



# Standards for Mountain Park Clubhouse

*Adopted by the Board of Directors on January 29, 2019  
Revisions made effective by the Board of Directors on April 1, 2021*

## **Objective**

The objective of these rules is to clarify the standards for enforcement of the Clubhouse rules and how they will be applied and enforced by the Mountain Park Home Owners Association (Association).

## **Authority**

These rules are authorized by Mountain Park's Codes, Covenants, & Restrictions, the Board of Director's resolutions and decisions, [ORS 94.630\(1\)\(a\)](#), and [ORS 94.640](#).

## **Internal Operating Procedures**

To facilitate the implementation of these rules, the Association's Executive Director and staff are responsible for monitoring compliance with these standards and managing the Association's internal operations regarding these standards as required by the Board of Directors (Board) and the Clubhouse Committee (Committee).

## **Applicable Laws**

All compliance standards of the Association are subordinate to the regulations of Federal, State and local laws; however, Association rules may be more restrictive than legal requirements and will be applied unless the Association's more restrictive rules conflict with legal requirements.

When a violation of these standards occurs that is also a violation of the law, the Association reserves the right to report this to the appropriate authorities.

## **Standards of Local Associations**

Other organizations within the Mountain Park community, including other local homeowners associations, have rules and policies related to properties that have an overlapping scope with those of the Association. Any policies or rules of a local association within Mountain Park are independent from the policies and rules described in this document. In the event of any conflict, the Association's rules and procedures supersede any local association's policies and rules, unless the local association's rules are more restrictive.

## **Standards of Other Standing Committees**

In addition to the Clubhouse Committee, there are three other standing committees that have authority delegated to them by the Mountain Park Board of Directors for developing and enforcing rules of the Association. These committees are the Architectural Committee, the Common Property Committee, and the Home Maintenance Committee. The documents related to those committees can be found on the MPHOA website [www.mtparkhoa.com](http://www.mtparkhoa.com) under the tab marked Committees.

The three committees listed deal with external property within the community while the Clubhouse Committee develops and enforces its rules concerning clubhouse behaviors and interactions with Association staff.

## **Enforcement Actions**

The procedures for enforcing these standards are provided in Section II. Compliance Procedures beginning on the next page.

**Rule Violation Enforcement**

Penalties for violations are assessed according to the Penalty Schedule set out in **Appendix 2** to this document.

**Clubhouse Rules**

Mountain Park Clubhouse Rules are enforced in their entirety and are within this document.

## COMPLIANCE PROCEDURES

### 1. Staff Resolution of Compliance Problems

Ensuring compliance with the rules and standards of the Association is the responsibility of the Board, working in concert with its committees, and MPHOA staff.

The Clubhouse person responsible for day-to-day compliance with Clubhouse Rules is the Manager on Duty (MOD). The MOD together with the Clubhouse Member Services Coordinator has a broad range of responsibilities that include: a) identifying compliance problems; b) communicating with Members and residents (hereinafter “Users”) about compliance problems; c) working with Users to achieve voluntary compliance; and d) issuing a Notice of Violation and Opportunity for Hearing (NOV) when this action is appropriate.

At every monthly meeting of the Committee, a MOD or staff member will report on compliance activities regarding the Committee’s rules. The report must include a summary of all compliance issues that resulted in the issuance of a NOV, as well as any other information for Committee review as determined by the MOD and the Committee.

### 2. Compliance Procedures for Clubhouse Rules

#### OVERVIEW OF COMMITTEE’S RESPONSIBILITY

If possible, the MOD will verbally inform a User of a situation involving violation of a Clubhouse Rule as soon as becoming aware of the violation. If informal action by the MOD does not result in voluntary compliance, the Member Services Coordinator will send a letter to the User notifying of the NOV and informing the User of the right to request a hearing before the Committee. If a hearing has been requested to contest the allegations in an NOV, the Committee will conduct the hearing before making its decision. At its meeting, the Committee will review all NOV’s that have been issued and decide for each whether there is a violation and if so, the appropriate action or sanction.

*Clubhouse management is authorized to remove any User from Clubhouse premises or activities for a reasonable time for conduct that is in violation of the Rules after receiving an initial warning. Clubhouse management may, in its judgment, remove any User without warning if their conduct threatens the immediate safety of any User(s), Staff, or MPHOA property.*

#### HEARING REQUESTS

To contest the allegations in an NOV, the affected Member must request a hearing in writing within 15 calendar days following the date of the NOV. Any written information the Member wants considered by the Committee must be provided to the Association within 15 calendar days following the date of the NOV.

The Association will provide an opportunity for a hearing that is within 45 calendar days from the date the NOV was provided or mailed to the Member, unless staff reasonably needs more time to accommodate processing requirements and Board or Committee schedules. Related hearing requests may be consolidated for hearing. Members may designate a representative in writing to attend the hearing if they prefer not to appear in person.

The member may request a hearing be rescheduled only for good cause due to circumstances reasonably beyond the member’s control.

## TIMELY RECEIPT OF DOCUMENTS

Documents must be received from Members within the timeframes specified in these procedures or as specified by the Committee. Documents are considered received according to the date of mailing (postmark) or upon receipt of an electronic submission. The Committee will determine if the hearing request or any other submissions was received within the specified timeframes if disputes arise regarding the timely receipt of documents.

## ***CONTESTED NOVS***

### CONDUCT OF THE HEARING

If a hearing was requested, the Committee will conduct the hearing. At the hearing, the User may explain the User's position concerning the NOV. The MOD or staff, and the User may present information from witnesses and provide documents and pictures. The Committee may ask questions and request further information in order to make its decision. The Committee may set reasonable time limits for oral presentations, discussion and submission of any requested documentation.

The Committee will consider the information presented at the hearing by the MOD and staff, and by the User, to assist in making its decision. The Committee will determine whether there was a violation and the appropriate sanction, if any. The Committee's decisions must be reasonable, based on applicable rules and policies and consistent with prior decisions having the same or substantially similar issues.

