

CHAPTER NINETEEN - Section 19.03
ACCESS TO AND WITHIN THE LAKE MONTICELLO COMMUNITY

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** The December 19, 2002 rewrite combined former policies PM 19.02, as of November 21, 2002 and PM 19.03, as of October 25, 2001 into this single revised policy.*

I. POLICY

This policy for admission by gate access device is a special privilege, for the convenience of property owners and the general welfare of the community and others having authorized activities within the gated area of the community. Controlled access, other than for tenants and property owners in good standing, may be restricted with respect to time of day and/or day of week.

Entrance to the Lake Monticello community without a gate access device must be through a staffed gate with appropriate identification.

Evidence of abuse of the special privilege by any device holders shall be cause for withdrawal of the privilege.

Nothing in this Policy is to be construed as denying legal access to a member's lot(s).

Security over all entrances to Lake Monticello shall be maintained and unauthorized persons shall not be granted access to the community.

All members in good standing of the Association have the privilege of extending guest invitations in accordance with applicable rules and regulations. All guests must be accompanied or vouched for by a member of LMOA. Members shall be held responsible for the conduct of their guests, and for all financial obligations of their guests to the Association. Members shall also be held responsible for deliberate or careless damage to Association property by their guests.

Guests of members not in good standing shall be granted access to Lake Monticello for the purpose of access to the member's lot. Guests of members not in good standing shall not have the privilege of using any of the Lake Monticello amenities.

II. CRITERIA FOR ISSUING GATE ACCESS DEVICES

A. Property Owners in good standing: Gate access devices are issued only for the personal use of property owners, their spouses, dependents and family members who reside with them. Upon payment of a fee, approved by the Board of Directors, and written application in a form specified by the Board of Directors, a property owner may receive the appropriate gate access device.

- B. Property owners not in good standing:** The Association may not deny a property owner access to his/her property. Therefore, upon request, admission through the Ashlawn Gate shall be provided for a property owner not in good standing. Access through other gates will not be provided until such time as all delinquent accounts are paid.

The foregoing notwithstanding, any member not in good standing for delinquent payments to the Association may have the gate access device restored if such member has entered into a debt repayment plan approved by the General Manager and provided the member remains in compliance with the debt repayment plan.

- C. Business Members and Tenant Associate Members:** Business and Tenant Associate Members shall be granted gate access devices under the same conditions stated in II.-A, above. Classes of lessees other than Tenant Associates are registered guests, and may obtain gate access devices in accordance with II. G. Guest Gate Access Device.

- D. Essential Services:** The General Manager, upon request, may issue a gate access device to the following persons/organizations, at no fee, for use in the conduct of official business. It shall be granted only where there is an ongoing need for regular access and where access other than through the staffed gates will promote the general welfare of the community. Abuse of this privilege may result in permanent deactivation of the device.

1. LMOA Employees: Upon request by the supervisor and approval by the General Manager;
2. Law enforcement agencies;
3. Fluvanna County agencies;
4. U.S. Postal Service carriers;
5. Lake Monticello Volunteer Fire and Rescue Squad, upon request, can receive one gate access device for each emergency vehicle. Upon request, active members not otherwise eligible for access will be issued a gate access device for use only in connection with their membership in the LMVF&RS;
6. Fluvanna County School Board and local private school vehicles used for the pickup and drop off of children enrolled in those schools and those other vehicles deemed emergency vehicles by the Board of Directors;
7. Clergy (one vehicle).

- E. Utility Companies**

A gate access device fee shall be charged to utility companies such as but not limited to electrical, phone, water, cable, or other for profit companies if in support of these services the companies desire the convenience of utilizing all LMOA security gates. The fee shall be set annually. Unrestricted access for companies' vehicles without a gate access device shall be available only at the Main Gate and the Falcon Hills Gate.

- F. Recreational Associate Members:** Recreational Associate Members shall be issued gate access devices in accordance with the terms of PM 20.01 – Non-Voting Memberships.

