



Westmarket 2010 Pool Rules

Westmarket Homeowners Association, Inc.

POLICY RESOLUTION NO. 07-02

(Policy regarding reservation and use of the Clubhouse Swimming Pool)

Whereas, Article II, Section 1 of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements ("Declaration") for Westmarket Homeowners Association ("Association") grants the Board of Directors the right to adopt, promulgate, enforce, and from time to time, amend, reasonable rules and regulations pertaining to the use of the Community Facilities which shall enhance the preservation of such facilities and the safety and convenience of the users thereof and to establish and charge reasonable admission and any other fees for certain types of extraordinary uses of the Community Facilities;

Whereas, Under Article I, Section 10 of the Declaration, "Community Facilities" is defined community buildings and recreational facilities, which includes the Clubhouse swimming pool;

Whereas, Article IV, Section 1 of the Bylaws provides that the Board of Directors has a 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 in accordance with the Virginia Property Owners' Association Act; and

Whereas, the Board has determined that it is in the best interest of the Association to adopt a formal policy to establish rules and regulations that will govern each Owner's or their guests' use of the Association's swimming pool located at the Clubhouse.

Now, Therefore, Be It Resolved, That the Board of Directors adopts the following policy regarding use of the Clubhouse swimming pool and hereby directs management to administer the policy.

I. Pool Passes

Each Owner and/or Resident shall receive one (1) pool pass for each occupant of such Owner or Resident's dwelling and two (2) guest passes to be used for guests and invitees, provided the Owner of such Lot is current in the payment of assessment and each occupant of the Lot over the age of 18 have signed the current pool pass application form and submitted the form to the designated person(s) named on the current application and any Residents of such Lot are not in default of their lease agreements. No person shall be entitled to enter the swimming pool deck area unless they display a pool pass or are a guest of a resident with a pool pass. **Passes may not be transferred to anyone residing outside the Westmarket community.** Pursuant to Article 11, Section 1(m) of the Declaration, neighboring adjacent residents who are not members of the Association but hold a valid membership for use of the Community Facilities which are recreational in nature, may use the Clubhouse swimming pool. Each household shall receive one pool pass for each occupant of the dwelling and two (2) guest passes to be used for guests and invitees, provided that such members are current in their payment of their membership fees.

II. Pool Rules

1. Only persons with valid pool passes shall be admitted. Each guest and their host must sign the guest sign it sheet prior to entering the swimming pool deck area.
2. All persons shall obey the instruction of the lifeguards. No person is permitted to use the pool unless it is open and a lifeguard is on duty in the lifeguard chair.
3. Talking to the on-duty lifeguard in the lifeguard chair is not permitted.
4. In an emergency, the pools must be cleared immediately. The signal is 3 blasts on the guard's whistle.

