

# **MONTCLAIR PROPERTY OWNERS ASSOCIATION**

## **Community Guidelines Article 4**

### **Policies Regarding Recreation Facilities**

Updated May 13, 2022



#### **Montclair Property Owners**

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# MONTCLAIR PROPERTY OWNERS ASSOCIATION

## RESOLUTION

### ARTICLE 4, COMMUNITY GUIDELINES

**WHEREAS**, Article 6, Section 6.2 of the Montclair Property Owners Association (“Association”) *Amended Deed of Dedication Agreement and Declaration of Covenants, Conditions and Restrictions* provides that the Board of Directors (“Board”) shall have the power to adopt, amend and repeal Rules, Regulations and Policies;...

**WHEREAS**, Article 4, Section 4.1 of the Association Bylaws (“Bylaws”) provides that the business and affairs of the Association shall be managed by the Board; and

**WHEREAS**, it is the desire of the Board to establish policies and procedures for use of Association recreational facilities.

**NOW THEREFORE BE IT RESOLVED** that the Board hereby adopts the following policies governing the use of the Association recreational facilities.:

**March 12, 1997      #97-052**

Amended:

6/10/98	#98-138	
8/12/98	#98-172	
	#98-173	
12/9/98	#98-275	
2/10/99	#99-026	
8/9/00	#00-180	
1/10/01	#01-008	
3/14/01	#01-062	
	#01-063	
	#01-064	
2/13/02	#02-034	
8/11/04	#04-153	
	#04-159	
3/14/07	#07-030	4.9.3 (c) Guidelines for Requesting Private Use of MPOA Conference Room
6/13/07	#07-091	4.1 General, 4.2 Beaches, 4.3 Lake Montclair, 4.4 Picnic Areas & 4.5 Kids’ Dominion
7/11/07	#07-116	4.9 Use of MPOA Conference Room
9/12/07	#07-147	4.2.1 General & 4.6.1 Areas Contiguous to Lake Montclair
4/09/08	#08-054	4.1.2 Recreation Tags & 4.2.2 Authorized Users
	#08-063	4.1.6 Beverages
8/13/08	#08-126	4.3.4 Boating on Lake Montclair
10/08/08	#08-188	4.3.4 Boating on Lake Montclair
1/14/09	#09-009	4.3.2 Swimming and Diving
3/11/09	#09-041	4.9.3 (m) Guidelines for Requesting Private Use of the MPOA Conference Room
	#09-043	4.1.11 Parking Lots
12/09/09	#09-245	4.3.5 (a) Boating on Lake Montclair
	#09-246	4.3.5 (h) Boating on Lake Montclair
3/10/10	#10-046	4.3.5 (a) Boating on Lake Montclair
3/09/11	#11-051	4.3.5 (k) (1) Boating on Lake Montclair
12/14/11	#11-186	4.3.5 (f) Boating on Lake Montclair
4/11/12	#12-066	4.3.5 (f) Boating on Lake Montclair
7/11/12	#12-108	4.4.1 Reservation of Picnic Areas

8/08/12	#12-130	4.1.7 Tobacco
	#12-132	4.2.6 Other Activities, 4.4.1 Reservation of Picnic Areas & 4.4.2 Reservation Areas
9/12/12	#12-147	4.2.6 Other Activities, 4.4.1 Reservation of Picnic Areas & 4.4.2 Reservation Areas
7/10/13	#13-168	4.4.1 Reservation of Picnic Areas
8/14/13	#13-186	4.1.7 Tobacco
9/11/13	#13-194	4.8.6 Business Use of MPOA Facilities and Other Properties
10/09/13	#13-229	4.2.1 General & 4.3.2 Swimming and Diving
6/11/14	#14-107	4.4 Picnic Areas & 4.4.2 Reservation Areas
8/13/14	#14-176	4.3.5 (f) Boating on Lake Montclair
9/10/14	#14-208	4.3.5 (i) Boating on Lake Montclair
12/10/14	#14-292	4.1.2 Recreation Tags
1/14/15	#15-020	4.1.6 Beverages
	#15-021	4.1.12 Firearms
4/08/15	#15-107	4.3.5 (f) Boating on Lake Montclair
	#15-117	4.3.5 (c)(h) Boating on Lake Montclair
5/13/15	#15-137	4.1.2 Recreation Tags & 4.2.2 Authorized Users
6/10/15	#15-159	4.1.4 Temporary Tags; 4.5.1 Authorized Users; 4.1.2 Recreation Photo IDs; 4.2.2 Authorized Users; 4.1.3 Guests; 4.1.5 Replacement of Recreation Photo IDs
4/13/16		4.7 Recreation Equipment & 4.7.1 Use of Recreation Equipment
5/11/16	#16-077	4.1.2 Recreation Photo IDs
6/23/16	#16-100	4.1.2 Recreation Photo IDs
6/23/16	#16-099	4.1.3 Guests
10/12/16	#16-176	4.1.13 Community Event Volunteer Policy
1/11/17	#17-007	4.1.7 Pets
1/11/17	#17-008	4.3.5 Boating on Lake Montclair
9/13/17	#17-139	4.8.1 Fundraising by Non-Profit Groups on Common Area and Business Use of MPOA Facilities and Other Property
11/8/17	#17-186	4.1.2 Recreation Photo IDs
6/13/18	#18-090	4.6.1 Areas Contiguous to Lake Montclair
8/14/19	#19-105	4.3.5 (j) Boating on Lake Montclair
11/13/19	#19-164	4.3.5 (a) Boating on Lake Montclair
6/10/20	#20-093	4.2.1 Beaches General
7/22/20	#20-152	4.2.1 Beaches General
10/13/21	#21-227	4.3.5.(b) (1) Boating on Lake Montclair
4/13/22	#22-094	Removed references to age restrictions throughout the document. Replaced all language in reference to Recreation Photo IDs (RPIDs) to Recreation Pass(es). 4.1.6 Pets 4.3.3 Recreation Equipment on the Lake 4.7 Recreation Equipment (removed section) 4.8.6 Business Use of MPOA Common Facilities and Other Property

