

Cary Park Swim Club: Membership Rules and Regulations Handbook

INTRODUCTION

The Cary Park Swim Club (“Swim Club”) is a private club owned and operated by the Cary Park Property Owners Association (“Association”) and is intended for the benefit of Members of the Association (“CP Residents”). However, the Association’s Board of Directors (“Board”) may allow people residing in other neighborhoods to use the facilities.

All information, terms and conditions, rules and regulations specified in this document “Rules” are in addition to the terms of the governing documents of the Association including the Declaration of Covenants, Conditions, Restrictions and Easements for Cary Glen (“Declarations”), the Bylaws of Cary Glen Property Owners Association, Inc (“Bylaws”), including their amendments. Where any conflict exists between the Rules and these other documents, the other documents will control.

Once an application has been approved by the Association and the appropriate fees have been paid, the applicant and co-applicants will each become a member of the Swim Club (“Member”) under the collective membership of the type specified on the application (“Membership”).

It is the intent of the Association to limit these rules and regulations to the minimum required for the mutual enjoyment of the Swim Club by all of its Members and guests. These policies and rules are designed to ensure proper and safe operation of the facility and to provide wholesome recreation for Members and their guests.

The Association contracts with a Pool Management Company (“Management Company”) and its staff (“Staff”) to provide for day-to-day operations of the Swim Club, including lifeguarding, water chemistry, running the concessions and managing the Swim Club. A Pool Manager, Assistant Manager or Head Guard (all part of the Staff and listed in order of decreasing seniority) is scheduled to be on site whenever the pool is open, the most senior of these people on duty at a given time shall act as the manager (“Manager”). The obligation of enforcing the Rules is largely placed in the hands of the Staff. It is further the duty and obligation of Members and their guests to know the rules and regulations and to cooperate with the Staff in their enforcement. The Cary Park Pool Committee (“Pool Committee”) and/or the Cary Park POA Management Company (“POA Management Company”) is charged with helping to create an enjoyable recreational experience for Members of the Cary Park Swim Club and will ensure that Cary Park Club Pool’s expectations of contract services with the professional pool management company are met and that the pool is operating in a safe, clean and efficient manner.

The Management Company, Staff and everything related to the operation and maintenance of the facilities is overseen by the Pool Committee and the POA Management Company,

which in turn reports to the Board. The Rules may be changed periodically and without notice as deemed necessary by the Board.

Your cooperation with these rules and regulations is appreciated. For more information please the Pool Committee.

APPLICATIONS AND ADMISSIONS

All applications for Membership must be made on the requisite form supplied by the Swim Club. Each application shall include the name of the primary applicant and all additional applicants (if any), address, required family information, and shall be accompanied by the payment of the current year's registration fees. The Swim Club may deny Membership to anyone, including CP residents, at the discretion of the Board. If the application is disapproved by the Swim Club, payment will be immediately refunded. Receipt or acceptance of dues by the Swim Club does not constitute approval of Membership. Membership is on an annual basis and Members must reapply each year. Members include only listed and paid applicants. Additional family members without their own individual membership may not enter under a fellow family member's fob, and instead may only enter with a guest pass when accompanying a Member.

No one who is a convicted sex offender may apply for or join the Swim Club. Furthermore, it should be noted that sex offenders convicted of certain crimes are barred by law from the Club facilities under N.C.G.S. § 14-208.18 [2008 S.L. 117].

The Swim Club exists for the CP Residents. All CP Residents who apply for Membership must be in 'good standing' with the Association with all assessments and fees paid current and maintain that status throughout the course of the swim season. If the Board determines, at its sole discretion, that the Swim Club is becoming overcrowded, it may terminate any or all Memberships of those who are not CP Residents; such termination may not occur during the swim season.

Membership does in no way confer any ownership or liability to the Swim Club property or assets.

By joining as a Swim Club Member it is understood that there are inherent risks in the use of the Swim Club facility and participating in any and all Swim Club functions/events by its nature, therefore each Member assumes those risks for themselves, their family and their guests. Having a lifeguarded facility is a privilege, and does not confer or transfer liability away from the Member(s), for inherent risks, onto the lifeguards, Swim Club property, Pool Committee, or asset.

MEMBERSHIP TYPES

Memberships are by household (same address). There are three Membership types:

- **Senior:** Consists of an individual who is at least 60 years of age or older
- **Adult:** Consists of an individual who is at least 18 years of age and under 60
- **Child:** Consists of an individual who is under 18 years of age

All registrations for membership require at least 1 adult/senior Member.

Insufficient or incomplete payments may be subject to an additional processing charge, and Membership may be jeopardized.

