



¹CARY PARK SWIM CLUB

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. An individual titled “Cary Park Pool Membership Coordinator” 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 Cary Park Swim Club Committee (“Committee”) 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 contact the Chairperson of the Committee or the Cary Park Pool Membership Coordinator.

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 initiation fee and the current year's dues. 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.

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 and each Member assumes those risks for themselves, their family and their guests.

MEMBERSHIP TYPES

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

- **Family:** Consists of one or two adults and their unmarried children under the age of 23 living at home. (A nanny or caregiver may be included in a family membership, the caregiver must be identified and included on the membership application.)
- **Couple:** Consists of two adults at one address OR a single parent with an only child. This membership may not be used to selectively enroll a parent and child who are members of a larger family.
- **Single:** Consists of 1 individual, 21 or older. This membership may not be used to selectively enroll a parent or child who are members of a larger family.



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- **Senior:** Consists of a single or couple in the immediate family where at least one is 60 or older

There will be a \$30 charge on all returned checks and Membership may be jeopardized.

The Association reserves the right to raise or lower the membership fee 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

All those who join the Cary Park Swim Team must be Members of the Swim Club (with a Membership type appropriate for their family size) for the swim season(s) in which they are on the team.

MEMBERSHIP KEY FOB/TAGS

Each Club Member aged 12 and up will receive a key fob which has their membership number on it. The tag must be presented when entering and leaving the fenced-in pool area. Children under the age of 12 must be accompanied by an adult member.

If a child under 12 is identified as being at the pool without a parent or designated caregiver present, the 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 \$15 charge for each replacement fob.

Key fobs are not transferable and members may not allow non-members to use their fobs. Violation of this policy may result in disciplinary action, including termination or suspension of membership.

MEMBERSHIP TRANSFERABILITY

Membership is transferable, but not refundable, provided the Membership is in good standing. To transfer a Membership the following must be met:

- Address must be the same from Current to New Member
- Current Member must resign
- New Member must bring in new application with correct billing information
- There can be no lapse in dues payment

- If the Membership type changes, the rules for upgrades and downgrades must be followed.

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 Board at its sole discretion -- detrimental to others and/or the Swim Club, may have his entire Membership suspended or terminated 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 reside outside the Triangle area but they may not be Cary Park residents.

Residents of Cary Park must be members of the pool to enter. It is expected that Cary Park Residents who use the pool will become members of the Swim Club, not habitual guests of others.

Members of the Swim Club who are 16 years of age 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 Cary Park Pool Membership Coordinator in advance.

OBTAINING GUEST PASSES

Members are permitted to bring up to five guests to the pool at one time.

Each membership will include five guest passes which are available upon request. For additional guests, a guest pass must be presented.

A one day guest pass may be purchased from the managing lifeguard for \$5 per guest.



One day guest passes, purchased at least three business days in advance, are discounted at \$3 per pass when purchased in groups of ten.

Guest passes can be purchased in advance by completing the Guest Pass Request Form found at carypark.org under the Swim Club tab.

Guest passes are not transferrable and not refundable. Guest passes which are purchased expire the season following purchase.

NANNIES / CAREGIVERS / BABYSITTERS

Nannies, caregivers and babysitters (NCB) of Members are not charged guest fees while accompanying the children they are attending in lieu of parents. However, the NCB must be registered with the Swim Club and must appear on the Membership Roster by association with the Member. To do this, the Member must make a request to include an individual as a caregiver on the application for membership, or by separate letter, to the Cary Park Pool Membership Coordinator. Authorization is at the discretion of the Cary Park Pool Membership Coordinator and will not be automatically granted in all cases; it is the responsibility of the Member to verify acceptance of the request.

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 Cary Park Pool Membership Coordinator and the Pool Committee (factors such as day of the week, time of day, size, duration and nature of the party, and other scheduled activities are considered.) Members may specify which pool (lap or zero entry) and whether they would like a shaded/sheltered table.

Parties must be reserved 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 Membership Coordinator has confirmed that the requested date and time are available.

Fees must be paid in advance.

Chaperones are required for children's parties – 1 for every 10 children under the age of 16. Chaperones are counted as a guest if they are not pool members.

Party Fees (Two hour party):

- 0-15 non-member guests \$50

- 16-25 non-member guests \$75
- Additional hours are \$25/Hour

The above fees include additional lifeguards as necessary (determined by contract with pool management).

Guest Policies and Fees for Guest Passes are subject to change without notice at the discretion of the Board of Directors.

Violations of the guest policy may result in revocation of membership without refund.