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## ARTICLE 4 POLICIES REGARDING RECREATIONAL FACILITIES

- 4.1** General. Montclair is a unique community made special by our recreation facilities. To ensure that everyone in the community has an equal opportunity to benefit from these facilities, the Association Board has adopted the following policies regarding use of the commonly held recreational facilities. These policies are in accordance with Article 6.2 of the *Amended Declaration of Montclair*.
- 4.1.1 Operating Responsibility. The Board delegates the operating responsibility of the MPOA recreation facilities to the Managing Agent. Failure to comply with policies governing use of the recreational facilities may result in the imposition of sanctions for non-compliance in accordance with the procedures outlined for due process in Section 10.1(i) of the Amended Deed of Declaration, and in compliance with the due process procedures outlined in Section 55.1-1819 of the Virginia Property Owners' Association Act ("Act").
- 4.1.2 Recreation Passes.
- a. To control insurance costs and to ensure that the facilities are available to those who pay for them, MPOA requires that Members display valid Montclair Recreation Passes to use the facilities. After payment of the annual or appropriate monthly MPOA assessment, Recreation Passes must be obtained online through the MPOA's digital portal. Members paying monthly installments may obtain Recreation Passes through the tenth of the month if the owner's assessment account is current through the end of the previous month. Each resident, tenant, or renter not listed as an owner on the account will be required to show a recognized form of identification showing name and current address within Montclair before a Recreation Pass will be issued. For resident property owners, identification shall be in the form of a driver's license showing name and current address or a utility bill showing name and current address within the community. For renters, identification shall be in the form of a utility bill or a current, fully executed rental agreement showing name and current address within the community. Residents residing with a property owner or renter must be listed on the web portal completed by the eligible property owner, and must provide the required identification. Non-resident Property Owners are only authorized to receive Recreation Passes for one household. They may only obtain Recreation Passes for their Non-resident household or their renters, but not both. Notification of the exact dates Recreation Passes may be obtained will be made in the *Montclairion*, on MPOA's official social media page(s), and in the weekly e-mail blasts.
  - b. Residents with valid ID through a verified web portal account are not required to show verification but may instead be looked up through the Recreation Staff's portal at the entrance to events and amenities.
  - c. There are two types of Recreation Passes: unrestricted, and Additional Guests. Unrestricted Recreation Passes will be issued to all owners in good standing and their household members or to tenants if the home is rented. Accounts with only one Unrestricted Recreation Pass can be issued an Additional Guest Recreation Passes that allows up to four additional guests, except for Community Events, where two additional guests are allowed.
- 4.1.3 Guests.
- a. Except for Montclair Community Events (i.e. e.g.: Montclair Day, Fourth of July, Oktoberfest, etc.), persons registered with a valid unrestricted Montclair Recreation Pass may be accompanied by up to four guests (eight guests per any single-owner/member household). For Community Events, a maximum of two guests per unrestricted Recreation Pass (four per single-owner/member household) are allowed. In all cases, guests are the responsibility of the sponsor.
  - b. Members in good standing may sponsor additional guests at Montclair Recreational Facilities on an occasional basis in the event that the number of the Member's personal guests exceeds the household unrestricted Recreational Pass authorizations (four per Recreation Pass; eight per Recreation Pass for single-owner/member households). In such cases, additional guests must be sponsored by the owner and may not exceed 10 total guests per household. Owners requesting additional guests must complete and submit an MPOA Guest Pass Authorization Form to the MPOA office which shall be approved upon verification that the member is in good standing. The Guest Pass Authorization Form must list the names and ages of all additional guests and the specific dates of the proposed visit. Such Guest Passes may not exceed any two consecutive week period. A copy of the Guest Pass shall be provided to the Owner who must accompany the guests and provide the Guest Pass to the Recreation Guards for entry into the Montclair Recreation Facilities.
- 4.1.4 Beverages. Only non-glass containers are permissible at MPOA recreational facilities. Alcoholic beverages may only be consumed at the MPOA recreational facilities during officially sanctioned MPOA events:
1. Where beverages are sold by MPOA or an MPOA vendor under an ABC Banquet License; Members may bring their own beverages to these events; or
  2. During events where MPOA expressly allows Members to bring their own alcoholic beverages on MPOA recreation facilities.
- 4.1.5 Tobacco. The use of tobacco on MPOA Common Area is restricted to parking areas, except during scheduled Community Events, when a smaller area will be indicated as the designated tobacco use area.

- 4.1.6 **Pets.** Pets are not allowed at any MPOA recreation facility, except for the Dog Park facility, from the weekend preceding Memorial Day through the weekend following Labor Day. Pets are not permitted inside Kids' Dominion at any time. Pets that are leashed may be placed immediately aboard boats launched at the public docks located at each of the three beaches. These restrictions do not apply to assistance animals or to pets crossing an area when walked by a person displaying a valid Montclair Recreation Pass. County "Pooper Scooper" law requires that you clean up after your pet.
- 4.1.7 **Fires.** Residents must confine fires to grills in picnic areas only. The Managing Agent may permit campfires, which are an integral part of programs for organizations such as scouting. This will be noted on the Special Permit issued by the MPOA Office.
- 4.1.8 **Noise Control.** It is recognized that recreational areas are naturally noisy. Talking, laughing, and good time sounds are expected. Yelling and screaming should be curtailed in the interest of being able to hear valid calls for "help." Radios, speakers, and other similar devices, should be set at reasonable volume levels. The use of whistles and horns at the beaches is prohibited except by lifeguards, recreation guards, and MPOA Security. The use of loud, abusive, or vulgar language in any way is prohibited. Excessive or prolonged noise and the use of loud abusive, or vulgar language in other MPOA common areas are also prohibited.
- 4.1.9 **Parking Lots.** Parking lots for recreational facilities are available for use by drivers with a valid Montclair Recreation Pass. Drivers will follow the requirements of Section 5.9, Vehicle Parking Regulations, of the *Community Guidelines*. At no time shall parked vehicles block driveways or routes for emergency vehicles. During the Off Season (after Labor Day until Memorial Day weekend) beach parking lots will open at 7:30 a.m. and will lock at 3:30 p.m., Monday through Friday (except holidays) and will be locked through the entire weekend. Vehicles left in the parking lots after 3:30 p.m. may be retrieved the next business day at 7:30 a.m. During the Beach Season (Memorial Day weekend through Labor Day weekend), beach parking lots will open daily at 7:00 a.m. and will be locked at 7:30 p.m. each evening. Vehicles parked at other times are subject to being towed, as permitted by state or local law and the *Community Guidelines* at the owner's expense.
- 4.1.10 **Possession and Use of Firearms and Weapons is Expressly Prohibited.** The possession, use, and/or brandishing of firearms, weapons, B-B guns, bows and arrows, slingshots of any type, and any device designed to expel a projectile, such as paintball guns, on, within, and/or into common area is expressly prohibited. In addition to the possible suspension of privileges and the imposition of charges for violations of this regulation, referrals will be made to the Prince William County Police in appropriate cases. Members possessing a valid Commonwealth of Virginia Concealed Carry Permit may possess a firearm without regard to this guideline.
- 4.1.11 **Restrictions on the Use of Motorized Vehicles.** The operation of any type of vehicle or device powered by a gas engine, including but not limited to moped and motorcycles, on or within the boundaries of any recreational facility or on or within any common area, except roadways and designated parking areas, is expressly prohibited, except for authorized vehicles. In addition to the possible suspension of privileges and the imposition of charges for violations of this regulation, referrals will be made to the Prince William County in appropriate cases.
- 4.1.12 **Community Event Volunteer Policy.**
- a. Volunteers must be 12 years of age or older to volunteer at Montclair community events. If operating equipment (popcorn machine, funnel cake machine, grill, fryer, etc.) volunteers must be 18 years of age or older.
  - b. Those under 12 may volunteer with a parent or guardian 16 years of age or older.
  - c. Guests may volunteer with a Montclair resident. Limit one guest volunteer per resident. Guests are the responsibility of the sponsor.
  - d. Students may earn community service hours for their volunteer service. Contact the Events Manger to sign off on the hours.