The Association reserves the right to raise or lower the membership fees at its sole discretion to ensure the success and viability of the Swim club. This includes setting rates differently for those who are CP Residents and those who are not.

SWIM TEAM

Anyone joining the Cary Park Swim Team must be a Member of the Swim Club for the swim season(s) they are on the team. Swim team memberships must be in compliance with Summer League membership requirements.

MEMBERSHIP KEY FOB/TAGS

Each Club Member will receive a key fob which has their membership number on it. The fob (or a digital version of it) must be presented when entering the pool area.

Key fobs are non-transferable and can only be used by the Member they are assigned to. Violating this rule can result in disciplinary action, including suspension or termination of membership.

Children under 12 must be accompanied by an adult Member. If a child under 12 is at the pool without a parent or caregiver, their family's membership may be suspended.

Adult Members who file an 'Early Morning Swim Waiver' will be granted access to the gate system via special programming of their key fob.

Should any Member lose a key fob, the Swim Club must be contacted immediately to deactivate it so that no one tries to use it to gain unauthorized access. There will be a charge for each replacement fob whose rate will be set at the start of the swim season by the Board.

TERMINATION OF MEMBERSHIP

Termination of Swim Club Membership shall result in the loss of the right to utilize Swim Club facilities and participate in Swim Club events.

- Resignations: A Member can end a Membership by submitting a written resignation to the Swim Club, accompanied by all Member key tags.
- Suspension/Expulsion: Any Member who is guilty of any violation of Swim Club rules, convicted of a felony, or has conduct deemed – by the Pool Committee – detrimental to others and/or the Swim Club, may have their entire Membership suspended or terminated by the Pool Committee, subject to review by the Board at its discretion.

GUESTS & GUEST PASSES

Members may invite guests to use the Cary Park Swim Club according to the guidelines which follow. Guests may be local residents or live outside the Triangle area.

Members who are 16 or older may bring guests (16 or older) to the Club. Guests under the age of 16 will be admitted only in the company of a Member, 21 years of age or older. Members must accompany their guests at all times and are responsible for their guests' actions. The number of guests a Member may invite at one time is limited to 5, unless special arrangements have been made with the Pool Committee in advance.

Each membership includes five guest passes. Additional passes must be purchased. A one-day guest pass may be purchased from the lifeguard on duty. They can also be purchased in groups of ten for a discounted rate on the Cary Park Pool registration system. Rates will be set at the start of the swim season by the Board.

Guest passes are non-transferable and non-refundable. Guest passes allocated with a membership expire at the end of the season, guest passes which are purchased do not expire.

NANNIES / CAREGIVERS / BABYSITTERS

Nannies, caregivers and babysitters (NCB) of Members must have their own membership (either individually or on the household account) while accompanying the children they are attending in lieu of parents or legal guardians.

PARTIES

Members may hold a birthday party (or similar event) at the Swim Club during open hours.

Parties are approved at the discretion of the Management Company considering factors such as the day of the week, time of day, size, duration and nature of the party, as well as other scheduled activities. Members may specify which pool (lap or slide) and whether they would like a shaded/sheltered table.

Parties must be reserved at least 2 weeks in advance by completing a Pool Party Application found at carypark.org under the Swim Club tab. Parties are not confirmed until the Management Company has confirmed that the requested date and time are available.

Party fees are listed on the registration form.

SPECIAL CASES

The Association realizes that these rules related to Membership and guest policies cannot cover every possible case. Members and those eligible to become Members may present their circumstances to the Pool Committee, and ask for an exception for their special case. Pool Committee decisions may be appealed to the Board.

ALCOHOL RULES

The Swim Club has a "bring-your-own" policy for Members 21 and older. This is intended to allow adults to drink moderately and responsibly while being sensitive to the fact that this is a family club. Please keep in mind that this bring-your-own policy is a privilege and not a right; abuse of this policy may result in a ban on all alcohol from the Swim Club facilities.

No glass containers of any kind, including wine and beer bottles, are allowed inside the fenced-in pool area. Broken glass presents a hazard to those walking in bare feet and is especially a hazard in the pool where it may essentially become invisible. If glass breaks, it must be reported to a lifeguard or manager immediately.

The club has a zero-tolerance policy for violations of alcohol rules. The Pool Committee has the right to suspend or revoke a Member's membership for a violation.

No alcohol can be sold on the premises by anyone.

No kegs, including mini or pony kegs, are allowed.

Alcohol is prohibited on the pool deck during swim meets.

Only those 21 or older may possess or consume alcohol.