- G. Business Permit:** Upon written application, the General Manager may grant access to vendors, contractors and others for the purpose of conducting business within the gated areas of the community. Access shall be granted only where there is an ongoing need for regular access and where access other than through the staffed gates will promote the general welfare of the community. Some gates may be restricted, e.g.: Tufton Gate shall not be used by large trucks. The following conditions shall apply:

1. **Fee:** The annual fee shall be established by the Board of Directors and published in the annual schedule of dues, assessments, charges and fees.
2. **Identification:** All vehicles shall be identified by a LMOA business gate access device placed by LMOA personnel. A copy of a valid state Vehicle Registration(s) shall be on file with Lake Monticello Police Department (LMPD) before access is granted.
3. **Time of Access:** Access will be restricted to the business hours peculiar to that business and which promotes the good and general welfare of the community.
4. **Rules for Use:** The holder shall not use this device to allow ANY other vehicles to enter onto Lake Monticello property. The gate access device shall not be altered in any way from its original condition. This gate access device shall be installed on the vehicle by LMOA personnel. It shall not be altered, defaced, removed, duplicated or manipulated in any way without the express permission of LMOA. A copy of the Business Permit form shall be kept in the vehicle for inspection if requested by LMPD.
5. **Penalties:** Abuse of the privilege, violations of the rules for use, disregard for the properties of the residents, the policies of the Association, or unauthorized use of the amenities shall result in withdrawal of the privilege with loss of the fee. The reapplication and reactivation fee will be at twice the previous rate paid.

The Board of Directors provides the Business Permit as a privilege which can be withdrawn at the will of the Board of Directors.

6. **Indemnification:** A statement of indemnification shall be included in the application process.

H. Guest Gate Access Device: A property owner, tenant, or Business Member may request by application that persons identified on their Master Guest List be allowed to purchase a gate access device, allowing them to enter all Lake Monticello access gates. The privilege may be revoked by the requesting party at any time upon request in writing to the LMPD. This special privilege can only be obtained by property owners, Business Members and tenants residing on improved Lake Monticello property.

1. Holders of gate access devices shall follow all applicable rules and procedures regarding the use of the device. The penalty for misuse of the gate access device shall be revocation or deactivation of the device.
2. A property owner, tenant, or Business Member must fill out the Request for Guest Gate Access Device form completely and call the Main Gate to request an officer come to the home to affix the access device.
3. Guest gate access devices shall not be issued for or attached to large trucks or other construction vehicles as described in PM 14.02 – paragraph III.A.7.e. Business permit holders may obtain the benefits of a guest gate access device for other than these large trucks or other construction vehicles upon application by a property owner, tenant, or Business Member.
4. LMPD will review requests for gate access devices and approve or deny the request. Unusual circumstances shall be addressed on a case-by-case basis.
5. **Fee:** The annual fee for guest gate access devices shall be as established by the Board of Directors and published in the Association’s annual schedule of dues, assessments, charges and fees.

6. **Identification:** All vehicles shall be identified by a LMOA gate access device placed on the vehicle by LMOA personnel. The gate access device will be distinctive so as to allow LMPD personnel to immediately identify the type of gate access device. A copy of a valid state Vehicle Registration(s) shall be checked before the gate access device is approved. The vehicle shall be registered to the guest named on the application form.

7. **Rules for Use:**

- a. The guest gate access device shall be affixed only to the vehicle identified on the gate access device request.
- b. A copy of the approved request shall be kept in the vehicle and shall be produced upon request of any LMPD or Security Department officer.
- c. The guest gate access device shall not be used to allow ANY other vehicles to enter Lake Monticello property.
- d. The guest gate access device shall not be removed from the vehicle or altered in any way from its original condition.
- e. The guest shall agree to abide by all rules of Lake Monticello, and all criminal and traffic laws of the Commonwealth of Virginia.
- f. No guest shall use a guest gate access device for employment purposes whatsoever.
- g. If the guest gate access device is lost, stolen, damaged, or if the vehicle ownership is transferred or becomes inoperative, and the holder notifies LMPD immediately for deactivation, the holder may request that another device be issued at the normal fee. If LMPD is not immediately notified, the privilege to receive another guest gate access device shall be denied. No gate access device fees shall be returned once a gate access device has been attached to a vehicle.

