
RESOLUTION PROPOSAL

DATE: May 28, 2009

SUBJECT: Amend PM 6.05 Boats, Marina and Boat Slips and create PM 21.06 LMOA Invasive Species Prevention Program to establish a policy for invasive species

SPONSOR: Ted Makranczy, Lake Preservation Committee

BACKGROUND INFORMATION:

On December 18, 2008, the Board passed the following motion:

“that the Board of Directors request the Lake Preservation Committee to establish the Lake Monticello Homeowners Association Invasive Species Prevention Program. The program shall consist of, at a minimum, a public education initiative, a LMOA invasive species policy, and a LMOA enforcement program.” This proposal is being submitted to you in response to this motion.

Invasive species are any species that have been introduced to an environment where it is not native and that have since become a nuisance through rapid spread and increase in numbers, often to the detriment of native species. While there are many invasive species that present a potential threat to the Lake Monticello community, the most serious is thought to be Zebra Mussels. They present a potentially devastating economic threat by interfering with recreational use of the lake; altering the lake’s ecosystem, killing fish, plants, and crustaceans in the lake; fouling of beaches and clogging marine equipment. Once Zebra Mussels infest a lake, it is virtually impossible to purge the water body of these organisms. The best action to take against infestation of Zebra Mussels is to prevent them from entering the lake. While Zebra Mussels are visible the larvae are microscopic therefore cleaning boat equipment and related water accessories will also reduce the likelihood of introducing Zebra Mussels as well as other invasive species.

STAFF RECOMMENDATION: Concur

PROPOSED FINANCIAL IMPACT: none

PROPOSED SOURCE OF FUNDING: NA

STRATEGIC PLAN REFERENCE:

2.1 Protect and improve the lakes and ponds through ecologically sound measures implemented by the Association and individual property owners.

POSSIBLE MOTION:

Move that the Board of Directors approve the amendment of PM 6.05 Boats, Marina and Boat Slips and the creation of PM 21.06 LMOA Invasive Species Prevention Program to establish a policy for invasive species as presented in the June 25, 2009 Board packet.

PERSON RESPONSIBLE FOR FOLLOW-UP: General Manager

CHAPTER SIX – Section 6.05
BOATS, MARINA AND BOAT SLIPS

Adopted: March 30, 2005
Amended: September 22, 2005
Amended: March 22, 2007
Proposed: June 25, 2009

I. POLICY

The following Rules and Regulations shall be in force regarding boats to be used within the Lake Monticello community, and the use and management of the Marina and boat slips **and enforcement of the LMOA Invasive Species Prevention Program, PM 21.06**. (Note: These rules and regulations *shall not apply to public safety organizations in the performance of their public safety activities*. See PM 19.13 **except for Invasive Species requirements, which are applicable for non-emergency operations.**)

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 members, renters, family members and guests of the preceding, and those individuals or activities authorized by the Board of Directors, or the General Manager or his designee.
2. No water craft and/or trailers shall be permitted to use any Association property (e.g. the marina launching facilities, boat and boat trailer storage and parking areas, boat and automotive refueling facilities, beach and picnic access roadways, etc.) unless the owner has registered his watercraft with LMOA, **meets the intent of the LMOA Invasive Species Prevention Program** and, if applicable, has the required insurance coverage. Individuals who violate this requirement may be charged with trespassing by Lake Monticello Police/Security.
3. Boats shall 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. 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 PM 15.01 – Leasing of Property.)
5. 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.

B. Registration and Insurance

1. All watercraft shall be registered with the LMOA. Annual registration and payment of fees is 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 the left (port) side of each watercraft, and shall be clearly visible when the vessel is afloat. Placement of the decal shall be as follows:
 - a. Pontoon boats: on that portion of the railing nearest the bow or front railing;
 - b. All other watercraft: on the hull at the bow of the vessel.
3. Boat registrants shall be LMOA property owners, Marina Point unit owners, Tenant Associate members or full-time Lake Monticello tenants. Boat registrants shall be the sole owner or sole 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, niece), marriage and adoption. Registrants of powerboats (any horsepower) shall carry personal liability insurance on the boat.
4. Boat registrants shall present the following documentation at the time of initial registration.
 - a. Automobile driver's license or other form of picture identification.
 - b. For powerboats, certification of personal liability insurance.
 - c. Evidence of ownership of boat or lease agreement. For subsequent annual registrations, the owner shall certify that all conditions are as initially reported or shall provide updated information.
 - d. For factory new boats and boats operated previously only in Lake Monticello, submit a signed Invasive Species declaration.**
 - e. For boats previously operated in any waters outside Lake Monticello (initial year only 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 that an owner or tenant 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 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 full-time Lake Monticello tenant.*
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. Size, Type and Use Limitations

