

COYOTE CREEK

HOMEOWNERS ASSOCIATION

GATE CODE POLICY

Whereas, Article II, Section 2.1 of the *Amended and Restated Declaration of Covenants, Conditions and Restrictions for Coyote Creek* (the "CC&Rs") provides that "the Association, through its Board, officers and committees, shall take appropriate action to manage....the Common Areas together with all improvements located thereon...."; and,

Whereas, Article II, Section 3.1 of the CC&Rs provides that the right and easement of use of the Common Areas "shall....be subject to...the Association Rules"; and,

Whereas, Article VII, Section 7.1(A) of the Association's Bylaws gives the Board of Directors the power to "adopt and publish rules and regulations governing the use of the Common Areas and facilities..."; and,

Whereas, the Board of Directors wishes to establish a reasonable policy for the furnishing and use of entry codes for purposes of entering the various electronically controlled access gates located within the Common Areas;

Now therefore, the following policy shall apply to those residents who are affected by an electronically controlled access gate:

1. One four-digit code only shall be designated to each Lot, with the Lot Owner having discretion to share such code with appropriate visiting parties solely at the Lot Owner's discretion. Lot Owners wishing to restrict use of their individual/personal gate code may request additional codes that may be used by invitees or contractors of such Lot Owner. Such codes can be programmed to expire at the Lot Owner's request. Remote openers shall remain available for purchase by Lot Owners if desired.
2. Each Lot Owner shall be held responsible for any use, distribution, sharing or providing of any code(s) or remote designated to his/her Lot which result(s) in any violation of the Association's governing documents or rules, property damage, theft or adverse behavior.
3. The Board of Directors may furnish specific gate codes to third parties to facilitate reasonable access to each Lot (Post Office delivery, utilities, fire, police, etc.). The Board of Directors may also restrict the ability to use these codes at certain times, as appropriate.
4. The Board of Directors reserves the right, with prior notice to the Lot Owners, to cancel a code when such code is compromised or other circumstances warrant such action. Communication of such cancellation under this section will be made expeditiously to Lot Owners so as to cause as little disruption as possible to the Lot Owners.

5. The code(s) for a particular Lot shall expire immediately upon the sale of the Lot, and shall require the issuance of a new code(s) to any new Lot Owner(s).
6. The Board of Directors, upon notice to Lot Owners, reserves the right to set the schedule for gate(s) being left in the open or closed positions at certain times of the day if the need arises.
7. Consistent with Article III, Section 3.2 of the CC&Rs, an "Owner may delegate, in accordance with the Association Rules, his or her right of enjoyment of the Common Areas and facilities to the members of....his or her tenants." In the event the home is occupied by an Owner's tenant, "the tenant, while occupying such residence shall be entitled to use, enjoy and delegate such rights in the same manner as if such tenant were an Owner". In the event a Lot Owner or rents property, the management company will be notified and a separate code will be issued for the tenants. If and when the tenants change this same procedure will be followed. At all times, the Lot Owner shall be responsible for the actions of his/her guests, tenants and invitees.
8. In consideration of the use of the various Association's electronically controlled access gates and the furnishing of gate codes for such gates, and consistent with Article V, Section 5.3 of the CC&Rs, "each Owner, and all guests, invitees, tenants and other occupants....acknowledge and assume the risk of injury or loss, and recognize that controlled access facilities such as limited access roads and gated entries are merely deterrents and not absolute measures that prevent loss or injury."
9. All Owners shall acknowledge that the times and frequencies of use of gate codes and other electronic entry devices are recorded by the gate system. This recorded information may be reviewed and monitored by the Board of Directors at any time for purposes of investigation or evaluation of incidents pertinent to the Owner's designated code(s) or applicable gate entry system.
10. This policy shall supersede any prior policies pertaining to gate entry codes and controlled access policies.

Approved by the Board of Directors on October 19 _____, 2011



Signed: Board President

10/20/2011
Date