8. **Penalties:**

The penalty for the misuse of the guest gate access device shall be immediate deactivation of the device. The fee will not be returned for any reason. Additionally, the property owner, tenant, or Business Member may not be afforded the privilege of obtaining a gate access device for that guest in the future.

9. **Appeals:**

- a. The sponsoring property owner, tenant or Business Member may appeal any penalty action in writing to the Chief of LMPD, who shall investigate and render a decision. If the sponsor does not agree with the decision, it may be further appealed to the LMOA General Manager. If not satisfied with the general manager's decision, the sponsor may appeal to the LMOA Board of Directors, whose decision shall be final.
- b. This appeal procedure shall not inhibit the enforcement of other applicable policies.

I. Temporary Gate Access Device: A temporary gate access device is a gate access device permanently affixed to a reasonably serviceable medium by LMOA personnel. It is accompanied by a document listing the rules for use of the device and identifying pertinent vehicle, owner/member and guest information as well as the effective dates for the device. It may be issued for special situations of at least four (4) consecutive days where guests will reside with their host property owner or tenant, or when Lake Monticello residents will utilize rental or other temporary vehicles.

1. The requestor must submit a Request for Temporary Gate Access Device form to LMPD for consideration.
2. Requests for temporary gate access devices will be considered on a case-by-case basis by LMPD.
3. **Fee:** The fee for temporary gate access devices shall be as established by the Board of Directors and published in the Association's schedule of dues, assessments, charges and fees.
4. **Identification:** The temporary gate access device shall be displayed on the vehicle dashboard in full view while the vehicle is on Lake Monticello property.
5. **Rules for Use:**
 - a. The gate access device shall only be used with the vehicle for which it is issued. The gate access device shall not be given to any other person for use with any other vehicles.
 - b. The gate access device or its accompanying identification document shall not be altered in any way from its original condition.
 - c. The temporary gate access device shall be returned to the Main Gate upon expiration or when no longer needed, whichever occurs first.
6. **Penalties:**
 - a. The penalty for the misuse of a temporary gate access device shall be immediate deactivation of the device. Additionally, the holder may not be afforded the privilege of obtaining a temporary gate access device in the future.
 - b. If the temporary gate access device is lost or stolen and LMPD is not immediately notified for deactivation, the privilege to use the temporary gate access devices will not be withdrawn but a fee will be charged for replacement. If the property owner does not return the gate access device, a replacement fee will be charged.
7. **Appeals:**
 - a. The requesting party may appeal any penalty action in writing to the Chief of LMPD, who shall investigate and render a decision. If the requestor does not agree with the decision, it may be further appealed to the LMOA General Manager. If not satisfied with the general manager's decision, the owner/tenant may appeal to the LMOA Board of Directors, whose decision shall be final.
 - b. This appeal procedure shall not inhibit the enforcement of other applicable policies.

J. Alternate Gate Access Device: An alternate gate access device is a gate access device permanently affixed to a reasonably serviceable medium by LMOA personnel. It is accompanied by a document listing the rules for use of the device and identifying pertinent vehicle and owner/tenant information. It may be utilized in exceptional circumstances where an employment situation or vehicle type makes attachment of a permanently affixed gate access device infeasible. It may be used for some motorcycles, vehicles that do not have an acceptable location direct placement of a gate access device, employment situations where holders may drive several non-owned vehicles routinely into Lake Monticello, or other specific situations approved by the Chief of LMPD.