Within 7 days of the hearing, the decision of the Committee will be provided to the User in writing and must include notice of the User's right to appeal the decision to the Board of Directors. If the User decides to appeal to the Board, the User must appeal the decision within 15 calendar days of the date of the Committee's written decision. The appeal to the Board must be in writing and provide the specific reasons the User objects to the Committee's decision.

If no timely appeal is filed, the Committee's decision will be presented to the Board for ratification and adoption as the final decision. Any sanctions are effective immediately after the Board issues its final decision.

### APPEAL TO THE BOARD OF DIRECTORS

The Board's review on appeal shall be limited to consideration of the documents, pictures, and written information presented to the Clubhouse Committee, the Committee's decision, and the objections raised in the User's appeal. The User may explain the specific objections raised in the appeal based on the information previously provided by the User to the Committee. The Board may request an explanation from the Committee and the MOD and staff regarding the Committee's decision and the issues raised in the appeal by the User.

Based on the User's specific objections provided in the appeal, the Board of Directors may determine that there was no violation, ratify and adopt the Committee's decision, or return the matter to the Committee for reconsideration.

The Board will provide its decision in writing to the User. Any sanctions are effective immediately after the Board issues its final decision.

### ***UNCONTESTED NOV'S***

If no hearing was requested, the Committee will consider the allegations in the NOV and determine whether there was a violation and the appropriate penalty. In making its decision, the Committee may consider any additional information requested by the Committee or presented to the Committee by the MOD or staff. The Committee's decisions must be reasonable, based on applicable rules and policies, and consistent with prior decisions having the same or substantially similar issues. If the NOV was not contested and no hearing was held, no appeal may be made to the Board.

The Committee's decision will be presented to the Board for ratification and adoption as the final decision. The decision of the Committee will be provided to the User in writing. Any sanctions are effective immediately after the decision is provided to the User.

### **REPORTING COMMITTEE ACTIONS**

Whenever there has been an action by the Clubhouse Committee regarding any NOV, there will be a report presented within 30 days to the Board of Directors.

### **EFFECTIVE DATE**

The effective date of these standards and procedures is April 1, 2019. These standards and procedures apply to all violations pending on the effective date after reasonable notice is provided to any affected Members.



# Clubhouse Rules

*Adopted by the Board of Directors on January 29, 2019  
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## I. INTRODUCTION

### A. The Positive Impact of the Mt. Park Clubhouse

The amenities of the Clubhouse provide a positive impact for all users on both a social and physical level. To ensure that we maintain this positive impact, it is necessary to have rules and guidelines. The intent is to guarantee an environment that enhances the lives of all users. These rules are not intended to diminish the positive experience but are put in place to guarantee its existence.

### B. Definitions

“**Member**” shall mean every person or entity which holds membership in the Association as defined in Article III Section I of the Declaration of Restrictions of the Mountain Park HOA.

“**User**” shall mean any person who qualifies under User guidelines discussed in Section III below. A User is entitled to enjoy all the privileges and facilities of the Clubhouse, tennis courts and all other outside space adjacent to the Clubhouse building (collectively, “Clubhouse”), subject to the restrictions contained in the Codes, Covenants and Restrictions of Mountain Park Corporation and these Clubhouse Rules. The Clubhouse Rules have been established for the comfort, safety and enjoyment of all Clubhouse Users.

### C. Topics:

- Introduction (Section I)
- Compliance with Clubhouse Rules (Section II)
- Clubhouse Authorized Users (Section III)
- Clubhouse (Section IV)
- General Rules (Section V)
- Facilities (Section VI)
- Emergency Procedures (Section VII)
- Rule Violations (Section VIII)

## II. COMPLIANCE WITH CLUBHOUSE RULES

- A. All Users are expected to understand and follow Clubhouse rules. These rules govern each User’s conduct while on Clubhouse premises, when participating in MPHOA sponsored activities and events outside the Clubhouse.
- B. Users are encouraged to report any violation by a User to Clubhouse management. While Clubhouse Users may politely remind fellow Users of Clubhouse rules, Users should not confront

fellow Users for infractions they observe and should instead enlist the assistance of Clubhouse staff.

- C. If a User violates a Clubhouse rule, Clubhouse personnel will bring the infraction to the attention of the User. The User may be referred to the Clubhouse Committee for review and possible sanction.
- D. Clubhouse management is authorized to remove any User from Clubhouse premises or activities for a reasonable time for conduct that is in violation of the Rules after receiving an initial warning. Clubhouse management may, in its judgment, remove any User without warning if their conduct threatens the immediate safety of any User(s), Staff, or MPHOA property.
- E. A full set of Clubhouse Rules is available on the Mountain Park website. If requested, User(s) will be provided hard copies of the Rules.
- F. **Disclaimer** - Users are required to sign a release and acknowledgement before using the Clubhouse, which includes the agreement to abide by the Mountain Park Clubhouse Rules and understanding that there are inherent risks with certain facilities in the Clubhouse. Unauthorized use or misuse of the Clubcard, may result in loss of Clubhouse privileges as well as civil and/or criminal prosecution.

### III. CLUBHOUSE AUTHORIZED USERS

#### A. **Types of Clubhouse Authorized Users**

##### 1. OWNER

The annual dues for ownership in Mountain Park include one household use of the Clubhouse.

Classification: The deed holder – or deed holders -- (each is an “Owner” and collectively, the “Owners”) of the Mountain Park property who holds the right to enjoyment of the Clubhouse included in the annual dues. Owners have the right to use the Clubhouse unless the Owner no longer is a resident in the Mountain Park property and the Owner transfers the right to use the Clubhouse to a tenant. Members of dues-paying households within Mountain Park qualify for membership under this classification as long as they are residents of Mountain Park.

A valid picture identification and proof of residency is required to register for Clubhouse membership.