## 4.2 **Beaches.**

- 4.2.1 **General.** The official beach season for each of the three (3) beaches (Dolphin, West, and Beaver Landing) will start on or about Memorial Day weekend and end on or about Labor Day weekend. The exact dates will be published in *The Montclairion* and posted on the community bulletin boards and MPOA website. Grooming of the beaches will take place during the hours of 8 a.m. to 11 a.m. daily. Persons on the beaches prior to 11 a.m. are asked to stay clear of equipment during grooming operations. Swimming at the beaches is restricted to within the roped areas. Swimming off of the board walks or docks at all beach

recreation areas is prohibited at all times. Diving is prohibited at all times from all platforms, boardwalks, and docks at all beaches. There is a 15-minute period each hour, during which all bathers are required to leave the water. Swimmers at Montclair beaches may use personal flotation devices less than six feet in length. Flotation devices will be used in a manner consistent with safety, as determined by lifeguards on duty. Swimming at beaches when lifeguards are not on duty is at the sole risk of the individual swimmer. The Association assumes no liability for use of the beaches when lifeguards are not on duty. Persons found at the beaches after dusk and prior to 6 a.m. are subject to eviction and/or arrest for trespassing. Notwithstanding the posted hours, the Managing Agent may close the beaches because of weather conditions, emergency situations, or other extenuating circumstances. The lifeguards or recreation guards may also require people to leave the water for safety considerations. Feeding the geese at any of the three beaches is prohibited.

#### 4.2.2 Authorized Users.

a. Holders of unrestricted Recreation Passes are permitted to use the beaches without supervision. Residents with an unrestricted Recreation Pass may bring up to four guests for whom they are responsible, except at Montclair community events, when the limit is two guests.

4.2.3 Lifeguards. Lifeguards are provided for the safety of our swimmers. Lifeguards' instructions are to be obeyed while they are on duty. Swimmers are not to gather at the lifeguard stands and are not to distract them from their primary duty. Persons interfering with the lifeguards' duties or disregarding their requests will be referred to the MPOA recreation guard or other Security personnel. Sanctions, including suspension of the use of the beaches, may be imposed.

4.2.4 Recreation Guards. Recreation guards will be hired by the Managing Agent and are empowered to enforce all MPOA rules and regulations. In no event shall the Association be liable to any person for the violation by others of any covenant, rule, or regulation.

4.2.5 Sporting Activities. Sporting activities on the beaches are restricted to designated areas. Participation in sporting events at Montclair recreation facilities require the display of proper Montclair Recreation Passes and compliance with guest rules. Participation is at the person's own risk.

4.2.6 Other Activities. The MPOA beaches and other common area are for recreational use. Reservations or use of the picnic areas on behalf of outside groups or organizations is not allowed without prior approval of the Board.

4.3 Lake Montclair. Lake Montclair is privately owned by the Montclair Property Owners Association. MPOA grants property owners and residents the privilege to use it as a community recreation facility. Persons displaying valid Montclair Recreation Passes and their guests may use Lake Montclair. Unauthorized persons are subject to eviction and/or arrest.

4.3.1 Winter Use of Lake Montclair. All persons, including residents and/or guests, are prohibited from entering or going upon any frozen portion of Lake Montclair. In particular, and without limitation, no ice-related recreation or activity is permitted on Lake Montclair. Any person found in violation of this rule may be prosecuted for trespass in addition to any other sanction that may be imposed by MPOA. The Association shall have no responsibility or liability for injury, death or damage resulting from a violation of this prohibition.

4.3.2 Swimming and Diving. The only authorized swimming areas at Lake Montclair are the roped-in areas at Dolphin Beach, West Beach, and Beaver Landing. Swimming in any other area is at the sole risk of the individual swimmer. Swimming at the Montclair beaches when lifeguards are not on duty is at the sole risk of the individual swimmer. Swimmers may use personal flotation devices less than 6 feet in length or diameter. The Association assumes no responsibility or liability for the actions of those individuals swimming in other than the roped-in swimming areas at MPOA's beaches. Diving is prohibited at all times and locations on Lake Montclair. Swimming off of the boardwalks or docks at all beach areas is prohibited at all times.

4.3.3 Recreation Equipment. The use of inflatable devices other than what is identified in para 4.3.2 is permitted only outside of roped off swimming areas. Use of these devices is at the sole risk of the user.

#### 4.3.4 Fishing.

a. Fishing is available to persons displaying a valid Montclair Recreation Pass and their and guests. All persons must identify themselves when requested by Staff of the Managing Agent. Failure to do so will subject a person to eviction and/or arrest. Fishing is authorized from boats or the lake shoreline but not within the swimming area (roped-in area) of the beaches. The Association assumes no responsibility or liability for persons fishing at Lake Montclair. All persons fishing in Lake Montclair must also comply with licensing requirements of the Virginia Department of Game and Inland Fisheries.

b. Fishing is permitted from community docks and most MPOA common areas that abut the shoreline. The shoreline that



abuts private lake- front property and the docks of lake-front property owners may only be used by or with the permission of the property owner. If in doubt, residents should check with the MPOA Office. Fishing from the dam is not authorized. The concrete platform which houses the dam gate control is strictly off limits. Persons found at that location will be subject to arrest.

- c. Triploid Carp are protected species in Lake Montclair and cannot be hunted, killed, or removed from the lake.

#### 4.3.5 Boating on Lake Montclair.

##### a. Boats and Flotation vessels:

1. All boats shall be registered annually in October at the MPOA office and shall display a current MPOA sticker on the port side of the bow.
2. All boats must be maintained in good working order and appearance and shall be operated in accordance with federal, state and local watercraft requirements including, but not limited to, all requirements with respect to loading, life preservers and safety equipment. All powered boats/vessels shall display a white 360-degree light long with a red navigation light on the port bow and a green navigation light on the starboard bow. In addition, a flotation vessel of any size and description, such as kayaks, canoes, stand up paddle boards, windsurfers, pedal and paddle boats, inflatable inner tubes, and rafts, operated between dusk and dawn on Lake Montclair shall have at the ready a light that shall be exhibited in sufficient time to prevent a collision. The light can be handheld, attached to the body or affixed to the flotation vessel.
3. No boat of a length greater than eighteen feet shall be launched onto or used on the Lake without express consent of the Board. No boats may be moored or left unattended on the Lake after dark and before dawn except at the boat owner's own MPOA- approved dock. The owner of any boat moored on the Lake overnight shall register on the FSR Connect webpage and shall provide management a telephone number or numbers at which the owner may be contacted.