1. The decision to issue an alternate gate access device shall rest with the Chief of LMPD and only upon verifying the need for this special device.
2. If an alternate gate access device is issued, the holder shall agree to abide by the rules for use and the penalties for the misuse of the device.
3. **Fee:** The annual fee for an alternate gate access device shall be established by the Board of Directors and published in the Association's schedule of dues, assessments, charges and fees.
4. **Rules for Use:**
 - a. The gate access device shall only be used with the vehicle for which it is issued. The gate access device shall not be given to any other person for use with any other vehicles.
 - b. The gate access device or its accompanying identification document shall not be altered in any way from its original condition.
 - c. The gate access device shall be displayed on the dashboard in full view while on Lake Monticello Property.
 - d. The gate access device shall not be altered in any way from its original condition.
 - e. If an employment situation necessitates issuing a resident gate access device, the listed resident shall be the only person using the device.
 - f. If the holder changes vehicles, but remains eligible for the resident gate access device, the holder shall immediately notify the LMPD to update the device to reflect the replacement vehicle.
 - g. If the vehicle or employment situation changes and the holder is no longer eligible for an alternate gate access device, the holder shall immediately return the device to the LMPD. In that event, the deposit portion of the fee will be refunded.
 - h. The gate access device will be replaced if damaged through no fault of the holder. A fee shall be charged to cover replacement costs.
 - i. Each person issued an alternate gate access device shall report in person to the LMPD every three months, with the vehicle and gate access device, for validation.
5. **Penalties:**
 - a. The general penalties for the violation of the rules pertaining to the alternate gate access device are the deactivation of the gate access device, forfeiture of the fee and the withdrawal of the privilege to obtain this type of device. These penalties shall be enacted immediately upon discovering the violation.
 - b. If the gate access device is lost or stolen and the holder notifies LMPD immediately for deactivation, the fee is forfeited but the holder may request another similar gate access device for an additional application fee. If altered from its original condition, the gate access device shall be deactivated and the fee automatically forfeited.
 - c. If the gate access device is not validated every three months, it will be deactivated and the fee will be forfeited. In this case, the holder may request another gate access device through the normal procedures.

6. Appeals:

- a. The requesting property owner, tenant or Business Member may appeal any penalty action in writing to the Chief of LMPD, who shall investigate and render a decision. If the requesting party does not agree with the decision, it may be further appealed to the LMOA General Manager. If not satisfied with the general manager's decision, the owner or member may appeal to the LMOA Board of Directors, whose decision shall be final.
- b. This appeal procedure shall not inhibit the enforcement of other applicable policies.

III. QUALIFICATIONS

A gate access device of any type shall be non-transferable. The gate access device is intended for installation on or in the vehicles of property owners, tenants, Business Members, and other authorized persons or businesses. It shall not be altered defaced, removed, duplicated or manipulated in any way without the express permission of LMOA. (exception: replacement of a vehicle which shall be reported after the fact).

IV. REPLACEMENT OF GATE ACCESS DEVICES

A defective gate access device will be replaced at no cost upon return of the defective device to the LMPD.

V. VALIDATION

- A. At the direction of the General Manager, a schedule shall be established so that all members' gate access devices shall be validated on a biannual basis. Any invalid devices shall be withdrawn immediately.
- B. At the direction of the General Manager, a schedule shall be established so that all gate access devices issued under Sections II D. and II E. of this policy shall be validated on an annual basis. At this time the need shall be reassessed. In all cases where it cannot readily be determined that the criteria for granting the gate access device(s) under Sections II D. and II E. are still met, the access privilege shall be withdrawn.

VI. GUEST/VISITOR ADMITTANCE PROCEDURES

- A. Guest admittance to Lake Monticello shall be by any one of the following procedures:
 1. All guests in the company of a property owner, tenant or Business Member shall be admitted.
 2. Guests not accompanied by their host member will be admitted under the following conditions:
 - a. The individual has a valid LMOA identification.