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 Committee, and ask for an exception for their special case. Committee decisions may be appealed to the Board.

ALCOHOL RULES

The Swim Club has adopted a “bring-your-own” policy for members age 21 and over. 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 the policy may result in the banning of all alcohol from the Swim Club facilities.

Also, remember that all glass, including wine bottles, beer bottles, decanters and the like are strictly prohibited from being 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. Any broken glass must be reported to a lifeguard, attendant or manager immediately.

Zero-Tolerance Policy: The Club has a zero-tolerance policy for the violation of these alcohol rules.

It is up to the Board to determine if a violation of the rules is severe enough to suspend or revoke the offending member’s membership for a period of time in the season, or for the remainder of the season. It is also the Board’s discretion to determine if said member(s) will be allowed to rejoin in a subsequent year, and under what terms, based on the severity of their transgression.

- No alcohol may be sold on the premises by anyone
- No kegs (including mini- or pony-kegs) may be brought onto the premises
- Only those 21 or older may possess or consume alcohol
- Alcohol is prohibited on the pool deck during swim meets



- Those who appear to be drunk, boisterous or unruly will be told to leave the premises by Staff
- Those who do not promptly leave when told to do so by Staff will be trespassing
- The Board has authorized the Staff to have the Police remove individuals from the Swim Club if they fail to promptly leave when told to do so by Staff

FACILITY RULES

- To utilize the facility, Member's dues and homeowner assessments (if applicable) must be in good standing.
- Staff has the right to ask any person whom they consider unruly, boisterous or intoxicated to leave the premises.
- No smoking is permitted on Swim Club property
- The Swim Club is not responsible for lost or stolen articles; items in the Lost and Found will be donated to charity monthly.
- Each individual member, with an issued membership pass, who is 12 and over, is required to check in individually at the front desk for entry to the pool.
- Members must have their key tags scanned and register any guests prior to entering the fenced in swimming area
- Membership tags are not allowed to be loaned or given to anyone for use. The Association reserves the right to terminate Membership for misuse of member tags.
- Guests must be signed in by accompanying Member.
- Member's children age 12 and over may attend the pool alone; this privilege may be revoked by the Cary Park Pool Membership Coordinator if she/he determines that the child is unruly and requires adult supervision
- Member's children under 12 must be accompanied by a parent or a responsible person 16 years of age or older.
- 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 in these rules.

Swim Club Members are entitled to 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

- Slide may only be used during operational hours where 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 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 empty 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.
- No goggles, masks, glasses or hats permitted on the slide.

POOL RULES

- No one may enter or be in a pool without a lifeguard stationed at that pool
- Once an hour there will be a 10 minute rest period. No one will be allowed in the fun pool at this time. The lap pool will be open for adult swim.
- Adult swim is for persons 18 years or older. However, adults may bring in infants less than one (1) year.
- Infants under one (1) year 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 the rest period; this helps reduce accidents
- Children using swimming aids must be accompanied by a parent or guardian over the age of 16.
- Children wearing diapers must have vinyl pants over the diaper and under the bathing suit. The Swim Club reserves the right to ask for a child to be removed from the water if they



do not have on vinyl pants. Children wearing diapers, regardless of wearing vinyl pants, are not allowed in the lap pool.

- Proper bathing suits are required for swimming. No cut off shorts or thongs allowed.
- Please shower before entering pool.
- No diving in any areas less than 5 feet.
- No glass containers of any kind permitted on pool deck.
- No food or drink allowed in the pool.
- Persons with skin disorders may be denied use of the pool.
- No pets allowed within pool deck area. Exceptions will be made for guide animals.
- Children's arms, legs, and all body parts must be out of water during adult swim.
- No running or horse playing around the pool.
- No moderate to large velocity/distance squirt guns or toys that squirt water will be allowed. No squirting at heads or necks is permitted.
- Flotation devices may be used on "Float Days" (Sundays and Wednesdays). A limited number of personal use floats (none large enough for multiple people) will be allowed in the pool at any given time. Floats may be prohibited by the guard staff; at their discretion and for any reason.
- No playing or cutting through the lap lanes, these lanes are reserved for lap swim only.
- Refrain from talking to lifeguards while they are on the stands.
- Lifeguard's instructions must be obeyed at all times by Members and guests for maximum 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.

FECAL CONTAMINATION POLICY

In the case of fecal/vomit matter in the swimming pool, the pool will close following policies outlined by the State of North Carolina Health Department for solid fecal, vomit, and/or loose fecal matter.

WEATHER POLICY

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