##### b. Motors:

1. MPOA specifically prohibits gas-engine powered boats in Lake Montclair, with the exception of emergency response units and MPOA maintenance watercraft, and Virginia Department of Wildlife Resources for a Fish Survey to be conducted once annually. Authorized users of Lake Montclair may launch a boat from West Beach with a gasoline engine affixed to the craft; however, the gas tank(s) must be removed before being allowed entry to the launch area and the out-drive of the motor must remain out of the water. Boats with non-removable gas tanks are prohibited on Lake Montclair.
2. Boats operated on Lake Montclair may be powered by electric motors. However, no boat used or operated on Lake Montclair may be powered by one or more electric motor having a total power of more than 195 pounds thrust, or the equivalent of 3.5 horsepower.
3. No boat with a gas tank or a gas engine may be stored, docked, moored or fueled on the lake. Boats that may be properly used on the lake may be docked at West Beach temporarily during the process of launching or removing the boat.

- c. Any boat launched, operated or moored on Lake Montclair in violation of these Guidelines may be subject to impoundment, in accordance with the Amended Deed of Declaration Section 10.1(i) and Section 4.1.1 of the Community Guidelines. The owner of an impounded boat shall be liable for the costs of removal and all storage charges. Unregistered boats that are impounded from West Beach will be subject to a removal and storage charge of \$25. An impounded boat may be recovered by its owner upon showing proof of ownership and paying all removal and storage charges but may not be re- launched on Lake Montclair except in compliance with these Guidelines. Any impounded boat not recovered by its owner within thirty days of impoundment is subject to sale by auction or by such other means as the Board may determine appropriate.

- d. Boating and fishing are not permitted at any time within designated (roped-in) swimming areas. Lakefront property owners may use their boat docks for launching boats and fishing. Swimming from private docks and boats on Lake Montclair is at the swimmer's own risk.

- e. Dumping, pouring, or throwing any material into the lake or onto the beaches or areas adjacent thereto, or any common area abutting the lake, is forbidden.

- f. The only approved community boat launch area for boats requiring trailers is West Beach. Boats that can be hand carried may use any of the three community beaches outside of the marked swim areas for ingress and egress. In addition, Southlake Landing and Waters Edge Townhome Association members may use their launch areas. Lakefront property owners may launch boats from their property. The West Beach boat ramp is chained off and locked when the beach guards are not on duty. Property Owners in good standing, desiring to launch Montclair registered boats from the ramp when beach guards are not on duty must have a key issued by MPOA for the lock. Keys may be obtained from the MPOA, and may be retained by Owners for future use. Owners will be required to leave a \$20 security deposit for the parking lot gate key and a \$75 security deposit for the boat ramp gate key fob. The security deposit will be refunded when the key and key fob are returned. All owners in good standing will be required to pay a \$100 fee (non-refundable) for a replacement key or key fob. After a boat is launched or retrieved via the ramp, the Owner must replace the chain and affix the lock.

- g. Under no circumstances may a boat trailer or vehicle be left anywhere on West Beach, the access road, or in the boat rack area. Parking will be in designated areas only. Violators are subject to an assessment of charges and/or loss of boating privileges as well as having the vehicle and trailer towed at their own expense.

- h. Boat storage at West Beach is restricted to the MPOA boat racks. Boat racks shall only be used by valid Montclair Recreation Pass holders, who have registered their boats with the Association, paid the **\$25 service fee**, and have properly affixed boat stickers to their boats. The \$25 service fee is to be paid annually by October 31. There will be a \$15 late fee if paid past November 10. MPOA is not responsible for loss or damage to boats stored on common property. A valid Montclair Recreation Pass must be in the possession of the boat owner to remove a boat from the rack for launching purposes. Boats must be affixed to the rack by use of chains and a lock. When removing a boat from the rack, the boater must also remove the chain and lock from the rack. No racks are reserved. Leaving the chain and lock on the rack does not reserve that rack. Persons returning to the rack area may place their boat on any vacant rack even though a chain or lock is affixed to that rack. Under no circumstances is a person to cut the chain or lock belonging to another person or touch physically or move a boat occupying a space on the rack.
- i. The Board may set an appropriate limit on the number of boats stored at West Beach based on safety and space available.
- j. For purposes of the Community Guidelines, a “boat” is defined as a vessel propelled by oars, paddles, sail, or electric power and having the following characteristics:
  1. Over 6 feet in length but not exceeding eighteen (18) feet, and having no more than one deck.
  2. Constructed so as to have a hull, frame, body or casing made of durable and water repellent material or pontoons attached which provide the flotation necessary for the buoyancy of a main platform (i.e., pontoon craft).
  3. Have the capacity to accommodate a passenger with a life preserver on board unless designed for one person only.
  4. Routinely propelled with standard oars, paddles, sails, or small electric motors.
  5. Paddleboards are exempt from the above definition and not considered a “boat.”

**4.4 Picnic Areas** Picnic areas within Montclair are located at Dolphin Beach, West Beach, Beaver Landing, and Kids’ Dominion.

**4.4.1 Reservation of Picnic Areas.**

- a. Reservations for designated picnic areas, identified by the General Manager in Enclosure 4-14, may be requested by Members in good standing who possess a valid Montclair Recreation Pass. Picnic tables that are outside the designated areas remain available for DAILY use on a first come first use basis. There are no time limits associated with their use.
- b. Reservations are made for specific time blocks during the day in order to meet as many requests as possible. A designated picnic area may be requested by the same Sponsor for both time blocks on the same day, no sooner than 14 days. However, in order to meet as many reservation requests as possible the Sponsor should initially indicate a preferred timeslot.
- c. Requests for reservation are on a first-come first served basis. There can be only one active reservation per household.
- d. The MPOA General Manager shall maintain the schedule of time blocks, and a logbook of reservations. No reservations will be approved by the General Manager for the 4<sup>th</sup> of July or the holiday weekends, including the holiday (Friday, Saturday, and Sunday) of Memorial Day, Montclair Day, and Labor Day. Additional dates may be excluded due to activities previously scheduled by the Events Committee.
- e. A signed copy of the Designated Picnic Area Reservation for Private Functions form (Enclosure 4-1), with a copy of the Declaration Page of the Homeowners/Renters Insurance Policy attached, must be submitted to the General Manager no earlier than:
  1. Thirty days prior to beach opening, for use by Members, their families, and informal groups comprised primarily of Montclair residents;
  2. Twenty-one days prior to use by non-profit organizations based in Montclair and public schools serving the Montclair community (e.g. Boy Scout troops);
  3. Fourteen days prior to use by non-profit, social and informal organizations not based in Montclair (e.g. church groups);
  4. Reservation request by For Profit organizations will be reviewed by the Board at the meeting proceeding the requested date and no earlier than the June meeting.
- f. All reservation requests and documentation must be submitted to the MPOA Office a minimum of four working days in advance of the desired date. EXAMPLE: A completed reservation request, insurance documentation and the guest list, is due before the Close of Business on Monday for a desired reservation the following Saturday or Sunday.
- g. A guest list must be submitted to the MPOA office FOUR working days prior to the scheduled reservation. A copy of the approved reservation request form and the guest list will be held at the recreational facility by the on-duty Recreation Guard on the day of the reservation.
- h. If the request is disapproved, the applicant will be notified by the MPOA, within five business days after submission or the scheduled meeting of the Board, if applicable.
- i. Once the application has been approved, the requesting Member becomes the “Sponsor” and agrees to:
  1. Remain onsite throughout the reservation period;
  2. Be responsible for the conduct of all guests and the compliance with directions provided by staff, lifeguards, and recreation guards;
  3. Ensure compliance by all attendees with the MPOA Community Guidelines (including no alcohol consumption);

4. Ensure the area is properly cleaned up at the conclusion of the event.
- j. Upon the departure of the Sponsor, for any reason, any and all attendees who do not possess a valid Montclair Recreation Pass must immediately depart the recreation areas.
- k. The Association accepts no liability or responsibility for the cancellation or early ending of a designated picnic area reservation, for any reason.
- l. Reservations will be held up to one hour from the scheduled time on the permit. If the sponsor of the party has not arrived by that time, the function will be considered cancelled.
- m. The Association assumes neither responsibility, nor liability, for the actions of the individuals at a private function upon MPOA recreation facilities or for any injuries sustained by any attendee/guest while using the MPOA recreational facilities.

