

**LOUDOUN CROSSING HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 9**

Policy Governing the Use of the Pool Facility

WHEREAS, Article 4, Section 4.1 of the Bylaws states that "The Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Act or the Association Documents to be exercised and done by the Owners."

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association to adopt a formal policy to establish the Rules and Regulations that will govern each owner's or their guests' use of the Association's pool facility which is defined as the pool deck area, wading pool, and main pool ("Pool Facility").

NOW THEREFORE, BE IT RESOLVED THAT the Board duly adopts the following, which shall govern the use of the Association's pool facility:

I. OPERATION

- a. All owners (or their designated tenants) are entitled to use the Pool Facility. This privilege may be suspended by the Board of Directors for owners who are delinquent in their assessment payments more than 60 days and/or for a violation of the covenants following due process. Owners who lease their property must designate, in writing, using a form authorized by the Association, those tenants living in the property dwelling who are entitled to use the Pool Facility. An owner who leases their property is not entitled to use of the Pool Facility.
- b. A Pool Facility pass ("Pool Pass(es)") will be issued to all owners, members of their families residing in the property dwelling, and to the designated tenants of owners. There will be a charge for any replacement Pool Passes issued. The initial charge shall be \$5.00 which amount may be adjusted by the Board at any time by a Policy Resolution. Only those persons with a valid Pool Pass shall be entitled to use the Pool Facility. Pool Passes will be issued or validated on an annual basis prior to the beginning of the pool season.
- c. Residents must complete a Pool Pass Application Form per household each pool season sent to the Managing Agent in order to obtain Pool Passes.
- d. The hours, dates of operation for the Pool Facilities and rules and regulations shall be established by the Board of Directors and may be subject to change at any time.

- e. The Association shall post the Pool Facility's hours and dates of operation for each pool season.
- f. Persons may not use the Pool Facility outside of the Board established hours and dates of operation.

II. GENERAL POLICIES

- a. All individuals using the pool shall fully comply with the Association's restrictions, including this Resolution and the attached Pool Rules Handbook.
- b. All residents and residents' guests using the Pool Facility do so at their own risk. Parents will be held responsible for the actions of their children, and residents are responsible for their guests.
- c. All users of the Pool Facility indemnify and hold harmless the Association and its officers, directors, employees, agents and members from any and all claims, costs, causes of action, liability and/or damages (including but not limited to attorneys fees and other costs of defense) resulting from or related to their use of the Pool Facility or resulting from such use by any family members, guests, invitees or tenants.
- d. Association, its directors, agents, officers, employees or other designees assumes no responsibility for any accident or injury in connection with such use and will not be responsible for any loss or damage to personal property of any kind.

III. RULES AND REGULATIONS

- a. The Pool Management Contractor, including manager and lifeguards, is responsible for the safe and orderly operation of the pool. The pool manager and lifeguards have been provided with copies of the Pool Rules Handbook and have also been instructed in the rules of the Pool Facility, by the Pool Management Contractor. Any questions/concerns about the rules or enforcement must be addressed to the Managing Agent. If concerns are not resolved, issues should be addressed to the Board of Directors.
- b. Children under the age of 12 are not permitted in the Pool Facility unless accompanied by a Pool Pass holder 18 years of age or older.