Staff can ask anyone who appears drunk, boisterous, or unruly to leave the premises. If they don't leave promptly, they will be considered to be trespassing, and staff are authorized to have the police remove them.

FACILITY RULES

- Members' dues and homeowner assessments must be in good standing to use the facility.
- Each individual Member is required to check in individually at the front desk for entry to the pool.
- Staff has the right to ask any person whom they consider unruly, boisterous or intoxicated to leave the premises.
- Smoking is not permitted on Swim Club property.
- The Swim Club is not responsible for lost or stolen items.
- Members must have their key fobs scanned and register any guests before entering.
- Children 12 and older can attend the pool alone, but this privilege can be revoked if they are found to be unruly. Children under 12 must be accompanied by a parent or a responsible person who is at least 21.
- Members are responsible for informing their guests of all Swim Club rules.
- Staff may ask anyone who is not obeying Swim Club rules to leave the facility/property.
- Members and guests are asked to respect others and remember that the Swim Club is a family oriented facility.
- All Members and guests must comply with the rulings of the Staff
- Members may file a grievance with the Pool Committee to address disputes between Staff and Members.

CLUBHOUSE

The Clubhouse is not a part of the Swim Club. Its use is subject to specific rules that are not contained within these rules. Swim Club Members may sit on the Clubhouse porch when Clubhouse activities are not going on. Swim Club Membership does not entitle Members to enter the Clubhouse or use its facilities.

SWIM RULES

For the health and safety of all Members, the Swim Club has outlined rules for proper pool and slide use. These rules must be followed to allow maximum enjoyment for all Members and guests.

SLIDE RULES

- The slide may only be used during operational hours when a guard is present at the top of the slide.
- Swimmers must stay clear of the catch pool and slide exit area.
- Riders must exit the catch pool immediately after use.
- Children less than 48 inches tall who are unable to swim may only use the slide with a parent.
- Parents may assist their child out of the water in the catch pool if necessary, but they cannot stand in front of the slide to catch their child. Parents may wait at the steps if needed.
- Only one person at a time is allowed down the slide, excluding a parent and small child as described above.
- Do not run to the steps or run up the steps.
- Riders must make sure the catch pool is clear before beginning slide run.
- Riders must go down on their back or bottom with feet first.
- No flotation devices of any kind permitted on the slide, including those in bathing suits.
- Do not reach into the slide from the deck area.
- No wading on the steps or in the catch pool.
- Do not stop or block the flow of water from the slide.
- No balls or toys on the water slide.

POOL RULES

- Infants under one (1) year of age must be accompanied by a parent/guardian with direct contact at all times.
- Please encourage your children (especially those under 10) to visit the bathroom during rest periods; this helps reduce accidents.
- Children using swimming aids must be accompanied by a parent or guardian over the age of 21.
- Children who are not potty trained must have swim diapers on underneath the bathing suit. The Swim Club reserves the right to ask for a child to be removed from the pool if they do not have on a swim diaper.

- Proper bathing suits are required for swimming. No cut off shorts or thongs allowed.
- Please shower before entering the pool.
- No diving in any areas less than 5 feet.
- No running or horseplay is allowed around the pool.
- No food or drink is allowed in the pool.
- Glass containers are prohibited on the pool deck and in the pool.
- Persons with skin disorders may be denied use of the pool.
- No pets are allowed on the pool deck, with the exception of guide animals.
- Floats may be prohibited by the Staff at their discretion and for any reason.
- Refrain from talking to lifeguards while they are on the stands.
- No playing or cutting through the lap lanes, these lanes are reserved for lap swim only.
- All Members and guests must comply with staff rulings and lifeguard instructions for safety.
- Persons entering the fenced off pool area after closing time will be trespassing and subject to arrest.
- The Manager has the right and responsibility to close the pool when deemed necessary for safety measures or for group club events.

REST PERIODS

There is a 10-minute rest period every hour when the lifeguards will be taking a break. Everyone is required to exit the pool when the lifeguards blow the whistle to announce the start of the break, but they may resume swimming, at their own risk, once the lifeguards have left. Children must still be supervised by their accompanying adult during this period. Any pool activity during the 10-minute rest period is entirely at the Member(s)' own personal risk, and does not confer or transfer liability to lifeguards, Swim Club property, Pool Committee, or assets.

FECAL CONTAMINATION POLICY

In the event of fecal or vomit matter in the pool, the pool will close according to the policies outlined by the State of North Carolina Health Department.

WEATHER POLICY

Members are to adhere to all directions given by Staff and Guards when told to exit the pool and deck area in the event of inclement weather.