4.4.2 **Reservation Areas.** The following picnic areas may be reserved. Each picnic area listed below will only be reserved for the number of attendees which that facility can safely accommodate in relation to the number of picnic tables available at each site.

• Dolphin Beach	Pavilion	60 Attendees
• West Beach	One picnic area	40 Attendees
• Beaver Landing	Pavilion	25 Attendees
• Kids' Dominion	Pavilion	25 Attendees

Picnic tables and areas that are not listed above are not subject to reservations, and are available on a first come basis. A reservation does not reserve all or any section of the recreational facility other than the specified area. All group use of the picnic areas for outside groups or organizations is not allowed without prior approval of the Board.

4.4.3 **Cleanup.** The sponsor making the reservation is responsible for making sure that trash and debris are placed in receptacles. The sponsor is financially responsible for any damage or cleanup required as a result of their party.

#### **4.5 Kids' Dominion.**

4.5.1 **Authorized Users.** Persons with valid Montclair unrestricted Recreation Pass are permitted entrance to Kids' Dominion.

4.5.2 **Posted Rules.** Persons using Kids' Dominion shall obey the posted rules and instructions of the recreation guards. Violators are subject to sanctions, including potential suspension of recreation privileges.

4.5.3 **Maintenance.** Residents are encouraged to call the MPOA Office with maintenance requirements.

#### **4.6 Use of Other MPOA Common Area.**

4.6.1 **Areas Contiguous to Lake Montclair.** There are parcels of land specifically designed and equipped as recreational areas (i.e., Dolphin Beach, West Beach, and Beaver Landing). The MPOA restricts use of other areas contiguous to the lake, and surrounded by abutting privately owned property, as follows:

- a. The shoreline on the cove between Timber Ridge Drive and Inlet Place at Waters Edge area may be used for fishing only (access is from Timber Ridge Drive turn-around point).
- b. The shoreline between Lindenberry Lane and Beachwater Court at Waters Edge area may be used for fishing only (access is from Tallowood Drive).
- c. There shall be no traversing, loitering, picnicking, camping, or fishing on all other Association property contiguous to Lake Montclair without the approval of each abutting property owner.
- d. Feeding the geese on any common area including areas contiguous to Lake Montclair is prohibited.

4.6.2 **Other Common Areas.** A significant amount of other common area exists throughout the community. Much of this common area is in close proximity to residential lots. To respect the right of owners around MPOA common areas, the use of such MPOA property, except for fishing where authorized, is restricted from dusk to 6 a.m. Persons loitering or engaged in activities that impact residents in the surrounding area are subject to eviction and/ or arrest for trespassing.

4.6.3 **Sub-Association Common Areas.** Further restrictions may be placed on Sub-Associations. Contact the Sub-Association directly for information on any such restrictions. For more information on the areas designated above, contact the MPOA Office.

#### **4.7 Fundraising by Non-Profit Groups on Common Area and Business Use of MPOA Facilities and Other Property.**

- 4.7.1 The Managing Agent may permit a bonafide non-profit organization to raise funds by selling food, beverages, products, or performing a service on MPOA common area if the following criteria are met:
- a. The organization must complete an application form substantially similar to the example in Enclosure (3). The application must include a complete list of all group members who will participate in the fund raising activity.
  - b. The sponsor of the application must be identified as a Montclair resident who is a property owner in good standing.
  - c. The group's membership must be comprised of at least 75 percent Montclair residents, except for elementary, middle, and high school groups which must be from schools which include Montclair within their boundaries. Groups with less than 75 percent of their membership from Montclair may request Board approval.
  - d. No more than one fund raising activity may take place on each of common area in a day.
  - e. The hours of 11 a.m. to 5 p.m. shall be designated for fund raising activities at the beaches, unless the Managing Agent approves a different time.
  - f. No such activity shall be permitted on Montclair Day, the Fourth of July, or Oktoberfest, or on the date of any other planned community event unless specifically waived by a resolution from the MPOA Board.
  - g. At least one adult Montclair resident shall be present at all times during any fund raising activity and shall be responsible for the conduct of the group.
  - h. The organization raising funds shall be responsible for supplying all equipment and for removing all trash and other litter from the area. No literature may be distributed and no solicitation for membership will be permitted.
  - i. Members in good standing supporting charitable organizations may conduct occasional collection drives utilizing the MPOA building as a drop-off point for material donations. The member supporting a sponsoring charitable organization is responsible for providing a collection bin, labeled with the organization's information, Montclair point of contact's name and phone number, and dates of collection. The MPOA member supporting the charitable organization will coordinate with MPOA management staff to ensure collection bin(s) are placed in an accessible location within the MPOA building that does not interfere with the regular business operations of the MPOA. The organization's Montclair sponsor is not required to be present for collection drives; however, the sponsor is responsible for removing the collection bins at the end of the collection drive period. Collection drives utilizing the MPOA building are limited to a maximum of two consecutive weeks (10 business days) unless longer durations are approved on a case by case basis by the Board."
- 4.7.2 The MPOA, its Board, and the Managing Agent and its employees assume no liability for any activity by any private organization.
- 4.7.3 The Managing Agent or the Board may terminate a fund-raising activity at any time, for any reason.
- 4.7.4 Under no circumstances will any non-profit organization be permitted to raise funds under this policy by selling alcoholic beverages of any kind on MPOA common area.
- 4.7.5 No fund raising activity shall take place on the sand area of any beach. The Managing Agent may designate the specific location of all fund raising activity permitted under this policy.
- 4.7.6 **Business Use of MPOA Facilities and Other Property.** All business use of the lake, beaches, other common area, the MPOA conference room and other MPOA property shall be subject to the policy except when such activity is specifically requested by the Association's Management Agent or the Board on behalf of the membership. Business use directly supporting scheduled community events can be approved by the Managing Agent. Any other business use of MPOA facilities or other property shall be approved in advance by the MPOA Board. A business use fee paid by check or money order of \$200 and a refundable deposit of \$100 will be assessed and shall be paid prior to each use, unless waived by the MPOA Board. Businesses that receive approval for ongoing business use will be charged an annual fee of \$300.
1. Business Use is considered use for the purpose of raising revenue or conducting commerce by individuals or organizations. If a participation fee of any form is charged, an activity is considered business use.
    - a. Businesses requesting use of MPOA Facilities and Other Property must complete a "Business Use of MPOA Facilities and Other Property Application" (enclosure 4-6) and submit to the Managing Agent.
    - b. The following attachments must be provided with the Business Use Application: proof of liability insurance in the amount of \$1,000,000, naming MPOA as additionally insured and indemnified; waivers/releases from class participants; instructors must submit proof of certification in area(s) of instruction.
    - c. Classes/Groups must be comprised of 75 percent Montclair Residents. Groups with less than 75 percent of their membership from Montclair may request a variance for Board review.