Expiration of Usage of Rights: Transfer of the deed or transfer of clubhouse rights to a tenant after becoming a non-resident.

## 2. TENANT

Classification: A person who resides in a Mountain Park property owned by Owner who has transferred their right of enjoyment; person(s) who resides in an apartment and is registered by the apartment manager of the complex where the person resides; a person residing in Mountain Park property with Owner or Tenant.

A valid picture identification, and proof of residency is required to register for Clubhouse membership and a copy of their lease.

Expiration of Usage of Rights: Removal of right of enjoyment by Owner; deletion from registration by the apartment manager, or deletion of registration by the Tenant

## 3. PATRON

Classification: A person who is not a Mountain Park resident who subscribes to a month-to-month program giving them rights of access to the Clubhouse. Patron members are Users as long as their membership is active. A valid picture ID and proof of residency are required for all those 18 and over. Patrons under the age of 18 require a parent or guardian signature.

Expiration of Rights of Usage: Upon termination of membership or non-payment.

## 4. TRIAL PATRON

This trial is valid for the duration of seven days. The start date of the trial is the day that the application form is submitted and the fee is as set out in the Appendix 1 is paid to Member Services. The trial will expire at closing on the seventh day after the start date. Only one trial can be issued for one person per lifetime. Trial Patrons are not considered to be members of the Clubhouse and therefore cannot bring guests to the facility. Trial Patrons must comply with all Clubhouse rules. Failure to comply will result in the termination of their trial at any point within the seven days and the Trial Patron will not receive a full or partial refund of their fee.

## 5. GUEST

### Day Guest

Classification: A person who accompanies the owner or tenant to the Clubhouse. Guests under 18 must have a waiver signed by a parent or legal guardian. A maximum of 6 day guests per household are allowed at any given time.

Expiration of Rights of Usage: Upon days end of the Day Guest Pass.

House Guest: A House Guest must live outside a 25-mile radius of Mountain Park. Maximum of 6 House Guests at any given time per household are allowed. Exceptions to the rule are on a case-by-case basis and must be approved by a manager. Passes for House Guests are limited to 6 consecutive months per calendar year.

Expiration of Rights of Usage: Upon expiration or non-payment of a new House Guest Pass.

Status Change of Authorized User: Users are responsible to provide MPhOA with accurate

and current personal information. Within 30 days of a status change, Users must notify MPHOA of any changes that require a change of Authorized User status as defined in the Clubhouse rules.

Clubcard: With the exception of Day Guests and House Guests, Users 3 years and older are required to obtain a Clubcard. Users scan or present their Clubcard upon entering the Clubhouse. Club cards are not transferable and may not be loaned. Lost Club cards will be replaced for a fee (set out on the attached Appendix 1). To enhance the efficiency of check in, Users are encouraged to bring their Clubcard on each visit. If a user fails to bring their Clubcard five (5) times within one (1) year, the User will be issued a new Clubcard and charged the fee for a Clubcard as shown on the attached Appendix 1.

Owners and Tenants on the Association's records must show a valid picture identification and proof of residency to obtain a Clubcard or, if a tenant is under 18 years of age, have an Owner or a parent or guardian signature. Owners and Tenants may request additional Club cards for any minor children residing with the Owner or Tenant. Patrons must show a valid picture ID and have a parent or guardian signature, if they are under 18 years of age, to obtain a Clubcard upon payment of Patron Fees.

#### Rights of Enjoyment

An Owner who has not transferred their membership rights of enjoyment may use all of the facilities of the Clubhouse provided their assessment accounts are current and the User is in good standing.

A Resident of Mountain Park who received a transfer of rights may use all of the facilities of the Mountain Park Clubhouse, provided the Member's assessment accounts are current and the Member is in good standing.

A Patron or Guest may not transfer rights of enjoyment.

### **B. Fees**

#### **SEE APPENDIX 1**

The Mountain Park CC&R's grant the Association the right to charge fees to use the Clubhouse. All Users will be charged fees according to the fee schedule approved from time to time by the Board of Directors.

### **C. Age Categories**

#### **For reasons related to safety, the following age categories will be used:**

**Ages 0-9:** Supervision required by a responsible person at all times. For purposes of these rules, the term "responsible person" means that the person is able, in his or her reasonable judgment, to ensure that the person being supervised is kept safe while in the Clubhouse. No one under the age of 14 is allowed to use fitness equipment per manufacturer's safety recommendations.

**Ages 10-13:** Use of Pools (when Lifeguards are present), Fitness Studios/Group Exercise, Sports Court, Game Room, Locker Rooms, Tennis Courts, and Common Areas of the clubhouse. No one under the age of 14 is allowed to use fitness equipment per manufacturer’s safety recommendations.

**Ages 14 and above:** Use of Pool (when Lifeguards are not present), Hot Tub, Steam Room/Sauna, Fitness Studios/Group Exercise, Sport Court, Game Room, Locker Rooms, Tennis Courts, Weight/Cardio Room(s), and Common Areas of the clubhouse

#### **D. Caregivers**

This Section provides for special rules governing Clubhouse access and use by a person who is authorized by a User to assist and watch a User or a User’s adult relative or child (“**Caregiver**”). The rules under this Section do not apply if the Caregiver is also a User by virtue of being an Owner, Tenant, Guest or Patron.

1. A Caregiver is permitted to bring Users into the Clubhouse for classes, events and activities but only with a valid Caregiver Registration Form filled out by User and Caregiver.
2. A Caregiver is not allowed to use the Clubhouse facilities unless it is necessary for the activity in which the User or User’s adult relative or child is participating. The Caregiver is not allowed in the Clubhouse alone and may not bring guests into the Clubhouse.
3. A Caregiver will be added to User’s record for a specific time period and may be renewed by the User for whom the Caregiver works for subsequent fixed time periods until the Caregiver’s employment is terminated. It is the responsibility of the User to inform MPHQA when a Caregiver’s employment has been terminated.
4. Caregiver registrations expire on the earlier of the date the fixed time period ends or the date of termination of Caregiver’s employment.
5. Caregivers must check in at the Front Desk upon entry to the Clubhouse.

