

## **ROLHOA Gate Information & Policy**

**approved** April 22, 2021

The Board recognizes that the privilege of living in a gated community carries the responsibility of gate ownership and managing operations of the gate system for the ROLHOA. When the gate is not fully operational and working as it is intended, a disruption in gate operation may limit gate access, can result in a minor inconvenience and delay, or create a critical safety issue. Gate access is one of the Board's most important management roles as stated in ROLHOA governing documents and the Orange County Code Ordinances. (See 34-290 below.) The Board has provided this information and created this brief policy pertaining to the ROLHOA gate to help avoid confusion and streamline gate operation management and decision-making.

There are times, circumstances, and or conditions, wherein the ROLHOA Board and/or Gate Committee shall open both the entrance and exit sections of the gate, including, but not limited to:

- When the gate is believed to be, and/or known to not be, partially or completely functional, which may cause a breach of the ROLHOA's duty to comply with the Orange County Code Ordinances and/or the ROLHOA governing documents, and/or violate laws of a governmental entity, whether administrative, local, state or federal, with jurisdiction over ROLHOA;
- When one side of the gate, and/or control panel entry system is believed to be and/or is known to be damaged;
- When a state of emergency, such as a hurricane declaration has been declared by any governmental entity, whether administrative, local, state or federal, with jurisdiction over ROLHOA;
- When there is a public utility or other ROLHOA internal utility disruption; and/or
- When there is a pre-approved ROLHOA community event or holiday such as the ROLHOA Community Garage Sale or Halloween.

ROLHOA established gate access codes are provided to 1<sup>st</sup> responders (fire, law enforcement), the US Postal Service, private delivery services (such as FedEx and UPS), school bus(es) servicing the special needs of resident children, and the ROLHOA landscaping service provider. A common gate code has also been established for residents to provide, as needed, for contractor or occasional access by guests, between 7am and 7pm. Please contact the board if you are in need of the common gate code. Individually, owner/residents also have options for a personal four-digit access code established with the ROLHOA, a gate to voice-line dial-up feature, and remote control access (such as via programmed vehicular access or a remote control device) for gate access.

The ROLHOA gate is a privacy gate, not a security gate. The gate's purpose is to divide the public rights-of-way from the ROLHOA private property and right-of-way. ROLHOA cannot reasonably be considered a secured community particularly as the southern and western real property boundaries of the ROLHOA community real property as described by the ROLHOA governing documents are open and accessible to the general public. The ROLHOA is not mandated or authorized to provide security or security solutions through the use of assessments levied by the Association without compliance with law, including the governing documents (such as the RIVER OAKS LANDING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS).

In reference to River Oaks Landing governing documents, RIVER OAKS LANDING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, Article IV Section 2 (Page 8) states, "Covenants for Maintenance Assessments – Purpose of Assessments.

Assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents, and in particular for the improvement and maintenance of common area and any easement in favor of the Association, including, but not limited to, the cost of taxes, insurance, labor, equipment, materials, management, maintenance and supervision thereof, as well as for such other purposes as a permissible activities of, and undertaken by, the Association."

The Orange County Florida Code Ordinance Section 34-290 states, in relevant part: "the privilege of platting and developing a residential subdivision as a 'gated community' in which the subdivision infrastructure may be located on privately controlled easements or tracts, not public rights-of-way. The privilege of having a gated community runs with the land, but is subject to forfeiture for failure to comply with any of the following requirements. All gated communities approved by the board of county commissioners must comply with the following:" *Items 34-290 c, e, and f, have been extracted and provided for the purpose of this ROLHOA Document.* "(c) Access-easement rights over the platted roadway right-of-way tracts must be dedicated or otherwise granted to the owners of each lot within the subdivision and to all their successors in interest. (e) Entryway gates must be equipped with an audio (siren) override device to allow emergency access to the subdivision by fire/rescue, sheriff and other emergency-response personnel. The audio-override device must be submitted to the fire and rescue department for inspection, and the entrance gates may not be closed unless and until the department determines that the device is acceptable and in good working order. (f) The entryway gate must include a box, labeled 'Orange County', with a master-keyed padlock, and the box must contain a key, a card-key, a code, a remote-control device, or some other means by which mosquito control, animal control, code enforcement, environmental protection and utility workers may gain access to the subdivision. The means of access must be approved by the mosquito control division, and if the subdivision is served by county utilities, the utilities department and the box must be installed prior to the county's issuance of the certificate of completion for the subdivision infrastructure. Any other utilities serving the subdivision must have similar access, and the names of such utilities must be on the outside of the box containing the means of access."

The ROLHOA Board recognizes that each homeowner is legally entitled to, and individually responsible for, their own individual security measure(s) of personal and property security as provided within the applicable laws governing each individual and their property. The ROLHOA and the ROLHOA Board are not authorized to use assessments toward security solutions, and disavows any claims or attempts to transfer such security responsibilities for individual or property safety and security. The ROL gate is a "privacy" gate and not a "security" gate.

For purposes of contributing to the privacy function of the gate, homeowners shall not divulge any gate access codes on any social media or other publicly accessible forums, bulletin boards or similar locations or websites. Homeowners shall only use their assigned gate code and minimize the distribution of their assigned gate code and the common gate code whenever possible. Homeowners who lease their homes are responsible to ensure the lessee is informed of, and complies with, the ROLHOA gate policies. If a violation of this policy occurs by a homeowner or lessee, as determined by the ROLHOA Board, and the violation results in costs to the ROLHOA to correct the violation, the homeowner is responsible for reimbursing the ROLHOA within 30 days of the date the costs were incurred.