5. Persons under the age of 13 may only use the pool under the direct supervision of a responsible person 16 years of age or older. Children unable to demonstrate to the lifeguard their ability to swim are not permitted in water over three feet deep unless they are under immediate adult supervision.
6. Use of the wading pool is restricted to children 6 years of age and younger. A parent or guardian must supervise children in the wading pool.
7. All members are required to familiarize their children with all pool rules. Parents are responsible for their children, whether that parent is at the pool or not.
8. The following activities are strictly prohibited: running, pushing, jumping into the pool onto others, jumping off the lifeguard chair, dunking or holding others under the water, standing or sitting on another's shoulders, and loitering in the bathroom area.
9. No gum or breakable objects are permitted in the immediate area of the pool.
10. All trash must be placed in the receptacles provided.
11. Cigarette smoking and all other smoking is strictly prohibited on/within the pool and clubhouse areas in their entirety. Cigarettes must be disposed of properly, outside of the facility which is the only location where smoking is permitted.
12. No intoxicants are allowed in the pool area. Intoxicated persons are not allowed to remain in the pool area at any time.
13. The pool house is open only during pool hours of operation. No persons are permitted to loiter in or around the pool house area.
14. The Board of Directors, the Association's management personnel and lifeguards shall have the authority to disallow exuberant play that may interfere with the enjoyment of the pool by others.
15. The lifeguards may suspend, for a period not to exceed seventy-two (72) hours, the right of any person to remain at or use the pool if the lifeguard concludes that the person is in violation of these rules, the lifeguard's directions, is using abusive language, appears intoxicated or that their conduct otherwise creates a threat to safety or the well being of any other person or property. Subsequent to expulsion, any person may appeal the decision of the lifeguard to the Association's Management Agent, and subsequently to the Board of Directors.
16. No play equipment, play pens, wheeled vehicles (except wheelchairs and infant strollers) are permitted in the pool area. Tubes, flotation devices, balls, and toys may be permitted or prohibited at the discretion of the lifeguard based on the circumstances existing at the pool at any time.
17. No pets are allowed in the pool area or on pool property (except for service animals, such as seeing-eye dogs).
18. Admission will be refused to anyone with skin abrasions, colds, coughs, extremely inflamed eyes, infections, or wearing bandages.
19. Expectorating and blowing of the nose in the pool is prohibited.
20. Only swim-appropriate footwear is permitted on the pool deck. Street shoes may not be worn on the pool deck.
21. Under no circumstances may any persons remove, or permit to be removed, any equipment belonging to the Association from the swimming pool.
22. No activities which violate any federal, state or local law or ordinance are permitted in the swimming pool or surrounding area.
23. All users are strictly prohibited from dropping or throwing any items from the swimming pool or surrounding area. Any person who violates this rule shall be removed from the pool area immediately and shall be suspended from the use of the swimming pool for one week.
24. Children who are not 100% toilet-trained must wear disposable swim diapers or reusable swim diapers AND vinyl diaper covers in order to be allowed in the baby or main pool. See lifeguard or display board for an example. Residents responsible for a failure to comply with this rule may be specially assessed all costs incurred to clean the pool and may be subject to the imposition of charges for violation of this rule.
25. Cut-offs, oversized shirts, and other improper clothing are not allowed in the pool. The decision as to whether a particular article of clothing is appropriate will be made at the discretion of the lifeguard on duty.
26. Residents who occupy units that are delinquent in the payment of assessments may have their right to use the swimming pool suspended until such time such units become current in the payment of assessments, following notice of the suspension and, if requested by the delinquent unit owner, a hearing conducted by the Board of Directors.
27. The lifeguards on duty have the discretion to establish one 15 minute period/time per hour during which the pool **must** be cleared of all children under the age of 16 to allow a period of adult swimming.
28. No diving is allowed.
29. Subjects not covered by these Rules will be handled by lifeguards on duty, the Board of Directors, or the Association's Management Agent.
30. Rafts and floats are not permitted because they reduce the ability of the lifeguard to see the children and keep

them safe.

31. Children are required to take a swim test to allow for independent swimming. Child non-swimmers must be closely supervised by an adult at all times. If the adult is not in the pool with the child but on the edge of the pool, the child must stay in the shallow water. Children under 16 who want to swim independently (adult not closely supervising) will be tested by a lifeguard. A list of those children who have demonstrated swimming proficiency will be kept at the desk. When one of these children checks into the pool, he/she will be given a wristband to wear for the day to identify him/her to the lifeguards as a swimmer.
32. There shall be no loitering or hanging onto the pool ladders.
33. The Board of Directors is empowered to interpret and enforce these Rules.

III. Occupancy

As determined by the Prince William County Code, the maximum number of people who may occupy the swimming pool at any one time is seventy-five (75) persons per every one lifeguard. The lifeguards on duty will refuse access to members and their guests if the swimming pool is being used at its maximum capacity.

IV. Time Of Use

The swimming pool will open each year on the Saturday before Memorial Day and will close the day after Labor Day (the "Swim Season"). During the Swim Season, the swimming pool will open at 10:00 a.m. each day and will close at 8:00 p.m. each day.

V. Violations, Enforcement 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 the governing documents or the Virginia Property Owners' Association Act, including, but not limited to, the enactment of a charge of \$50.00 for a single offence or \$10.00 a day for up to ninety (90) days for a continuous offence against the Owner's Lot and/or the assessment of the balance of any charges for damages against the assessment account of the Owner as a lien against the Owner's Lot.

VI. Liability

The Association, its directors, agents, officers, employees or other designees shall assume no responsibility for the personal property of any individual who uses of the swimming pool or surrounding pool area.

All users of the Swimming Pool and surrounding pool area assume all responsibility, risks, liabilities and hazards incident to the use of the pool and hereby release and forever discharge the Association and its officers, directors, employees and agents from liability for personal injury, death and damage to or destruction of property arising from the use of the pool.

All users of the Swimming Pool and surrounding pool area indemnify and hold harmless the Association, 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 the use of the pool or pool facilities or resulting from such use by the owner's family members, guests, invitees or tenants.

The Owner, Resident and any guest or other user of the facilities shall be responsible for adherence to all of the Association's rules and regulations, legal documents, and policies, including any amendments thereto and all specifications of the contract, and the Owner shall be responsible for ensuring that his tenants, guests and invitees comply with all such rules and regulations, legal documents, and policies.

Enacted this 10th day of May, 2008.

WESTMARKET HOMEOWNERS ASSOCIATION, INC. Board of Directors