#### **IV. CLUBHOUSE**

- A. Hours** - Regular hours of operation are posted on the Mountain Park website.

All Users must vacate the Clubhouse no later than the time of closure. Clubhouse hours are subject to change to accommodate holidays, [natural disasters](#), [widespread epidemics](#), [government mandates](#), inclement weather, and other special occasions. [Any changes to our normal operating hours will be posted to the website in a timely manner.](#)

- B. Holidays** - The Clubhouse observes holiday closures on New Year’s Day, Thanksgiving Day and Christmas Day. Additional closures or reduction in operating hours may occur. Contact the Clubhouse for further information.

- C. **Inclement Weather** - Every effort is made to keep the Clubhouse open in inclement weather. In the event that inclement weather prevents the Clubhouse from opening or restricts operating hours, a notice will appear on the Association’s website, social media and the main phone line will be updated with a message.
- D. **Entering/Leaving the Clubhouse** - Users are required to register or scan their own valid Clubcard upon entering the Clubhouse. Users must enter and leave via the main entrance.

V. **GENERAL RULES**

A. **Mountain Park Homeowners Association Code of Civility**

Mountain Park was founded on the principles of creating a vibrant, diverse, social and natural environment that would thrive and serve generations. We honor those values by affirming the expectations core to the heart of our community.

We aspire to be:

- A safe, secure, sustainable community free from adverse living or working conditions
- An environment in which all residents, guests, members and staff are mutually respected, regardless of age, gender, race or religion
- A community built on responsible and healthy attitudes, actions and interactions
- A community that models individual accountability in which every person is responsible for their own behavior, words and actions

*The Vision for Mountain Park*

*Mountain Park will be recognized as a progressive and vibrant Homeowners Association with a diverse population of members, residents and staff working cooperatively in a healthy and sustainable community to provide a high quality of life.*

- B. **Alcoholic Beverages** - Consumption or possession of alcoholic beverages in the Clubhouse is prohibited except when being served at MPHOA sponsored events and as specifically authorized on an approved Clubhouse room rental contract.
- C. **Other Intoxicants** – **Any substance which impairs the performance of a Clubhouse user is prohibited**
- D. **Attire and Footwear**
  1. Users should use their best judgment in their choice of attire for the public areas of the Clubhouse and consider safety and performance issues in their choice of athletic gear and footwear for physical activity.
  2. Shirts and shoes are required at all times in all areas except when transitioning between the locker rooms and aquatics area.

3. Always wear closed-toed athletic shoes in the fitness center and when participating in any sport or group fitness class. If participating in group fitness classes such as yoga or Pilates, which are performed barefoot, wear shoes to and from the studio.
4. When in fitness areas, wear shoes designed for court play with non-marking soles.
5. Exercise attire should not be overly revealing, and fabrics or accessories should not cause damage to the upholstery on fitness equipment.
6. Swimwear is appropriate only in the aquatics area and locker rooms.

#### **E. Cameras**

1. Photographic imaging or video recording is prohibited in the following areas: family changing rooms, locker rooms, restrooms, saunas, steam rooms, hot tub, swimming pools, balconies, and pool decks.
2. Personal photography or video recording is permitted in other areas of the Clubhouse for personal use, or a specific MPHOA purpose and with the permission of the subject.
3. Non-Users and organizations filming or photographing in the Clubhouse must obtain prior approval from the Executive Director.

#### **F. Cancellations of Programs and Classes**

1. Personal Training and Private Swim Lesson cancellations require a 24-hour notice. Refunds will not be given for “no shows” or cancellations the day of the session.
2. Group Swim Lessons, Camps, and month-long programs require a 2-week cancellation notice prior to the start date of the session to receive a refund/credit.
3. Refunds may be given upon receiving written notification from a medical practitioner. Refunds, for any reason, will only be given within 3 months from the date of purchase. No refunds will be given after 3 months.
4. MPHOA reserves the right to cancel programs and classes due to low participation. Registered Users will be notified of changes and will receive a full reimbursement for cancellation of paid programs and classes.
5. There are no refunds for unexpected pool closures.
6. Programs and classes that require a reservation have a no-show policy. If you are a no-show for your appointment 2 times within a month, you will not be allowed to book for the following week and we will cancel any existing appointments you might already have in our system.

#### **G. Cell Phones/Electronic Devices**

1. All phones/electronic devices must be used with headphones if music or recorded audio is to

be used to accompany workout routines in the weight/cardio rooms. Texting and sending/receiving email messages is permitted except in areas referred to below.

2. Use of cell phone or similar device is strictly prohibited in the locker rooms, saunas, steam rooms, family changing rooms, restrooms, pool deck, pool patios, and fitness studios during classes. Users may use their cell phones/electronic devices in areas of the Clubhouse not listed in line 2 above, such as the lobby and amenity rooms on the main level of the Clubhouse. Users should exhibit common courtesy to those around them.

H. **Inappropriate Behavior**- Inappropriate, offensive, potentially dangerous, or illegal behavior is not permitted. Inappropriate behavior also includes disregard in following the Clubhouse Rules as well as abuse of members and staff. Abuse of members and staff includes but is not limited to a verbal or nonverbal offense, inappropriate gestures or threatening language as well as bullying. Bullying is a form of abuse that threatens our commitment to provide a safe and mentally healthy Clubhouse environment. Bullying is defined as unwelcomed or unreasonable behavior that demeans, intimidates, or humiliates an individual or group.

Sexual misconduct is defined as harassment or unwelcome attention of a sexual nature. It includes a range of behavior from mild transgressions and annoyances to serious abuses, which can even involve forced sexual activity.