1. All boats shall meet applicable Coast Guard and 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.*

D. Marina

1. *Hours of operation of the refueling 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. Fees for dry watercraft storage and space for craft and/or trailers shall be determined by the Board of Directors and published in the Association's schedule of dues, assessments, charges and fees.
4. Boat Slip Rental.
 - a. Use of slips shall be contingent upon availability and payment of annual slip rental and registration fees.
 - b. Any property owner renewing a boat slip rental shall register a boat within 60 days or forfeit the slip. Payments for slip renewals shall be received by March 15 or the slip is forfeited.
 - c. A waiting list of property owners seeking boat slips shall be maintained by LMOA, and available slips 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,
 1. Payment in full of all applicable rental fees shall be made within seven calendar days.
 2. The boat slip shall be occupied with a registered boat, or proof of purchase of a boat by the owner shall be presented, within 60 days of signing the initial Boat Slip Rental Agreement.
 3. *Failure to comply with payment and proof of purchase deadlines shall result in the loss of the assigned slip and any rental fees paid, and the member's position on the waiting list shall be forfeited (i.e. name to the bottom of the list).*
 - d. *Property owners renting a boat slip shall pay the published rental fee in full prior to July 1. On or after July 1, the fee shall be prorated each month for the remainder of the year.*
 - e. Should a property owner give up the rental boat slip during the amenity year, refund shall be contingent upon the reason (i.e. death, move from the area) and the rental of the slip to another boat user, with a processing fee to be determined by LMOA.
 - f. *Renters of boat slips shall not under any circumstances transfer use or rights to any boat slip.*

CHAPTER TWENTY-ONE-Section 21.06
LMOA INVASIVE SPECIES PREVENTION PROGRAM

Proposed:

June 25, 2009

I. Policy

It shall be the policy of LMOA that no equipment, vehicle, watercraft, trailer or water related accessories that have been in another body of water, will be allowed into the lake, tributaries and drainage areas of Lake Monticello unless it has been cleaned, stored in dry quarantine as described below, and attested to as outlined in the compliance procedures of this policy.

II. Purpose

Invasive species are any species that have been introduced to an environment where it is not native and that have since become a nuisance through rapid spread and increase in numbers, often to the detriment of native species. While there are many invasive species that present a potential threat to the Lake Monticello community, the most serious is thought to be Zebra Mussels. They present a potentially devastating economic threat by interfering with recreational use of the lake; altering the lake's ecosystem, killing fish, plants, and crustaceans in the lake; fouling of beaches and clogging marine equipment. Once Zebra Mussels infest a lake, it is virtually impossible to purge the water body of these organisms. The best action to take against infestation of Zebra Mussels is to prevent them from entering the lake. While Zebra Mussels are visible the larvae are microscopic therefore cleaning boat equipment and related water accessories will also reduce the likelihood of introducing Zebra Mussels as well as other invasive species.

III. Responsibility

It shall be the responsibility of the General Manager or designee to implement and to enforce the LMOA Invasive Species Prevention Program.

IV. Program Contents

The LMOA Invasive Species Prevention Program shall consist of, at a minimum, three parts, a community education program, compliance procedures, and an enforcement program.

A. Community Education Program

LMOA in conjunction with Lake Education Group, Lake Health Manager, and the Lake Preservation Committee shall develop and disseminate materials to inform the community of the impacts invasive species can have on Lake Monticello. These materials will include but are not limited to the Friday Flyer Articles, LMOA News Articles, LMOA local TV channel programming, brochures, and signs posted at all launch ramps, beaches, and entry gates to the community. Furthermore, these materials will inform the community of compliance procedures for the lake community in order to keep the lake free of unwanted species.

B. Compliance Procedures

1. When registering boats at Lake Monticello according to Policy 6.05 Boats, Marina and Boat Slips, all boat owners/operators and guests will:

- a. Be required to read the invasive species brochure, Zebra Mussels.
- b. Agree to clean their boats and accessories if paragraph 2 is applicable.
2. All residents and/or guests entering or re-entering with equipment, vehicle, watercraft, trailer or water related accessories that have been in another body of water must follow the procedures described in paragraph 3 below before entering the lake, tributaries or drainage areas of Lake Monticello.
3. Until an approved wash station or other technology is available, the following procedures apply:
 - a. All boats, trailers, and water related accessories that have been in foreign waters should, as a precaution, be washed with soap and water and dried for 48 hours.
 - b. If Zebra Mussels are visible, they must be scraped off, crushed and placed into a trash container. Then, the water craft, trailer and accessories will be quarantined. The dry quarantine period is dependent upon average daily temperatures and humidity for Lake Monticello.
 - i. 7 days during the months of June through September
 - ii. 12 days for May
 - iii. 19 days for April and October
 - iv. 29 days for February, March, and November
 - v. 46 days for January and December

C. LMOA Enforcement Program

This program shall ensure that only clean equipment, vehicles, watercraft, trailers, and water related accessories are allowed entry into the community waters and watershed. The General Manager or his designee shall take the actions necessary to ensure that Policy 6.05 Boats, Marina and Boat Slips is being met and that individuals placing items into Lake Monticello waters and watershed can attest to the policy compliance.

Operational programs/procedures shall be established and enforced to verify to the cleanliness of equipment, vehicles, watercraft, and water related accessories so that those who do not meet the intent of the policy are denied access to the lake and its watershed.