LAKE TERRAPIN HOMEOWNERS ASSOCIATION POLICY RESOLUTION NO. 2024-1

USE OF COMMON AREAS: SWIMMING POOL RULES

relating to Rules and Regulations for pool usage

WHEREAS, Article VII, section (c) of the Bylaws states that the Board of Directors shall have the power to exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these By-laws, the Articles of Incorporation, or the Declaration; and

WHEREAS, Article VII, Section 1 (a) of the Bylaws states that the Board of Directors shall have the power to adopt and publish rules and regulations governing the use of the Common Area, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof; and

WHEREAS, Article VII, Section 1 (b) of the Bylaws states that the Board of Directors shall have the power to suspend the right to use of the Common Area after notice and hearing for a period not to exceed sixty (60) days for infraction of published rules and regulations; and

WHEREAS, Article II, Section 1 (c) of the Declaration provides the Association with the right to establish uniform rules and regulations pertaining to the use of the Common Area and any facilities thereon; and

WHEREAS, for the health, safety, comfort and convenience of all owners and residents, the Board wishes to establish rules and regulations governing the use of Association's swimming pool; and

NOW, THEREFORE, BE IT RESOLVED THAT the following Rules and Regulations for use of the swimming pool be adopted:

I. RIGHT TO USE POOL

- 1. All Owners (or their designated tenants) are entitled to use the swimming pool facility and shall abide by the Swimming Pool Rules and Regulations approved by the Board of Directors and as amended by the Board of Directors from time to time. A copy of the current Swimming Pool Rules and Regulations will be mailed to the Owners prior to the opening of the swimming pool and any amendment thereto will be mailed at the time the Amendment is approved by the Board of Directors. The privilege to use the swimming pool facility may be suspended by the Board of Directors for owners who are delinquent in their assessment payments after notice and hearing. The privilege to use the swimming pool facility may be suspended by the Board of Directors after notice and hearing for owners who are in violation of the published rules and regulations for a period not to exceed sixty (60) days in accordance with the Section 55.1-1819 of the Virginia Property Owners Act. Owners whose privileges have been suspended will not be permitted to be guests of members in good standing.
- 2. An electronic pool pass will be issued to all Owners, members of their families, who are two years of age or older, residing in the Lot, designated childcare providers and to the designated tenants of Owners.

Only those persons with a valid pool pass shall be entitled to use the swimming pool. Everyone needs a digital pool pass with a current photo. Patrons can register at www.cellbadge.com/terrapin. Ages 18 and Older – (full privileges) can bring a guest, with a maximum of 5 guests at a time per family. 17 and younger – need to be escorted by an adult, and the adult must stay at the pool. 12-17 – If you pass a swim test by the guards, you may go to the pool without adult escort. However, you may not bring other minors, to include siblings. It is for everyone's safety.

- 3. Guests of owners must be escorted by an Owner with a valid pool pass. Guests will not be admitted to the pool without the Owner. The conduct of guests is the responsibility of the Owner. The limit of guests is five (5) per household and the guests must be accompanied with the Owner. Exceptions will be made for family members who are not residents of the household, such as grandparents, aunts, uncles, etc., provided that written permission of the Owner is presented at the time of entry.
- 4. The Board of Directors shall establish, by General Resolution, duly adopted, regulations concerning the number of guests that may be admitted to the pool at any time and fees, if any, which shall be charged for the admittance of guests. The Board may from time to time modify such regulations by adoption of a General Resolution.
- 5. Pool passes are the property of the Association and are for the exclusive use of members of the Lake Terrapin Homeowners Association. The passes are not transferable and may be suspended by the Association for violations of the Association's legal documents or rules and regulations.
- 6. All Owners may be held liable for any damages done to the pool property by themselves, members of their family, tenants, or guests. Any user of the pool facility, property, equipment, etc. responsible for destruction or damage to said property will (or their parents, if minors) be held responsible for replacement and or repair of any and all damage as deemed appropriate by the Lake Terrapin Homeowners Association.

II. OPERATIONAL RULES

- 1. The Association is represented by the managers and lifeguards, who have been instructed in the rules of the pool. Any conflicts shall be addressed with the pool manager, or assistant manager, who will bring the issue to the Association if it cannot be satisfactorily resolved.
- 2. Certified lifeguards will be on duty at all times that the pool is open. They have the authority to use their discretion to enforce the rules to maintain a safe and healthy environment. The manager is in charge of the pool and is there for the protection of persons using the pool. The manager has the authority to ask anyone to leave the pool area for infractions of the rules or when safety is threatened. For first violations, the manager may require the patron to sit out or exit the pool for fifteen (15) minutes. For second violations, the manager may require the patron to sit out or exit the pool for up to an hour. For third violations or safety related violations, the manager shall refer the violation to the Board of Directors of the Association for decision after notice and hearing to determine the penalty for the violation.
- 3. Safety is of primary concern to the Association and its members. All persons using the pool do so at their own risk and agree to abide by the rules for the use of the facility. The Association assumes no responsibility for any accident or injury in connection with such use or for any loss or damage to personal property. Members (Owners, tenants, and non-resident members) are responsible for the action of their household members and guests.