This is your Clubhouse and your assistance in identifying and reporting inappropriate behavior is greatly appreciated.

I. **Other Prohibited Behavior**: Illegal behavior or behavior that compromises the safety of staff or other Users is prohibited. Examples include but are not limited to theft, destruction of property, weapons on property, misuse of equipment that compromises safety and drug dealing.

J. **Glass & Ceramic Items**

1. Glass and ceramic items, including glasses, cups, dishes, and water bottles, are permitted only in the upstairs lobby and amenities rooms.
2. Glass and ceramic items are not permitted in restrooms, the pool observation deck, and all areas on the lower level of the clubhouse and decks.

K. **Lost & Found** - Mountain Park is not responsible for unattended personal items. Lost & found items are held for a maximum of 30 days, after which Mountain Park will donate or recycle all unclaimed items. Valuables with personal information (e.g., wallets, ID's, credit cards) are kept in a secure location. If possible, Mountain Park will attempt to contact the owner via phone or e-mail. Perishable items such as food and personal care items will be disposed of immediately. Contact the front desk for assistance in claiming your lost articles.

L. **Music Devices** -Users may use personal music devices with headphones while in the Clubhouse, except in the aquatics area. Stereos and radios are not permitted.

## **M. Parking**

1. Restricted Clubhouse parking areas include fire lanes, employee parking area and designated loading zones. Parking is not permitted at any time in the red fire lanes, and misuse of the loading zone areas is not allowed. Overnight parking is not permitted on any property owned by MPHOA and will result in being towed at owner's expense.
2. MPHOA is not responsible for damage or loss that may occur to vehicles or their contents while in the parking area. Users are encouraged to remove valuables from and lock their vehicles.
3. Bicycles must be parked in designated areas and may not be locked to any railing of the Clubhouse.

## **N. Personal Belongings**

1. Users are discouraged from bringing valuables into the Clubhouse. MPHOA and personnel are not responsible for lost or damaged items.
2. Day Use Lockers are available for personal belongings and should be kept locked while using the Clubhouse.

- O. Pets** - Pets are not allowed in any area of the Clubhouse; this includes being tied up outside or left in vehicles unattended for more than 5 minutes.

**1. Service Animals**- The Americans with Disabilities Act (ADA) provides protections to people with disabilities accompanied by a Service Animal. A Service Animal, which can only be a dog, is allowed within the Clubhouse unless doing so has a negative impact on our safe operations. The law does not provide the same protections for an emotional support animal. Service Animals are allowed even if other patrons have allergies or express a fear of dogs. However, Service Animals can be removed if they are out of control (behaving violently) or not housebroken. If these conditions occur, the clubhouse manager may ask the individual to remove the animal.

- P. Recreational Devices** - Skateboards, roller blades, scooters and other such belongings are not allowed to be used in or around the Clubhouse. Use of remote-controlled devices are not permitted.
- Q. Smoking** - The Clubhouse is a smoke-free facility; smoking, including electronic cigarettes, is not permitted on Clubhouse premises, including the parking lot and surrounding common property.
- R. Surveillance Cameras** - Note that MPHOA has placed video cameras and recording equipment in designated areas of the Clubhouse. Those cameras will be recording activities in the areas.
- S. Solicitation** - We do not allow solicitation of any kind (i.e. charitable, religious, political, and business) by any Clubhouse User or personnel on MPHOA property. Outside materials may not be posted or distributed on Clubhouse property, unless authorized by management.
- T. Equipment and Furniture** - For safety reasons, equipment and furniture may only be moved by staff – with the exception of small personal equipment. If small personal equipment is moved, it must be returned to the original location after use.

## **VI. FACILITIES**

### **A. Aquatics – General Rules**

1. Mountain Park Personnel may stop any activity which may cause injury to or conflict with another User. For everyone's safety and enjoyment, running, pushing, dunking or general dangerous behavior in the pools or on the pool decks are not permitted.
2. All Users must wear appropriate swimwear. Cut-offs, thong suits, and cotton clothing, and denim are not permitted in the pools and hot tub.
3. Electronics, including cell phones, are not permitted in the indoor pool area.
4. All incontinent swimmers must wear swim incontinence products and/or rubber pants.
5. Users must refrain from profanity or excessive public displays of affection.
6. Only U.S. Coast Guard approved flotation devices securely attached to the body of the user are permitted. Inflatables, such as water wings and bubbles, are not allowed. Mt. Park provides Coast Guard approved life jackets for use. Users using Coast Guard approved flotation devices are strongly recommended to have direct supervision by a responsible person
7. State Health Regulations require all Users to shower and rinse off all suntan oils or lotions before entering the pools or hot tub.
8. Diving into the pool is only allowed in the 7-foot-deep section of the lap pool. Entrance into the pool, except for ladders, must be done in a forward-facing manner. The following activities are not permitted: Flipping, jumping backwards, spinning off the edge of the pool, standing or sitting on the shoulders of another user, excessive breath holding and hypoxic training, or swimming the length of the pool under water.
9. Mountain Park pool equipment is available for all Users if used properly.
10. Keep personal belongings (other than towel/swim gear) in the locker rooms and not on the pool deck. Towels, swim gear or anything brought onto pool deck must be stored in provided storage spaces. The facility is not responsible for lost or stolen items.
11. Do not stand on, sit on, or move the lane lines at any time.
12. Lap lanes are for continuous lap swimming. When lap pool is busy, swimmers must share lap lanes and should circle swim.
13. Users wearing adhesive bandages or those with skin infections, open wounds, or any communicable diseases that are easily transferable through the water may not enter the pool.
14. Use of gum, alcohol, tobacco products, food and drink are not allowed on the pool deck. Liquids in a shatter-proof container are permitted. Non-shatter proof containers are strictly

forbidden on the pool deck or patio.