- d. During the period between Memorial Day and Labor Day or the official MPOA Recreation/beach season – Any beach use is restricted to before or after the official beach hours. No business use shall be permitted on Montclair Day, the Fourth of July, or Oktoberfest, or on the date of any other planned Community event unless permission is specifically granted by the MPOA Board.
  - e. The sponsor of the application shall be present at all times during any activity and shall be responsible for the conduct of the group.
  - f. The sponsor shall be responsible for supplying all equipment and for removing all trash and other litter from the area.
  - g. Approval to use MPOA Facilities and Other Property does not serve as a reservation and does not allow for exclusive use of the facility or area.
2. No business use fee shall be required for any event sponsored by a tax exempt organization provided that an IRS ruling or determination letter for the organization is on file in the MPOA office. Business use fees shall be made by check, payable to the Montclair Property Owners Association (MPOA). Business use fees for the MPOA Conference Room, other MPOA facilities and other Association property are non-refundable except as noted in Section 4.9.3 (g).

4.8 **Use of MPOA Conference Room.** The MPOA Conference Room is primarily for MPOA activities. The conference room is also available to Montclair-based organizations and individual property owners on a space-available basis. Use for MPOA activities is considered “public.” Use for any other reason is considered “private.” At no time shall any private function be conducted in a manner that interferes with the normal operation of the Association. The MPOA, as a 24- hour-a-day activity, must treat private functions as secondary to the operation of the Association. Private functions are prohibited from using the offices within the MPOA Office Building.

4.8.1 Under no circumstances may the conference room be reserved by or rented for use by any person other than a Montclair Property Owner. The Property Owner must be present during the full event.

4.8.2 **Priority for Use.** Use of the MPOA conference room is prioritized as follows:

- a. MPOA Board;
- b. Committees of the MPOA Board;
- c. Association official business/activities;
- d. Sub-association board meetings;

4.9.2 **Priority for Use (continued).**

- e. Clubs and organizations based in Montclair, with membership comprised of at least 75 percent Montclair residents (must provide membership list with names & addresses), except for elementary, middle, and high school groups which must be from schools which include Montclair within their boundaries; and individual property owners who qualify for a Recreation Pass; and
- f. Business use by any individual property owner or Montclair based organizations.

4.9.3 **Guidelines for Requesting Private Use of the MPOA Conference Room.**

- a. Private use is defined as personal use for a member of the association in good standing that meets none of the criteria for business use as defined in 4.8.6.1.
- b. MPOA reserves the right to revoke a reservation request when required to conduct MPOA business. Notice of revocation will be given 72 hours prior to reservation date.
- c. All events must have a designated MPOA property owner sponsor in addition to a club official, when applicable (hereafter, called the Sponsor).
- d. Requests are on a first-come, first-served basis according to priority level.
- e. A signed copy of the Reservation Request/Acknowledgement of Responsibility Form (Enclosure 4) shall be submitted to the MPOA office no earlier than:
  - 1. 45 days prior to use for clubs and organizations based in Montclair (4.9.2 (e)) and individual property owners;
  - 2. 30 days prior to use for business use (4.9.2 (f)); and
  - 3. No later than 14 days prior to the requested date.
 Reservations will be subject to cancellation if form is incomplete. Copies of the form are available at the MPOA office.
- f. The Management Agent staff shall require proof of insurance from the Sponsor as a precondition for approving use of the facility for a private function.
- g. Reservations by those listed in section 4.9.2 e-f are restricted to once per month and may not have more than one reservation on the books, unless a waiver is approved by the MPOA Board.
- h. Repeat reservations will require submission of a new reservation request form and be subject to all approvals contained herein unless the Management Agent staff determines that the reservations are necessarily linked and waives this requirement. Notwithstanding such a waiver, the business use fee will apply to each reservation date.
- i. A refundable security deposit of \$100.00 is due, as well as a copy of the Sponsor’s homeowners insurance, when the

reservation form is submitted. Deposits are accepted by check or money order and should be made payable to Montclair Property Owners Association (MPOA). Deposits will be cashed and a refund will be mailed by the management company following the event, assuming there is no damage.

- j. Contract Patrol (or Management Agent staff in the absence of Contract Patrol) will meet the Sponsor at the start of the event for an opening inspection. At the conclusion of the function, the Sponsor (and Management Agent staff, if present) will conduct a closing inspection and the inspection sheet will be signed by the Sponsor to ensure the facility is left in the same condition.
- k. Contract Patrol will check the ongoing reservation in the process of doing their routine patrol, and will lock the building at the end of the reservation.
- l. Notice of cancellation of a scheduled event should be given to MPOA as soon as practicable. Failure to give timely notification denies others the use of the facilities and may jeopardize future reservation requests. Business use fees (see 4.8.6) and security deposits will be returned if an event is canceled and the facilities are not used.
- m. Alcoholic beverages shall not be consumed at a private function. Food and soft drinks may be consumed at such functions, however, the Sponsor shall ensure that any spills are thoroughly cleaned and all food waste is removed from the facility.
- n. The hours of MPOA Conference Room operation for a private function are 9:00 a.m. to 4:00 p.m. plus one hour for clean-up, Monday through Friday, except for specified holidays or special arrangements are made with the General Manager. No overnight use will be permitted, including for storage of items.
- o. The maximum capacity of the MPOA Conference Room is 60 persons at any one time.
- p. Any music must be kept at reasonable volume levels at all times. Use of amplified and/or live music must be specifically approved by the Management Agent staff, and shall be discontinued by 10 p.m.
- q. At no time shall a private function be allowed to become rowdy or uncontrolled. The Sponsor of the function bears full responsibility for maintaining the proper atmosphere for the function. If the Management Agent staff determines that an event has become uncontrolled, the Management Agent staff may terminate the function, and the security deposit(s) may be forfeited. The Sponsor's failure to maintain the proper atmosphere at a private function may also result in forfeiture of the right to use the facility for a period of up to one year.
- r. No decorations of any kind may be affixed to the walls, ceilings, or doors of the facility. Except for birthday cakes, lighted candles or open flame devices are permitted to be used in the MPOA conference room only when approved in advance by the General Manager.
- s. The conference room may not be reserved for athletic activities.