Relatives of resident property owners, tenants and Business Members, or individuals, who pay no rent and reside with or in the members' developed property, may be granted Resident Guest status for one calendar year or the duration of a tenant's lease, whichever is shorter. Reapplication shall be submitted annually by the sponsoring member, or upon expiration of the lease, whichever is shorter. It will include proof of legal domicile to be the same as the sponsor. Both guest and sponsor must appear at the time of application. A guest gate access device (II G) shall be provided upon request of the sponsor with payment of the usual fees.

1. Resident guests may use all the amenities of the LMOA upon payment of the posted guest fee for the amenity to be used.
 2. As the sponsor, the property owner, tenant or Business Member assumes full responsibility for the actions of his/her guests.
- b. Security has been notified by a host member or bona fide lessee of guest(s) and expected date(s) of arrival.

This notification can be made to Security at the Ashlawn Gatehouse in person, by phone, fax, e-mail, or in writing. Security is authorized to ask the guest for identification before permitting entrance and to verify the request call by phoning the designated property owner to be visited. If calling by phone, limit the maximum number of guests to four (4) to reduce security officer time away from visitor access duties. If more than four (4) guests are anticipated, hosts shall provide a written list with the following information: host name, phone number, date of arrivals, and the guest names (alphabetized if possible) and the duration of stay.

Hours of operation for Security are set by the General Manager for the convenience of the property owners and the general welfare of the community with the approval of the Board of Directors.

- c. Relatives, tenants and other guests of property owners and Business Members may be registered on a Master Guest List maintained by the Lake Monticello Security Department. There shall be a limit of not more than four (4) such guests permitted on the list for each numbered residential lot or condominium unit at any one time. Requests for exceptions to this four-guest limit may be considered for special and unusual circumstances on a case-by-case basis by the Chief of LMPD.
- d. Under no circumstances shall guests be admitted while towing a boat which has not been properly registered with LMOA.

B. Admittance of Recreational Members and Others

1. Recreational members are permitted guests in accordance with applicable rules and regulations governing these memberships. (See PM Chapter 20.01.)
2. **Commercial Bookings:** The entering and exiting of Lake Monticello by individuals under a commercial booking are in accordance with the LMOA contract.
3. **Commercial Vehicles and Business Personnel:** Commercial vehicle drivers and business personnel, not possessing a Business Permit, must enter through a staffed gate, show identification to the Security Officer and state exact destination (section and lot or street address) and their estimated time of stay.
4. **Licensed Realtors and Clients:** Real estate agents who are neither residents nor holders of an LMOA Business Permit shall present a valid real estate business card and vehicle license plate number to Security Officers at a staffed gate for admittance. Clients of realtors shall be accompanied by the realtor, at all times, upon entering Lake Monticello. Exceptions to the above may occur during "Open Houses." The following procedure will apply for "Open Houses":
 - a. Real estate agencies or private owners may place "Open House" advertisements in area newspapers after notifying Security of the location of the house and the date of "Open House." The advertisements must include directions from the Ashlawn Gate to the home, but in no event may the advertisement imply that its possession guarantees admittance to Lake Monticello.

- b. Clients shall receive directions to open houses from home owner or real estate agent. To be admitted, the “Open House” visitor must indicate the location of the “Open House” and show appropriate identification.

5. Lake Monticello Dining Patrons

Non-members may be granted access to the community, through staffed gates only, for the purpose of patronizing the Clubhouse and Golf Course dining facilities. The rules for access under these conditions shall be as formulated by the Chief of LMPD and approved by the General Manager. These rules shall not be unduly onerous for legitimate dining patrons, but shall provide for the swift and permanent denial of access to the community by violators. Lake Monticello dining patrons and their guests shall abide by the same rules of conduct and dress code policies established for LMOA members.

VII. ENFORCEMENT

The General Manager, through the Chief of LMPD, is responsible for the enforcement of this policy. Violations shall be referred to the Compliance Committee for adjudication, with the exception of Business Permits (see II. F. above), or special use gate access devices (see II. H. and II.I.) in which case penalty action may be taken as well as a referral to the Compliance Committee.