15. Mountain Park reserves the right to schedule programming (group fitness classes, swim lessons, birthday parties, camps, summer events, etc.) or private rentals in the pool area at any time with or without notice.
16. Per State Health Regulations, no person suffering from a communicable disease transmissible via water or under the influence of an intoxicating liquor or drug shall use the aquatics area. Individuals who are or appear to be under the influence of mind-altering substances will be asked to leave the facilities immediately and may be referred to other authorities for further action.
17. Per State Health Regulations no animals may enter the water at any time.
18. MPHOA employs a team of trained instructors to provide our Users with safe health and fitness training; therefore, instruction or training by unauthorized personnel is prohibited.
19. The center wall separating the lap and leisure pools is not to be used unless directed by MPHOA staff.
20. Climbing, sitting, standing, kneeling on the center white walls in the leisure pool is not allowed.
21. Users requiring assistance with dressing/undressing, showering, and entering/exiting the pools must be accompanied by a responsible person. For safety and liability reasons, lifeguards and staff are prohibited assisting with these functions.
22. Violations of any rules, regulations, policies, or codes of conduct may result in removal from the clubhouse for the day. Such determination shall be made by the MPHOA management staff and/or the Clubhouse Committee.
23. There are no refunds for unexpected pool closures.
24. Lifeguards have final say in all matters when enforcing rules.

## **B. Aquatics - Outdoor Pool Patios**

1. Entry or exit through outdoor gate or climbing over the fence is not permitted.
2. Food and non-alcoholic beverages are permitted. Liquids in a shatter-proof container are permitted.
3. Gum, alcohol, tobacco products, smoking (including e-cigarettes) or smokeless tobacco is not permitted in or on the pool patios.
4. Stereos and radios are not permitted, but personal listening devices with headphones are permitted.

### **C. Aquatics - Water Slide**

1. All riders must be at least 48” tall, per manufacturer recommendations. Maximum rider weight is 300 pounds, per manufacturer recommendations.
2. All riders must go down the waterslide feet first in a seated or lying down position.
3. Riders must await lifeguard instruction before starting down the waterslide.
4. Only one rider at a time is permitted on the waterslide. No running, standing, kneeling, rotating, tumbling, propelling yourself in the ride or stopping in the slide. Vacate the area in front of the waterslide promptly after entering the water.
5. No goggles, tubes, mats, or life jackets are permitted on the waterslide.
6. No combs or foreign objects are allowed in pockets while riding the waterslide. Only approved swimsuits allowed.
7. The line should form on the deck and remain waiting at the bottom of the stairs until guided by a lifeguard and the previous user has exited the slide.
8. Riders who are not in good health or who are pregnant are encouraged to consult with a medical professional per manufacturer recommendations.
9. Stay off the waterslide when closed. If the gate is closed, the waterslide cannot be used.

### **D. Aquatics - Hot Tub**

1. All Users must shower before entering the hot tub.
2. Per State Health Regulations, no one under the age of 14 can enter the hot tub without supervision by a responsible person.
3. Submerging under water, splashing, and swimming in the hot tub is not permitted.
4. Inner tubes, toys, noodles and fitness equipment are not permitted in the hot tub.
5. The hot tub is used for relaxation and therapy. Be respectful of everyone using the hot tub. No more than 18 people are permitted in the hot tub at a time. Be courteous if people are waiting.
6. Users are encouraged to consult with a medical professional per manufacturer recommendations before entering the hot tub.
7. State regulations and instructions for use will be posted near the hot tub. Read the instructions fully and carefully prior to use.

## **E. Sports Court**

1. Unless participating in a MPHOA sponsored and supervised event, Users must be at least 10 years old to use the Sports Court without supervision. Users under the age of 10 must be supervised by a responsible person while using the Sports Court.
2. Beverages in shatter proof, non-spill containers are required in the gym; no food, candy or gum. To protect the wooden gym floor surface, non-marking athletic shoes are required.
3. Any equipment provided by MPHOA may not leave the gym or facility.
4. All items used on the Sports Court should be indoor-approved and left to final approval of MPHOA staff. Users shall be responsible for the condition of equipment after use.
5. Use of a locker to store your athletic bags or other personal items is required.
6. Do not hang on the basketball rims or volleyball nets. No dunking is permitted.
7. Kicking balls is only permitted against walls that are brick.
8. The posted Sport Court schedule must be followed. The Sports Court is a multi-purpose area hosting many sports and activities, which must share court time.
9. MPHOA reserves the right to schedule programming (leagues, tournaments, camps, etc.) or private rentals in the Sports Court area at any time with or without notice.
10. MPHOA employs a team of trained instructors to provide our Users with safe health and fitness training; therefore, instruction or training by unauthorized personnel is prohibited.
11. Any abuse or misconduct will lead to disciplinary action up to the loss of use of the Sports Court and/or Clubhouse.
12. Clubhouse staff may use the sport court divider at their discretion. Members are not allowed to move the court dividers.
13. Climbing or pulling on sport court divider is not allowed.

## **F. Weight/Cardio Rooms & Equipment**

1. Due to limited space and reasons related to safety, Users should only enter the Weight/Cardio Rooms if using the equipment for exercise.
2. Users using the weight room need to be in appropriate gym attire, which includes closed-toed shoes and clothing that allows movement, including shirts.
3. To ensure safety, no one under the age of 14 is allowed in the Weight/Cardio Room. No one under the age of 14 is allowed to use equipment per manufacturer's safety recommendations.