- 4. Children under twelve (12) years of age must be accompanied by a person with a valid pool pass who is eighteen (18) years of age or older.
- 5. Children twelve (12) years of age will be required to take a swim test prior to being allowed to come to the pool on their own. The test will consist of swimming one length of the pool unassisted, to tread water for one minute and any other test that the pool company may require.
- 6. No person shall use the pool facilities unless the pool is officially open and lifeguards are on duty. Unauthorized persons found inside the pool enclosure when the pool is closed will lose their privileges for the remainder of the summer and risk prosecution for trespassing.
- 7. Children using the wading pool are the responsibility of the parent(s) or escort and must be accompanied by an adult. Children over six (6) years of age are not permitted in the wading pool.
- 8. The pool may be closed at the discretion of the pool manager on duty in case of thunder, lightning, rain, operational breakdown, or "unsanitary conditions".
- 9. The last fifteen (15) minutes of each hour will be a rest period. Guard Breaks Guard breaks are from 45 minutes after the hour to the top of the hour. The exception is at that at closing time, there will be no guard break for the last 15 minutes of the pool being open (i.e., if the pool closes at 8 p.m., there will be no break at 7:45). Persons may be in the main pool during this break time, but they must swim at their own risk, without a lifeguard.

III. RULES WHILE USING THE POOL BY OWNERS

- 1. All bathers shall take a shower bath using soap and warm water and thoroughly rinsing off before entering the pool. This will help keep the water disinfected and sanitized, as well as cut down on costly chemicals.
- 2. Persons who have obvious infections (colds, lesions, open sores, etc.) will not be allowed in the pool.
- 3. Swimmers must wear proper bathing attire. Thongs are not permitted. No cut-offs, dungarees, or similar attire of the type which will unravel and cause drain clogging are permitted.
- 4. Persons must stay clear of guard stations at all times and in no way distract on-duty lifeguards.
- 5. No play equipment, play pens, wheeled vehicles (except wheelchairs and strollers) are permitted on the pool deck. Inflatable toys Small inner tubes are fine at the discretion of the life guard. Large boats, air mattresses, etc., will not be allowed. The decision to allow these could be based on crowd size, age and number of people wanting to use them.
- 6. No animals, fowl or pets (except service dogs or guide dogs) are permitted in the pool or pool facility.
- 7. Instructional flotation devices may be used under instruction. Rafts, large inflatable and hard balls are prohibited. Noodles, kick-boards, dive sticks and water balls are allowed at the discretion of the lifeguard. Swim goggles and nose plugs will be allowed in the pool. Mouth cannot be covered.

- 8. Running, diving, pushing, wrestling, dunking, standing or sitting on another's shoulders is prohibited, as this endangers other swimmers. No playing ball on the pool deck or across the length and width of the pool.
- 9. Diaper-aged people must wear a swim diaper or combination of a diaper and rubber pants to inhibit drain clogging from any materials or contamination to the pool resulting from leakage.
- 10. Audio devices are not permitted in the pool area. The only exception to this rule are devices with ear phones played at a volume that does not disturb others.
- 11. Swimmers shall remain clear of the ladders except when entering or exiting the pool.
- 12. When a lap lane is designated, said lane will be restricted to lap swimming only or scheduled instruction.
- 13. Due to possible damage or injury, holding onto pool ropes is prohibited.
- 14. Diving is prohibited for safety reasons.
- 15. Inappropriate language or behavior will not be tolerated and will be grounds for dismissal after notice and hearing set forth above.

Smoking, Food and Beverages

- 16. Smoking including vape pens within fifty (50) feet of the pool fencing and in the pool area is prohibited. Chewing tobacco and chewing gum are prohibited in the pool area and facility.
- 17. No food or beverages will be allowed in the pool.
- 18. Breakable objects, such as glass containers, are not permitted in the pool area for safety reasons.
- 19. Intoxicants will not be allowed in the pool area. Intoxicated persons will not be allowed in the pool area at any time and will be asked to leave immediately on the given day.
- 20. All refuse must be placed in containers provided for this purpose. Keeping the facility clean is everyone's responsibility.
- 21. No weapons will be allowed in the pool area.

IV. DUE PROCESS PROCEDURE FOR SUSPENSION

I. NOTICE OF NONCOMPLIANCE/VIOLATION

- A. The Owner shall be sent a written notice of noncompliance/violation of any Owner or Owner's household members or guests at such Owner's address of record with the Association.
- B. The notice of violation shall specify the alleged violation; the action to be taken by the Owner to correct the alleged violation; and shall also provide a reasonable opportunity to correct the alleged violation.