- c. Residents ages 12 – 15 may use the pool unaccompanied after they have passed a swim test administered by the Pool Management Contractor.
- d. Residents age 16 and older may use the Pool Facility unaccompanied.
- e. Residents may bring only four (4) guests per household to use the Pool Facility at any one time, but guests may be limited to less at the Pool manager/lifeguards discretion, due to occupancy limits.
- f. Swim lessons are not permitted at the Pool Facility unless by a program/entity that is authorized by the Board of Directors and the pool management company.
- g. The main pool waters will be cleared by the pool manager/lifeguard for a lap swim for the last 15 minutes of each hour. Children under 18 months of age shall be permitted into the main pool water with their parent or guardian during lap swimming.
- h. Persons who have obvious infections (colds, lesions, open sores, inflamed eyes, nasal or ear discharge, communicable diseases, etc.) will not be allowed in the pool water areas. Sanitary habits are a responsibility of everyone, and anyone displaying improper behavior will be asked to leave the Pool Facility by the pool manager/lifeguards. The decision to refuse access of a person to the Pool Facility shall be in the sole and reasonable discretion of the pool manager, lifeguard, and/or Managing Agent. The pool waters will be immediately closed upon the occurrence of any person vomiting, urinating, or defecating in or around the pool waters. The pool waters will remain closed until the incident is properly cleaned. The pool manager, lifeguard, and/or Managing Agent may require said user to leave the Pool Facility and may deny access to the individual for a period of time until the pool/manager/lifeguard is satisfied, in their sole and reasonable discretion, that the problem has been remedied.
- i. All swimmers must first shower before initially entering the pool waters.
- j. The Pool Facility may be closed at any time due to breakdown or operational problems, and/or at the discretion of the pool manager or Managing Agent. The Pool Facility will be closed during electrical storms and/or when rain makes it difficult to see any part of the pool waters or pool bottom clearly. The Pool Facility will be closed at the first sound of thunder and/or sighting of lightning and will remain closed until the pool manager determines it safe to return.

k. General Pool Facility Rules

- i. No person shall use the Pool Facility unless it is officially open. Unauthorized persons entering the Pool Facility when it is closed will risk prosecution for trespassing in addition to the suspension of privileges up to the legal maximum provided under Virginia law.
- ii. Parties are not permitted in the Pool Facility except for Homeowners Association sponsored events.
- iii. Abusive, offensive, or profane language is prohibited.
- iv. Smoking is not permitted in the Pool Facility or in locker rooms.
- v. Breakable objects are not permitted in the Pool Facility.
- vi. Food and drink must be consumed at least 10 feet away from the pool water.
- vii. No gum is permitted in the Pool Facility.
- viii. Users must wear proper swimming attire at the Pool Facility. Persons whose swim attire causes a safety hazard will be asked to change attire or leave the Pool Facility. No cut-offs, dungarees or similar attire will be permitted in the pool waters.
- ix. Baby strollers must have operational brakes when parked on the pool deck.
- x. No diving is allowed.
- xi. Running, pushing, wrestling, excessive splashing, standing or sitting on shoulders or causing undue disturbance at the Pool Facility is prohibited.
- xii. Spitting of water or similar unhygienic actions is not allowed.
- xiii. No hanging or sitting on the lane markers is permitted.
- xiv. Items that may be potentially hazardous or annoying to another swimmer are not permitted (i.e. hard balls, water guns, etc.) This excludes floating devices used by parents to contain and keep infants safe in the water. Large rafts,

oversized toys, or other floating objects used by children or adults over the age of 4 may not be permitted for use in the pool to be determined at the sole and reasonable discretion of the pool manager.

- xv. All children three (3) years and younger or those not yet potty trained must wear swimmer's diapers which must be worn at all times within the Pool Facility. Disposable diapers, cloth diapers or plastic/rubber pants are not substitutes and will not be permitted. If a child has a hygienic accident in the pool waters, the pool manager should be notified immediately. The pool manager will generate a report of this incident if the incident results in the pool closure.
- xvi. All children using inflatable armbands, water wings, or any approved Coast Guard flotation device must be supervised one-on-one by an adult who is in the water and is within arm's length of the child. At the pool manager's discretion, certain flotation devices may not be permitted.
- xvii. Except for official service animals (seeing-eye, etc.), no pets are allowed in the Pool Facility.
- xviii. Tables on the deck area may not be reserved for other parties not at the Pool Facility by placing towels and/or personal belongings on them. The use of privately owned chairs and tables is prohibited.
- xix. Persons under the influence of alcohol will not be allowed in the pool waters.
- xx. Loud noise causing disturbance of the reasonable peace and enjoyment of other persons using the Pool Facility will be determined in the reasonable and sole discretion of the pool manager.