4. Beverages in shatter proof, non-spill containers are permitted in the Weight/Cardio room; no food, candy or gum.
5. Use of a locker to store your athletic bags or other personal items is required.
6. Orientations are recommended for all new Users of the Weight/Cardio rooms. The orientation will cover proper gym etiquette, safety procedures, and instruction on how to use equipment correctly.
7. When others are waiting, Users must adhere to a 30-minute time limit on equipment.
8. The Clubhouse provides assorted magazines and newspapers for those interested in reading while using the exercise equipment. Return reading materials to the magazine racks after use.
9. Return all cardio equipment to zero speed and elevation (where applicable) after use. Never exit a treadmill with the belt still moving, or step onto a treadmill with a moving belt.
10. Perform weightlifting exercises properly, safely, and under control at all times. Do not drop or slam weights.
11. Users must refrain from loud grunting and/or yelling.
12. Users must wipe off equipment after use. Paper towels and sanitizing spray are provided. All equipment is to be returned to correct storage location after use.
13. When performing more than one set on weight equipment, allow others to work in between your sets. No Fitness equipment (i.e. dumbbells, physio balls, stretching mats, etc.) may be taken to other parts of the clubhouse.
14. MPHOA employs a team of trained instructors to provide our Users with safe fitness training; therefore, instruction or training by unauthorized personnel is prohibited. If you are unfamiliar with any piece of equipment, ask a staff member for help.
15. Refrain from sitting on equipment unless you are using the equipment. Fitness equipment brought in from outside the Clubhouse is strictly forbidden. For safety reasons and courtesy to other members, weight machines should be used for working out not for breaks or cell phone use.
16. For safety reasons, stretching and floor-work is to be done in un-used studios and functional training area outside of Studio One.

#### **G. Fitness Studios/Group Exercise**

1. Users using the fitness studios need to be in proper attire suitable to the class taking place in the rooms. If there are any questions on what proper attire for a class is, please ask the instructor or fitness staff.
2. Private usage of the stereo/sound system is not permitted.

3. All personal belongings must be stored in a locker during use of the studios. Only towels, shatter proof, non-spill water bottles and equipment for the class are allowed in the studio at all times.
4. All strength and studio equipment are to be returned to their correct storage locations and cleaned after use.
5. Slam balls/Medicine balls are NOT permitted for use in Studio 2.
6. Classes will be taught by a qualified Mt. Park employee. In case of illness, or emergency; a replacement instructor will be found or members will be informed of cancellation.
7. During class times, the fitness studios are reserved for use by the class participants only.
8. If a class requires registration, users must register in person.
9. Wait for a class in progress to officially end before entering the studio for the next class.
10. When Users arrive for class, they may set up their own equipment (step, mat, etc.), but they may not save a space or set up for another User.
11. Be prompt for class. For safety reasons, do not enter a class more than ten minutes late. If Users are late, they should not interrupt the flow of the class and should take responsibility for their own warm-up.
12. Follow the instructor's direction and the class format, with allowances for modifications due to physical limitations or fitness levels.
13. As a courtesy to the instructor and fellow Users, do not engage in long or loud conversations during class.
14. If a User is just beginning an exercise program or has any medical concerns, they should inform their instructor prior to class.
15. The group exercise classes may be added, cancelled or shortened due to participation and feedback. Notice of changes will be posted in advance.
16. MPHQA employs a team of trained instructors to provide Users with safe fitness training; therefore, instruction or training by unauthorized personnel is prohibited.
17. Any abuse or misconduct will lead to disciplinary action up to loss of use of fitness studios and/or clubhouse.

#### **H. Game Room**

1. The Game Room is for all Users, but those under the age of 10 must be supervised by a responsible person at all times.
2. If someone is waiting, be courteous and limit use of all games and equipment to 30-minutes.

3. No excessive yelling, running, or dangerous activities that threaten the immediate safety of Users, Staff, and Property are allowed.
4. Users must be fully dry prior to entering the game room because of slipping hazards. Removal of any items located in the Game Room must be approved and completed by MPHOA Staff.
5. Game Room equipment may be checked out at the Front Desk. Clubcard or ID card is required. Users shall be responsible for the condition of equipment; fees for unreturned or damaged equipment may be assessed.
6. MPHOA reserves the right to schedule programming (leagues, tournaments, camps, etc.) or private rentals in the Game Room with or without notice. Ping Pong requires advanced reservations for a time slot of 1 Hour. No back-to-back reservations allowed. Clubcard or ID is required to check out ping pong equipment.
7. Beverages in shatter proof, non-spill containers are permitted in the Game Room. Food will be allowed per Mt. Park Staff approval and must be fully cleaned up before leaving the Game Room.
8. Lights are not to be turned off during hours of operation.
9. Any abuse or misconduct will lead to disciplinary action up to loss of use of the Game Room and Clubhouse.

#### **I. Locker Rooms & Lockers**

1. Children over the age of 5 must use the gender appropriate bathrooms and locker rooms.
2. Day use lockers are offered on a first come, first served basis. Locks and locker contents must be removed daily prior to Clubhouse closure. Users need to bring their own locks. Locks left on lockers past closing time will be cut off. Lockers are available to rent on a monthly basis. Check in at the front desk for more information.
3. Be considerate of others waiting when using the showers, restroom stalls or hair dryers. Do not use the restroom stalls as changing booths.
4. Refrain from using personal hygiene products that may create strong odors, spills and stains.
5. A towel must be used when coming into contact with locker room seating surfaces.
6. The application of foot powder and hair dye are prohibited.

#### **J. Family Changing Rooms**

1. Limit of 20 minutes is recommended to reduce wait times for others in need of using the facilities. Lock door for privacy.

2. All belongings must be placed in a locker after using the Family Changing Room.
3. Refrain from using personal hygiene products that may create strong odors, spills and stains.