II. NOTICE OF HEARING

If the alleged violation is not corrected by the date specified in the notice of violation, the Owner shall be given an opportunity to be heard and the Owner has the right to be represented by counsel before the Board of Directors. Notice of such hearing, including the actions that may be taken by the Association in accordance with this section, shall, at least 14 days in advance thereof, be by registered or certified mail, return receipt requested to such Owner at such Owner's address of record with the Association.

A. The notice shall specify:

- 1. The date, time and place of the hearing which hearing notice shall be sent to Owner at such Owner's address of record with the Association at least 14 days in advance of the hearing date.
- 2. The alleged violation including a citation to the provisions of the pool rules or Association Declaration or Bylaws allegedly violated.
- 3. That the Owner will be given an opportunity to be heard and that the Owner has the right to be represented by counsel at the hearing.
- 4. That §55.1-1819 of the Property Owners Association Act provides that charges levied may not exceed Fifty Dollars (\$50.00) for a single violation or Ten Dollars (\$10.00) per day for each violation of a continuing nature. The notice shall also state that the total charges for any offense of a continuing nature shall not be assessed for a period exceeding 90 days and that the assessment shall be treated as an assessment against such Owner's Lot for the purpose of §55.1-1833. Virginia Code §55.1-1819 of the Property Owners Association Act provides that the Association has the right to enjoin, abate or remedy, either at law or in equity, the continuance of such breach.
- 5. That the privilege to use the swimming pool facility may be suspended by the Board of Directors after notice and hearing for owners who are in violation of the published rules and regulations for a period not to exceed sixty (60) days in accordance with the Section 55.1-1819 of the Virginia Property Owners Act.

III. HEARING PROCEDURE

- A. The hearing shall be scheduled at least 14 days in advance of the hearing date and notice shall be given to the Owner at least 14 days in advance of the hearing date.
- B. At the hearing, the Owner shall have the opportunity to be heard, present evidence, and have the right to be represented by counsel. The rules of evidence shall be relaxed, and the hearing need not be conducted in accordance with the technical rules of evidence used in a court of law.
- C. The Owner, management agent, and the Board of Directors, shall have the right to: (a) call, examine and cross-examine witnesses; (b) introduce documents, pictures of the violation, notice of violations, correspondence including but not limited to written letters and e-mails and other evidence without formal foundation or in compliance to the rules of evidence used in a court of law, and (c) rebut testimony and other evidence.
- D. The hearing shall be conducted in executive session.

- E. If the Owner fails to appear at the hearing, the Board of Directors, after proof that proper notice was given, may assess the charges or take such other action as may be authorized by the Association Declaration, Bylaws, rules and regulation or the Property Owners Association Act, including but not limited to § 55.1-1819 D.
- F. In accordance with Virginia Code Section 55.1-1819 C, within seven (7) days of the hearing, the hearing result shall be mailed by registered or certified mail, return receipt requested to such Owner at such Owner's address of record with the Association.

NOW THEREFORE BE IT RESOLVED, that the Board of Directors herby approves, confirms, and adopts the Rules and Regulations for the use of Swimming Pool.

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be sent to all members at the address of their respective lots unless the member has provided to the Association an address other than the address of the member's lot addresses.

This resolution was adopted by the Board of Directors on March 19, 2024 and shall be effective on May 1, 2024.

LAKE TERRAPIN HOMEOWNERS ASSOCIATION

MidellEdwards	03 / 27 / 2024
Michelle Edwards, President	Date
No.	04 / 06 / 2024
Josue Ruiz, Vice President	Date
Vicky Mahan	04 / 03 / 2024
Vicky Mahan, Director	Date
Los	04 / 03 / 2024
Latanya Harris, Director	Date
3/ //A	04 / 06 / 2024
Yale Needel, Director	Date

LAKE TERRAPIN HOMEOWNERS ASSOCIATION RESOLUTION ACTION RECORD

Resolution Type: _Policy	No. 2	2024-1			
Pertaining to: <u>Use of Common Ar</u>	reas: Sw	imming	g Pool Rules		
Duly adopted at a meeting of the E Association held and duly adopted				e Terrapin Home	owners
Motion by: Yale Needel		Seco	nded by: <u>M</u>	chelle Edwards	
Directors Name	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	
MichellEdwords	$\sqrt{}$				
Michelle Edwards					
Josue Ruiz					
Absent Brian Smith					
Vicky Mahan					
Vicky Mahan					
Absent Ghulam Sadrey					
12					
Latanya Harris	1				
Yale Needel					
A TTECT.			04 ,	/ 06 / 2024	
ATTEST: Josue Ruiz			Date		