 15.01 – Leasing of Property.)

6. The foregoing notwithstanding, the General Manager shall have the authority to approve rowing team events and arrangements on the main lake upon presentation of adequate statements of indemnification and waiver of liability, adequate statements of compliance with the Invasive Species Prevention Program and upon proof of adequate insurance coverage.
7. Boat/pontoon slip and canoe/kayak rack space rental along with registration fees are charged annually based on a year defined from March 1 to February 28/29, and billed in February of each year.
8. Watercraft shall be defined as:
 - a. Class I - Jon boats, canoes, kayaks, paddleboards, paddleboats, sailboats (no motor), windsurfers (examples only, not an inclusive list)
 - b. Class II - Use horsepower chart
 - c. The definition of a watercraft shall be subject to modification by the General Manager or his/her designee.
9. Trailer storage is charged based on the space occupied on a seasonal basis (Summer - April-October and Winter – November-March).
10. Fees shall be determined by the Board of Directors annually and published in the Association's schedule of dues, assessments, charges and fees.

B. Registration and Insurance Requirements

1. All watercraft shall be registered with LMOA. Annual registration and payment of fees are both required prior to the use of any watercraft on the lake in any given calendar year.
2. A current year LMOA registration decal shall be firmly attached on each side of each watercraft, as is instructed by the marina staff, and shall be clearly visible when the vessel is afloat or docked. Placement of the decal shall be as follows:
 - a. Pontoons and boats: on that portion of the railing nearest the bow or front railing (both sides);
 - b. Boats (V-hulls) on both sides nearest the bow;
 - c. All other watercraft: on the hull at the bow of the vessel, port side.
 - d. Canoes/kayaks and other watercraft: On the front, on top.
3. Use of the lake is dependent on membership status:
 - a. **Boat/pontoon registrants** shall be LMOA property owners, Marina Point unit owners, or Tenant Associate Members.
 - b. **Tenant Associates** are limited to canoe and kayak rack space only; no boat slip rental is permitted.
 - c. **Lake Monticello tenants** are not eligible to rent boat slips or canoe/kayak racks or register a boat for use on the lake from a private dock.
 - d. **Social Associates** are limited to Class I Watercraft. They are not eligible to rent boat slips, canoe/kayak racks or register a boat for use on the lake.

- e. Boat/pontoon registrants shall be the owner or lessee of the boat to be registered. A lease agreement between individuals naming the property owner lessee can only be entered into with persons related by blood to the first degree of consanguinity (e.g. father, son, aunt, and niece), marriage and adoption.
4. Boat registrants shall present the following documentation at the time of registration.
 - a. **Automobile driver's license or other form of picture identification.**
 - b. **Property, casualty and liability insurance coverage** – Boat/pontoon registrants shall provide a certificate of insurance with their registration payment showing that they carry property and casualty insurance and at least \$500,000 (per incident) liability coverage. The coverage shall specify fuel spill liability of at least \$500,000, either embedded in the policy or as a separate rider. The boat's/pontoon's owner/lessee shall carry the insurance, along with the member/tenant associate, as applicable.
 - c. **Evidence of ownership of boat/pontoon or lease agreement.** The owner shall certify through a bill of sale and/or state registration. Those renewing their registration/slip/rack space in subsequent years shall provide proof that he/she is the owner of the boat and all conditions are as initially reported or shall provide updated information.
 - d. For **factory new watercraft and watercraft operated previously only in Lake Monticello**, submit a **signed Invasive Species declaration**.
 - e. For any watercraft previously operated in any waters **outside Lake Monticello** (for boats now operated exclusively in Lake Monticello) **submit a signed and attested Invasive Species declaration and present the boat and equipment for inspection.**
5. There is currently no limitation on the number of boats/pontoons that an owner or tenant associate may register. The General Manager shall monitor density from season to season, and shall advise the Board of Directors if limitations should be imposed.
6. Boats/pontoons registered in accordance with paragraph B.3, above, shall not be leased, subleased, rented or loaned (for use on Lake Monticello) except to another LMOA property owner, Marina Point unit owner or Lake Monticello tenant associate.
7. Exceptions to the requirements for boat registration and ownership may be granted by the General Manager for special training, safety demonstrations, or other activities for a designated period of time. Exceptions for Invasive Species Prevention Program requirements shall not be granted.
8. LMOA **prohibits** the registration of boats with inboard or inboard/outboard engines with above water exhaust.
 - a. Definition of above water exhaust: Boats with inboard or inboard/outboard engines which, when stationary in the water, have exhaust ports above the water line.
 - b. All owners that have registered an above water exhaust boat on or before July 1, 1991 may continue to register the boat as long as he/she owns that boat.