#### **K. Steam and Sauna Rooms**

1. Located in the locker rooms, the steam and sauna rooms, for safety reasons, require supervision by a responsible person for Users under the age of 14.
2. Anyone using the steam/sauna rooms should be in good physical health and are encouraged to consult with a physician before using the steam/sauna rooms.
3. Anyone using these rooms must use a towel when coming in contact with any seating surfaces.
4. Instructions for usage of both the steam and sauna rooms are posted outside each entrance. Read the instructions carefully prior to use.
5. No food, gum or drink other than water may be brought into the steam and sauna rooms. Water containers brought into the steam or sauna room must be shatter proof.
6. No personal hygiene products or procedures are allowed in the sauna and steam rooms. This includes but is not limited to: shaving, brushing hair, dressing, brushing teeth.
7. The steam and sauna rooms must not be used as a clothes dryer or changing facility.
8. Water or other liquids are not to be poured on the sauna rocks as this will damage the heating element. Please consult an employee if the temperature does not seem hot enough.
9. Tampering with or covering up of the thermostats or vents in the steam or sauna rooms will result in immediate loss of Clubhouse privileges.
10. To enhance privacy, no cell phones or electronic devices are allowed in the Sauna/Steam Rooms at any time.
11. The use of essential oils within the steam/sauna rooms is prohibited.

**L. Room Rentals** - Rooms are available to Users to rent for private functions and scheduled community events. Contact our events manager for pricing and availability.

**M. Tennis Courts** - There is one double court in Mountain Park. It is located on Jefferson Parkway just north of the Clubhouse.

#### **ACCESS TO USE TENNIS COURTS:**

1. The tennis courts are for the exclusive use of Mt. Park Homeowners Association members and their guests.
2. Members may reserve up to 90 minutes (in 30-minute increments). Back-to-back reservations are not allowed. If a reservation cannot be kept, call the Clubhouse. Reservations may be

cancelled if players are more than 10 minutes late. [Tennis court reservations are available online using the Mountain Park website.](#)

3. The tennis courts gate has a code which is needed to enter the tennis courts. [The code will be provided during online registrations.](#) The code will change from time to time. Please do not give the code to members and guests who have not registered. Please make sure the tennis court gate remains closed at all times.

### **RULES FOR USE OF THE TENNIS COURTS:**

1. No food or glass containers allowed on the courts. Alcohol is not permitted on the courts. Smoking is not permitted on the courts.
2. Volleying against the fence is not permitted.
3. For safety purposes, spectators must be seated when in the court area.
4. Courts must be relinquished to the next reservation.
5. Pets are not permitted on the tennis courts.
6. Skateboards, bicycles, roller blades, scooters and other such recreational devices are not allowed to be used in, or around the tennis courts. Use of remote-controlled devices is not permitted.
7. Seasonal closure and reopening of tennis courts will be at management's discretion.
8. Children under (10) years of age should be accompanied by a responsible person when using the courts.
9. Members are responsible for the actions of their children and guests.

### **VII. EMERGENCY PROCEDURES**

- A. Your safety is our first concern. Take a moment to review these emergency procedures. If you witness an emergency or accident, advise personnel immediately.
- B. If a User becomes injured while at MPH OA, club personnel are not permitted to provide transport. MPH OA reserves the right to call emergency rescue services.
- C. In the event of a facility-wide emergency (i.e. fire, bomb threat, earthquake, etc.) we require the cooperation of all Users in the Clubhouse to follow the direction of Clubhouse personnel and to evacuate the building immediately, if requested to do so.
- D. Each room has posted Evacuation Maps.

### **VIII. RULE VIOLATIONS**

- A. Users found in violation of the rules and regulations set forth herein, found vandalizing Mt. Park

properties, or exhibiting inappropriate behavior, may be subject to suspension from the Clubhouse and/or other privileges, and will be liable for damages.

- B.** The Executive Director or a designated staff member can respond immediately to a violation by imposing a sanction when the severity warrants such action. A detailed report of all violations will be made available to the Clubhouse Committee for further review of the incident.
- C.** Violations that could constitute a criminal act will be reported to authorities.
- D.** The Clubhouse Rules are subject to revision at any time.

## **APPENDIX 1**

### **MPHOA Rate Sheet for Rights of Usage—Effective April 1, 2019**

Owner:	no additional charges
Tenant:	no additional charges
Patron:	call Clubhouse for more information
Trial Patron Pass	\$20.00 for a one-time 7-day period
Guest (day):	\$10.00 ages 3 and up for fitness day pass, no additional guest charges for social events. Six (6) guest maximum per day, per household.
Guest (house):	\$20.00 per week, for each house guest; or \$50.00 per month. Six (6) house guest maximum per household.
Lost/Replaced Clubhouse Card:	\$5 per card.
Homeowner Guest Pass Amenity	Each property owner (one per address), shall receive 6 complimentary guest passes every 6 months of the calendar year, which will expire at the end of the six-month period, and are not transferable.

## **APPENDIX 2**

### **PENALTY SCHEDULE**

#### **I. Standard Penalties**

For purposes of determining what constitutes an “offense” under this penalty schedule, an offense is defined as an act or omission that violates any Clubhouse Rule. Under each category there are progressive penalties for subsequent, discrete violations of the Committee’s rules. Category 1 violations include all rules enforced by the Clubhouse Committee, except for **Rule I, Section V, Other Prohibited Behavior**. Category 2 violations include **Rule I, Section V, Other Prohibited Behavior**.

##### **Category 1 Penalties:**

- First offense of any rule results in a Notice of Violation
- Second offense of any rule within a 12-month period may result in a 30-day suspension of membership

##### **Category 2 Penalties:**

- First offense results in a 30-day suspension of membership
- Second and subsequent offenses result in additional 30-day suspensions

#### **II. Legal Action**

The Association may seek legal remedies at any time.

#### **III. Reasons for Mitigating the Standard Penalty**

A User may have a penalty reduced for good cause. For mitigation of the penalty for good cause, the User must show the violation occurred because of unavoidable or excusable circumstances that were reasonably beyond the User’s control. The penalty also will be mitigated if the User corrects the violation prior to the Committee’s decision regarding the NOV.

#### **IV. Reasons for Aggravating the Standard Penalty**

Additional penalties will be assessed for on-going violations that are not corrected by the responsible Member as required by the Committee’s rules. Additional penalties may be assessed monthly, with notice and opportunity for hearing, until the on-going violation is corrected.