4.9.4 Cleanup. The Sponsor must ensure that the facility is left in the same condition as found. Set up is the sole responsibility of the Sponsor and is to be coordinated with the Management Agent staff. Cleanup shall include but not be limited to removal of all trash from the facility, placement thereof in the outside dumpster and cleaning and repositioning all tables and chairs. Any damage to the facility or its contents during a private function is strictly the responsibility of the Sponsor. The Management Agent staff will review the inspection sheet, perform a post-use inspection of the building before the next user, and make a determination if reported damage to the room or its contents was caused by the Sponsor's use. If it is determined that the damage was the result of the private function, the Management Agent staff will notify the Sponsor that all or part of the security deposit will not be returned. The Sponsor will also be held financially responsible for damages exceeding the value of the security deposit.

**Montclair Property Owners Association  
Picnic Area Reservation for Private  
Functions**



\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

Check One:  Own  Rent

\_\_\_\_\_  
Daytime Phone

Check one:  Home  Cell  Work

\_\_\_\_\_  
Email Address

**Reservation Details**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Number of Guests (see maximums below)

\_\_\_\_\_  
Type (birthday, family, etc.)

Location (Check one):  
 Dolphin Beach (60 attendees)  West Beach (40 attendees)  Beaver Landing (25 attendees)  Kids' Dominion (25 attendees)  
 Time (Check one):  10 a.m. – 2 p.m.  3 – 7 p.m.

**Please attach a copy of the declaration page of the homeowner's insurance policy.**

**As a sponsor for this private function, I will remain in attendance for the duration of the function and ensure that all trash and debris are disposed. I understand that I will be financially responsible for any damage or clean-up resulting from this private function. I additionally understand that no glass containers or alcoholic beverages are permitted at this function.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Addendum**

We/I are sponsors of a private function to be held at a recreation area owned by the Montclair Property Owners Association ("MPOA").

We/I agree that we/I are/am responsible for adherence to the Amended Declaration for Montclair and Bylaws, including all amendments and supplementations thereto, and the MPOA Community Guidelines for use of MPOA recreational facilities.

We/I hereby indemnify and agree to hold harmless the Montclair Property Owners Association, Inc., its Board of Directors, officers, employees, members and/or agents, from any and all injuries, damages, causes of action, claims or obligations, consequential and/or incidental damages and/or costs (including attorney's fees) of defense arising out of or surrounding property owned by MPOA, from any action or omission of the sponsor(s), his/her/their family members, agents, employees, invitees, or licensees, or from any cause whatsoever.

\_\_\_\_\_  
Signature

<b>For Office Use Only</b>	
Check One: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
_____ Reason for Denial	_____ Date

## Important Information for Picnic Area Reservations

Reservation of picnic areas is limited to residents in good standing who possess a valid unrestricted Montclair Recreation Pass. Reservation requests are on a first come, first served basis according to the following priority levels:

- **30 Days Prior to Beach Opening**  
Reservations by Members, their families, and informal groups comprised primarily of Montclair Members.
- **21 Days Prior to Beach Opening**  
Reservations by non-profit organizations based in Montclair, and public schools serving the Montclair community.
- **14 Days Prior to Beach Opening**  
Reservations by non-profit, social, and informal organizations not based in Montclair.
- Reservations by for-profit organizations must be reviewed and approved by the Board of Directors.

Limit one active reservation per household. Reservations are accepted for the summer season only (Memorial Day weekend through Labor Day weekend). Reservations will not be accepted for the following dates: Memorial Day weekend, Montclair Day, Independence Day, Labor Day weekend, as well as additional dates as set by the Community events Committee. Picnic areas are available for use by Members outside of the summer season on a first come, first served basis.

In addition to the Picnic Area Reservation for Private Functions form, Members must submit the following documentation:

- Copy of the declaration page of the homeowner's insurance policy;
- Complete list of guests attending the function, submitted no later than 4 working days prior to requested reservation date. Failure to provide these documents may result in the cancellation of the reservation by management staff.

Guests for picnic area functions are required to check in with the Recreation Guard on duty prior to proceeding to the picnic area. Guests not listed on the provided guest list and without valid Recreation Pass will be denied entry to the recreation area. Use of parking lots at the recreational facilities is limited to drivers with a valid Montclair Recreation Pass. Guests not residing within Montclair attending functions at the picnic areas must utilize street or other alternate parking.

The resident placing the Picnic Area Reservation request will be the "sponsor," and agrees to the following:

- Remain on-site throughout the reservation period;
- Assume responsibility for the conduct of guests, and their compliance with requests from staff;
- Ensure guest compliance with the Community Guidelines, including restrictions on alcohol consumption;
- Clean up of the picnic area at the conclusion of the event.

Guests not possessing a valid Recreation Pass must depart the picnic area immediately upon departure of the sponsor.

See Article 4, Section 4.4 of the Community Guidelines for a complete list of rules and regulations regarding picnic areas.

### Picnic Area Reservation

Date Requested: \_\_\_\_\_ Guest List Due By: \_\_\_\_\_

If your request is denied or requires further information, management staff will contact you at the number provided on your form. If you would like to confirm approval of your reservation date, contact our office at (703) 670-6187.



**Montclair Property Owners  
Association Request to Use MPOA  
Equipment**



\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

Check one:  Own  Rent

\_\_\_\_\_  
Daytime Phone

Check one:  Home  Cell  Work

\_\_\_\_\_  
Email Address

**Request Details**

\_\_\_\_\_  
Group Represented

\_\_\_\_\_  
Group Type (Club, Scout Troop, etc.)

\_\_\_\_\_  
Nature of Activity

\_\_\_\_\_  
Pickup Date

\_\_\_\_\_  
Return Date

Is this group non-profit?  Yes  No

Is this group non-political?  Yes  No

Is this group based in Montclair?  Yes  No

Do at least 75% of the members of this group live in Montclair?  Yes  No

If this request is granted, the requesting party is responsible for picking up and returning the equipment on the dates stated above. The requesting party is responsible for the equipment being returned in the same condition as when borrowed and liable for any of the activities that involves the use of the equipment. By signing this request the requesting party hereby acknowledges that the MPOA is not liable for the condition of the equipment and that the MPOA is not liable in any manner for the conduct of the group's activities. Use of this equipment shall not be deemed as an endorsement of the activity by the MPOA.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

<b>For Office Use Only</b>		
Check One: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	_____ Reason for Denial	_____ Date



**Montclair Property Owners Association  
Common Area Fundraising and Charitable Collections Application**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

Check one:  Own  Rent

\_\_\_\_\_  
Daytime Phone

\_\_\_\_\_  
Email Address

**Request Details**

\_\_\_\_\_  
Group Name

\_\_\_\_\_  
Group Type (Club, Scout Troop, etc.)

