

**WESTERLEY HOMEOWNERS ASSOCIATION
POLICY RESOLUTION NO. 2008-03**

(Policy and Procedures Concerning the Use of the Swimming Pool)

WHEREAS, Article VIII, Section I(c) of the Bylaws states that “The Board of Directors shall have power to exercise for the Corporation all powers, duties, and authority vested in or delegated to this Corporation, not reserved to the membership, or other provisions of these Bylaws, the Articles of Incorporation or the Declaration;” and

WHEREAS, Article VIII, Section VIII.1(a) of the By-Laws states that “The Board of Directors shall have power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;” and

WHEREAS, Article III, Section III.3(c)(2) of the Declaration states that “The Board of Directors shall have the power and obligation to establish rules and regulations for the use of the Property;” 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 the 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

- A. All Members of the Association (or their designated tenants), are entitled to use the swimming pool facility. This privilege may be suspended by the Board of Directors for Members (or their designated tenants) who are delinquent in their assessment payments for a period in excess of thirty (30) days. Members who lease their dwelling must designate, in writing, using a form authorized by the Association, those tenants living in the dwelling who are entitled to use the community facilities, including the swimming pool and community center. A non-resident member who leases his dwelling is not entitled to use of these community facilities.
- B. A facilities pass with a photograph will be issued to all Members, Members of their families residing in the dwelling, and to the designated tenants of Members. A facilities pass will not be issued to any member or other eligible pool user unless all assessment fees or other charges owed to the Association are paid in full. Only those persons with a valid facilities pass shall be entitled to use the swimming pool and other community facilities. Facilities passes will be issued or validated on an annual basis prior to the beginning of the swimming season.

Facilities passes are the property of the Association and are for the exclusive use of residents of the Westerley 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, as well as improper conduct with respect to the use of the pool, as referenced in paragraph II, below.

- C. During the annual registration period, each eligible household will be provided two guest passes for use during the pool season. There will be a maximum of two guests admitted at any time per eligible household.
- D. Guests must be escorted by an eligible pool user with a valid facilities pass who is eighteen years of age or older. Guests who are 21 years of age and older may be admitted to the pool area without an escort provided they present a guest and eligible pool user pass from the same homeowner. All other Guests will not be admitted to the pool without an escort. All guests must present a valid guest pass and register with the pool manager prior to entering the pool. The escort and/or homeowner are responsible for the conduct of their guests.

II. RULES FOR USE OF THE POOL

- A. 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.
- B. 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. Subsequent violations or repeat offenses will be referred to the Board of Directors.
- C. 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 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. Residents (Members and tenants) are responsible for the actions of their children and guests.
- D. Children under twelve (12) years of age must be accompanied by a responsible person sixteen (16) years of age or older while in the pool area.
- E. 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 season and risk prosecution for trespassing.
- F. All bathers shall take a shower bath using soap and warm water and thoroughly rinsing off before entering the pool. (Parents are encouraged to instruct their children).
- G. Persons who have obvious infections (colds, lesions, open sores, etc.) will not be allowed in the pool. Sanitary habits are a responsibility of everyone and anyone displaying improper behavior will be asked to leave the pool area.

- H. No smoking is permitted in the bath house facility or pool area. Smoking may be allowed in designated areas outside of the pool facility.
 - I. Food may be brought into and consumed in the pool-area. Persons who consume food in the pool area are responsible for removing all litter. The chewing of gum is not permitted in the pool area or pool building.
 - J. Breakable objects are not permitted in the pool area.
 - K. Intoxicants will not be allowed in the pool area during normal hours. Intoxicated persons will not be allowed in the pool area at any time.
 - L. Swimmers must wear proper bathing attire. No cut-offs, dungarees or similar attire will be permitted.
 - M. Persons must stay clear of guard stations at all times.
 - N. Persons unable to demonstrate an ability to swim will not be permitted in the deep end of the pool.
 - O. No play equipment, play pens, wheeled vehicles (except wheelchairs, strollers, etc.) are permitted in pool area.
 - P. No pets (except seeing-eye dogs) are permitted in the pool area.
 - Q. The following may not be used in the pool:
 - 1. Balls not intended for pool use;
 - 2. Toys not intended for pool use;
 - 3. Inner tubes not intended for pool use;
 - 4. Rafts or boats.
- Use of any items that are allowable for use in the pool is subject to the discretion of the lifeguard. Personal items may not be left in the pool area and may be subject to disposal if unclaimed after one week.
- R. Running, pushing, wrestling, dunking, standing or sitting on another's shoulders is prohibited. No screaming, profanity, or other boisterous behavior will be permitted in the pool area or pool building.
 - S. Swimmers shall remain clear of the ladders except when entering or exiting the pool.
 - T. All refuse must be placed in containers provided for this purpose. Keeping the facility clean is everyone's responsibility.
 - U. Bathers who are not toilet trained or incontinent persons must wear a swim diaper. Diapered children must also wear a leak-proof outer layer.

- V. During the last fifteen minutes of every hour, no one under the age of eighteen (18) may be in the pool.
- W. The pool may be closed at the discretion of the pool manager on duty in case of thunder, lightning, rain or operational breakdown.
- X. The use of radios, televisions or similar devices are permitted only when used with headphones.
- Y. Private, reserved use of the pool facility shall not be permitted during normal operating hours established by the Board of Directors. Any private, reserved use shall be permitted only if authorized by the Board of Directors and in accordance with any rules and regulations promulgated by the Board.

This Resolution supersedes all previously adopted Resolutions governing swimming pools.

The effective date of this Resolution shall be April 21st, 2007.

WESTERLY HOMEOWNERS ASSOCIATION

K. R. G. O. S. E.

President

FOR ASSOCIATION RECORDS

The Secretary hereby attests that this Policy Resolution was approved and adopted by the Board of Directors on this 21st day of April, 2008.

4/21/08
Date

[Signature]
Secretary

WESTERLEY HOMEOWNERS ASSOCIATION

RESOLUTIONS ACTION RECORD

Resolution Type Policy Resolution No. 2008-03

Pertaining to: Policy and Procedures Concerning the Use of the Swimming Pool

Duly adopted at a meeting of the Board of Directors of the Westerley Homeowners Association, held 4/21/08.

Motion by: DR Seconded by: FB

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
K. Gilfeller	President	✓			
D. Pontiff	Vice-President	✓			
C. Hammes	Director	✓			
E. Barrow	Treasurer	✓			
S. Reed	Secretary	✓			

ATTEST:

[Signature]
Secretary

4/21/08
Date

CERTIFICATE OF MAILING

This Resolution was mailed or hand-delivered to the addresses of record of the owners on this 30 day of April, 2008.

4/30/08
Date

[Signature]
Michael Marcolla, Community Manager