1. Wading Pool:

- i. The pool managers/lifeguards do not supervise the wading pool; accordingly, the wading pool is to be used at the individual's own risk. The Association is not responsible for any improper use or incidents that occur in or around the wading pool.

- ii. The wading pool is for children who are six (6) years of age and under and must always be supervised by a Pool Pass holder 18 years of age or older, who remains alert on the pool deck in the vicinity of the wading pool.
- iii. The gate to the wading pool shall remain closed at all times.
- iv. All safety rules that govern the main pool also apply to the wading pool.

IV. VIOLATIONS AND ENFORCEMENT

- a. Management and lifeguards shall monitor compliance with this policy. All owners shall be subject to the Association's enforcement policy for violations of the governing documents if the owner, or their tenants, guests or invitees violate this policy. The Association shall be permitted to take all actions authorized by law to enforce or remedy violations of this policy, including, but not limited to, the imposition of monetary charges and the suspension of membership privileges.
- b. All owners are responsible for the costs incurred by the Association to repair and to replace any part or the entirety of the Pool Facility or equipment which may become damaged, as determined by Association in its sole discretion, as the result of an owner or his or her guest's misuse of the Pool Facility. Such costs shall be assessed against the applicable owner's property.

Enacted this 14th day of April, 2015.

LOUDOUN CROSSING HOMEOWNERS
ASSOCIATION, INC.

By *Mike Echman*
President

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Policy Resolution was mailed and/or hand-delivered to all unit owners at their addresses of record on this 17th day of April, 2015.

Sherry Harvey
Managing Agent

RESOLUTION ACTION RECORD

Duly adopted at a meeting or unanimous email consent of the Board of Directors held

April 8, 2015.

Motion by: Mike Hummel

Seconded by: Mike Etchmendy

VOTE:	YES	NO	ABSTAIN	ABSENT
<u>Mike Hummel</u> Director	<u>X</u>	_____	_____	_____
<u>Mike Etchmendy</u> Director	<u>X</u>	_____	_____	_____
<u>David Bennion</u> Director	<u>X</u>	_____	_____	_____

ATTEST:

Mike Hummel

April 8, 2015

Secretary

Date

Resolution effective: April 8, 2015.

**LOUDOUN CROSSING HOMEOWNERS ASSOCIATION
POOL PASS APPLICATION**

NAME: _____

ADDRESS: _____

PHONE
NUMBER: _____ (H) _____ (W)

EMAIL ADDRESS: _____

IN CASE OF EMERGENCY CONTACT:

NAME NUMBER

NAME NUMBER

IN CONSIDERATION OF USING THE LOUDOUN CROSSING HOMEOWNERS ASSOCIATION POOL FACILITY, THE RESIDENT(S) AGREE(S) TO ABIDE BY THE ASSOCIATION RULES AND REGULATIONS REGARDING THE POOL FACILITY.

SIGNED: _____ DATE: _____

NAMES OF PERSONS OCCUPYING RESIDENCE	DATE OF BIRTH
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOR OFFICE USE ONLY

LOUDOUN CROSSING HOMEOWNERS ASSOCIATION
LETTER OF PERMISSION – TENANT USE OF FACILITIES

DATE: _____

OWNER NAME: _____

PROPERTY ADDRESS: _____

TO: Loudoun Crossing Homeowners Association, Inc.

RE: Permission for Tenant Use of Facilities

I/We give my/our permission for my/our tenant:

TENANT NAME: _____

TENANT NAME: _____

and members of his/her immediate household to use, the Loudoun Crossing Homeowners Association facilities. My tenant and the members of his/her household understand that they are bound by the Rules and Regulations governing all Association facilities and amenities.

I understand that the assessments for my property must be paid (and maintained) in full in order for my tenants to use, the Association's facilities and amenities. I further understand that while I am leasing my residence, I am waiving my rights to use the Association's facilities and amenities.

Owner Signature

Phone

Owner Signature

Phone

A copy of a current lease agreement MUST be attached to this Letter of Permission.