C. Boat Slip and Canoe/Kayak Rack Space Rental and Registration Fees

1. Use of slips and rack spaces shall be contingent upon availability and payment of annual slip rental and registration fees.
2. **Payments** for all slip or rack renewals and registrations shall be received by March 31, or the slip or rack space previously held is forfeited. All related fee payments already made will also be forfeited. Only the General Manager can allow the late payment of registration fees after May 31 due to a special circumstance (i.e., boat under repair or boat/pontoon/canoe/kayak being purchased).
 - a. Payment in full of all applicable rental fees shall be made within seven calendar days of notification of availability.
 - b. The boat slip or rack space associated with a registered boat, canoe or kayak shall be paid for **by March 31st**. The rental will be through February 28/29.
 - c. Failure to comply with payment deadlines shall result in the loss of the assigned slip and any rental and registration fees paid, and the member's position on the waiting list. Fees paid shall be forfeited (i.e. name will be moved to the bottom of the list).
 - d. Members electing to forego the slip/rack space assignment and move to the bottom of the list shall be assessed a fee established by the Board of Directors.
 - e. Members electing to remove themselves from the waiting list will forfeit their deposit(s).
3. A **waiting list** of property owners seeking **boat slips** and **canoe/kayak rack space** shall be maintained by LMOA, with a deposit amount to be established by the Board of Directors. Available slips and canoe/kayak rack spaces shall be offered in the order the names appear on the waiting list. Once a property owner's name comes to the top of the list and the owner affirms his/her intent to rent the boat slip or rack space, the fees will be due. Should the owner not elect to accept the space, he/she can drop to the bottom of the list with payment of a fee to be determined by the Board.
4. Property owners renting a boat slip or rack space shall pay the published rental fee in full. **On or after September 1**, the fee shall be reduced by two-thirds for the remainder of the year.
5. Should a property owner give up the rental boat slip or rack space during the amenity year, refund shall be contingent upon the reason (i.e. death, move from the area) and the rental of the slip or rack space to another boat or canoe/kayak user, with a processing fee to be determined by LMOA.
6. Renters of boat slips or rack space shall not under any circumstances transfer use or rights to any boat slip or rack space.
7. **Designated Handicap Boat Slips** shall be reserved for handicap users, as is required by the Americans with Disabilities Act (ADA), who provide the required proof designated by the laws of the Commonwealth of Virginia.

If, in any given year, all non-handicap LMOA-owned slips across the lake are rented, any unrented handicap slips may be rented by non-handicap users. That space may not be available in the succeeding year, pending the needs of handicapped users. The Marina follows the guidelines promulgated by the United States Access Board, a federal agency.

D. Size, Type and Use Limitations

1. All boats shall meet applicable Coast Guard and Commonwealth of Virginia regulations.
2. There shall be a **24-foot length limitation** on all boats at Lake Monticello. All boats shall be measured to the nearest foot.
3. Boats shall not be used for overnight accommodations. Heads and sanitary tanks shall be sealed and shall not be permitted to dump into the Lake.
4. Seaplanes are not permitted to land on or take off from the Lake.
5. Personal watercraft such as hydroplanes and jet skis are not permitted on the Lake.

E. Marina Operations

1. Hours of operation of the marina facilities shall be established by the General Manager and shall be posted and published. Seasonal changes will dictate varying schedules.
2. Watercraft launching ramps shall be used on a first-come basis. Common sense, safety-first and common courtesy are expected. Launching ramps shall be used only for watercraft registered with LMOA; those used by the Rescue Squad/Water Rescue and Federal, State and County officials in carrying out required duties; and by those granted special permission by the General Manager.
3. All boat/pontoon owners must pass a **written operators test** which is administered by the Marina and written by the Water Safety committee with input from the LMOA Police Department. The tests are filed at the LMOA main office. Retesting is at the discretion of the LMOA police.