\_\_\_\_\_  
Date (include start and end date  
for charitable collection drives)

\_\_\_\_\_  
Location

\_\_\_\_\_  
Times (for single-day fundraising events)

Describe below the product to be sold, service to be provided, or charitable collection drive to be conducted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach a copy of the declaration page of the homeowners/organization insurance policy (*n/a for charitable collection drives at the MPOA building*). I have read and understand the regulations governing fundraising and charitable collection drives on MPOA Common Area. I agree that the MPOA and its employees have no liability for these activities. I agree that at least one adult Montclair resident shall be present at all times during this activity (*n/a for charitable collection drives at the MPOA building*); that this activity may be terminated for violation of any MPOA rule or regulation; and that no alcoholic beverages of any kind will be sold. Attached is a complete list of the names and addresses of all participants for fundraising activities, or the sponsor of the charitable collection drive.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Office Use Only**

Check One:  Approved  Denied

\_\_\_\_\_  
Reason for Denial

\_\_\_\_\_  
Date

## **Fundraising by Non-Profit Groups on MPOA Common Area**

The General Manager may permit a bonafide non-profit organization to raise funds by selling food, beverages, products or performing a service on MPOA common area if the following criteria are met:

1. The organization must complete an application form substantially similar to the example attached.
2. The applicant must be identified as a Montclair resident who is a property owner in good standing. The group's membership must be comprised of at least 75% (percent) Montclair residents except for elementary, middle and high school groups which must be from schools which include Montclair within their boundaries. Groups with less than 75% require board approval.
3. No more than one fundraising activity may take place on each different section of common area in a day.
4. The hours of 11 a.m. to 5 p.m. shall be designated for fundraising activities at the beaches, unless the General Manager approves a different time. For other parcels, the time may be established by the General Manager.
5. No such activity shall be permitted on Montclair Day, the Fourth of July, or Oktoberfest, or on the date of any other planned community activity.
6. At least one adult Montclair resident shall be present at all times during any fundraising activity and shall be responsible for the conduct of the group.
7. The organization raising funds shall be responsible for supplying all equipment and for removing all trash and other litter from the area. No literature may be distributed and no solicitation for members shall be permitted.
8. The Montclair Property Owners Association and its employees assume no liability for any activity by any private organization.
9. If the General Manager or his designee observes any activity which violates either this policy or any other Montclair regulation, he or she may terminate the fundraising activity immediately.
10. Under no circumstances will any non-profit organization be permitted to raise funds under this policy by selling alcoholic beverages of any kind on MPOA common area.
11. No application will be accepted without a complete list which identifies all group members participating in the fundraising activities.
12. No fundraising activity shall take place on the sand area of any beach. The General Manager may designate the specific location of all fundraising activity permitted under this policy.

# Montclair Property Owners Association



## Conference Room Reservation for Private Functions

Use of the Association's conference room facilities is limited to 9 a.m. through 4:30 p.m. Monday through Friday to property owners in good standing. Reservation of the conference room is not available to non-owners, including tenants living within Montclair. A refundable security deposit of \$100 is required upon submittal of the application. Reservations for business use are required to pay a \$200 non-refundable use fee in addition to the security deposit. Waiver of this fee will be permitted for any organization showing proof of tax exempt status.

\_\_\_\_\_  
Name \_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_ Check one:  Home  Cell  Work  
Daytime Phone \_\_\_\_\_  
Email Address

### Reservation Details

\_\_\_\_\_  
Group Name (if applicable)

Group Type (Check One):  Club/Organization  Property Owners  Business Use

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
Date Number of Guests (max. 60) Time

\_\_\_\_\_  
Purpose of Conference Room Usage

Please attach a copy of the declaration page of the homeowners/organization insurance policy.

I the undersigned individual, group or organization of MPOA certify in writing and under penalty of law that the proposed gathering or meeting is not for the purposes as prohibited.

I further understand that this reservation is subject to cancellation/modification by the MPOA General Manager in accordance with Article 4 of the Community Guidelines governing the MPOA room use. I further agree to participate in an opening and closing inspection with a staff member of the areas to be used and will abide by all rules and regulations stated in Article 4, Section 4.9 of the Community Guidelines. I understand that any damage to the facility during a private function is strictly the responsibility of the property owner. Any failure to meet these responsibilities may result in the loss of my security deposit in whole or part, and the applicant may be responsible for any consequential damages as a result of the mishap.

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

#### For Office Use Only

Check One:  Approved  Denied  
\_\_\_\_\_ \_\_\_\_\_  
Reason for Denial Date

**Montclair Property Owners  
Association West Beach Key & Key  
Fob Application**



\_\_\_\_\_  
Name \_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_ Check one:  Home  Cell  Work \_\_\_\_\_  
Daytime Phone Email Address

By affixing your signature below, the following conditions will be adhered to by the signee:

- The West Beach key and key fob are restricted to property owners in good standing. Under no circumstances will a key be issued to a non- owner, or an owner whose account is not in good standing.
- A security deposit is required upon issuance of the key and/or key fob. A \$20 deposit is required for a key, and a \$75 security deposit is required for a key fob. Security deposits will be refunded when the issued key and/or key fob are returned.
- Issued key and/or key fob is non-transferable.
- The owner agrees to secure the chain at West Beach parking lot and the electronic gate at the boat ramp upon entering and exiting the two areas.
- Any violation of the above regulations will result in the termination of the owner’s privilege to participate in the West Beach key/key fob program.
- **All owners in good standing will be required to pay a \$100 fee (non-refundable) for a replacement key or keyfob.**

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

<b>For Office Use Only</b>		
_____ Key Number	_____ Key Fob Number	_____ Signature, Staff Member

# Montclair Property Owners Association



## Business Use of MPOA Facilities and Other Property Application

\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Daytime Phone Check one:  Home  Cell  Work \_\_\_\_\_  
Email Address

### Usage Details

\_\_\_\_\_  
Business Name Business Type

\_\_\_\_\_  
Date(s) Location \_\_\_\_\_

Time Please attach a copy of the declaration page of the

homeowners/organization insurance policy.

I, the undersigned, have read and understand the rules and regulations for business use of Montclair Property Owners Association ("MPOA") facilities and other property. I have requested business use at a recreation area, facilities and other property owned by the MPOA. I agree that I am responsible and agree to hold harmless the MPOA, its Board of Directors, officers employees, members and/or agents from any and all injuries, damages, causes of action, claims or obligations, consequential and/or incidental damages and/or costs (including attorney's fees) of defense arising out of or related to any physical injuries (including loss of life) and/or personal property in or about the recreational facilities and surrounding property owned by MPOA, from any action or omission of the sponsor(s), his/her/their family members, agents, employees, invitees, or licensees, or from any cause whatsoever.

\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Signature

As a participant, I, the undersigned, agree that the Montclair Property Owners Association ("MPOA") has no liability for the activities for which I have agreed to participate in. I hereby indemnify and agree to hold harmless the MPOA, its Board of Directors, Officers, employees, members and/or agents, from any and all injuries, damages, causes of action, claims or obligations, consequential and/or incidental damages and/or costs (including attorney's fees) of defense arising out of or related to any physical injuries (including loss of life) and/or personal property in or about the recreational facilities and surrounding property owned by MPOA, from any action or omission of the sponsor(s), his/her/their family members, agents, employees, invitees, or licensees, or from any cause whatsoever.

\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Signature

#### For Office Use Only

Check One:  Approved  Denied

\_\_\_\_\_  
Reason for Denial Date