

Mirabella Community Development District

Recreational Facilities Policies

(March 2021)

Definitions

“Board” – shall mean the District’s Board of Supervisors.

“District” – shall mean the Mirabella Community Development District.

“District Manager” – shall mean the professional management company with which the District has contracted to provide management services to the District.

“Guest” – shall mean any individual who is invited and must be accompanied to use the Recreational Facilities by a Resident, Non-Resident Member, or Renter.

“Non-Resident Member” – shall mean any individual not owning or renting property in the District who has paid the Non-Resident Annual User Fee to the District for use of the Recreational Facilities.

“Patron” – shall mean Residents, Guests, Non-Resident Members, and Renters, including and members of the households of any of the foregoing, who are eighteen (18) years of age and older.

“Recreational Facilities” – shall mean the properties and areas owned by the District intended for recreational use, including but limited to, the Pool, Playground, and Dog Park together with its appurtenant facilities and areas.

“Renter” – shall mean any tenant residing in a Resident’s home pursuant to a valid rental or lease agreement, or any person who rents certain portions or spaces of the Recreational Facilities for specified events pursuant to the approval of the District staff.

“Resident” – shall mean any person, spouse, or registered domestic partner of a person or family owning property within the District.

Enforcement of Policies

The Board, the District Manager, and any District staff shall have full authority to enforce these policies. However, the District Manager shall have the authority to waive strict application of any of these policies when prudent, necessary, or in the best interest of the District and its Patrons. Such a temporary waiver of any policy by the District Manager shall not constitute a continuous, ongoing waiver of said policy, and the District Manager reserves the right to enforce all of these policies at any time.

Use of Recreational Facilities at Your Own Risk

Patrons are welcome to enjoy the Recreational Facilities at their own risk and pursuant to the District’s rules and policies. The District does not provide on-site staff dedicated for the purpose of monitoring the use of the Recreational Facilities or safety of the Patron. The District will not accept responsibility for any injuries from the use of the Recreational Facilities or damage or theft of personal property.

Persons interested in using the Recreational Facilities are encouraged to consult with a physician prior to commencing a physical fitness program.

General Policies

1. The Board reserves the right to amend, modify, or delete, in part or in their entirety, these policies at a duly-noticed Board meeting. However, in order to change or modify rates or fees beyond any increases that may be specifically allowed for by the District's rules and regulations, the Board must hold a duly-noticed public hearing.
2. All Patrons shall abide by and comply with any and all federal, state and local laws and ordinances while present at or utilizing the Recreational Facilities and shall ensure that any minor for whom they are responsible also complies with the same.
3. All Patrons using the Recreational Facilities are expected to conduct themselves in a responsible, courteous, respectful, and safe manner, in compliance with all District policies, and rules governing the Recreational Facilities. Violation of the District's Policies and/or misuse or destruction of Recreational Facilities equipment may result in the suspension or termination of privileges with respect to the offending Patron in accordance with the policies set forth herein.
4. The Recreational Facilities is available for use by Patrons during normal operating hours to be established and posted by the District.
5. Patrons are responsible for any damage they or their Guests cause to District property and will be responsible for the costs associated with repairing the damage.
6. Patrons are responsible for any and all actions taken by any of their Guests. Violation by a Guest of any of these policies as set forth by the District could result in loss of the privileges and/or membership of that Patron.
7. All Patrons may be required to present a valid government issued identification card in order to gain access to the Recreational Facilities.
8. Vehicles must be parked in designated areas. Vehicles must not be parked on grass lawns, in any way which blocks the normal flow of traffic or in any way that limits the ability of emergency service workers to respond to situations. The District Manager reserves the right to waive this parking restriction in the event overflow parking is needed for a large event.
9. Fireworks of any kind are not permitted anywhere at or in the Recreational Facilities or adjacent areas; however, notwithstanding this general prohibition, the Board may approve the use of fireworks over a body of water.
10. Only District contractors, vendors, or authorized personnel are allowed in the service areas of the Recreational Facilities.
11. Except for District contractors, vendors, or authorized personnel, no watercrafts of any kind are allowed in any District stormwater ponds.

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12. No fishing or swimming is permitted in any District stormwater ponds.
13. Audio or Video playing devices must be kept at reasonable volumes.
14. Off-road motorbikes/vehicles are prohibited on all property owned, maintained and operated by the District including, but not limited to, the Recreational Facilities.
15. No signage or advertisements shall be posted or circulated within the Recreational Facilities property or other District property.
16. The Recreational Facilities shall not be used for commercial purposes without written permission from the District Manager. The term “commercial purposes” shall mean those activities which involve, in any way, the provision of goods or services for compensation or advertising.
17. The District Manager reserves the right to authorize all programs and activities, including the number of participants, usage of equipment and supplies etc., at the Recreational Facilities, except usage and rental fees that have been established by the Board. The District Manager also has the right to authorize management sponsored events and programs to better serve the Patrons, and to reserve any Recreational Facilities for said events (if the schedule permits) and to collect revenue for those services provided. This includes, but is not limited to, various athletic events, cultural programs and social events. Should the District be entitled to any of these revenues based on its established rental or usage fees, the District Manager will be required to compensate the District accordingly.
18. For any emergencies, please call 911. Afterwards please report all emergencies and injuries to the District Manager.

Designation of Renter to Use Resident's Membership Privileges

1. Residents who rent or lease out their home shall have the right to designate the Renter of their home as the beneficial users of the Resident's membership privileges for purposes of Recreational Facilities use.
2. A Renter who is designated as the beneficial user of the Resident's membership shall be entitled to the same rights and privileges to use the Recreational Facilities as a Resident. If the Resident does not designate the Renter as a beneficial user of the Resident's membership privileges, the Renter will be required to pay the Non-Resident Annual User Fee to acquire a membership, unless that Renter is a Guest.
3. During the period when a Renter is designated as the beneficial user of the membership, the Resident shall not be entitled to use the Recreational Facilities with respect to that membership.

Pool Policies

1. There is no lifeguard on duty.
2. Children under the age of 15 years old must be supervised by a Patron.
3. No one should use the pool during inclement weather (especially when lightning is present).
4. Proper swimwear is required. Loose clothing, especially with strings, is prohibited.
5. Children under 3 years of age and those who are not reliably toilet trained, must wear rubber lined swim diapers and a swimsuit over the swim diaper.
6. No glass containers are permitted in the fenced pool area.
7. No Food or Beverages are permitted in the pool or on the wet deck.
8. Patrons should shower before entering the pool.
9. Pool Furniture should not be removed from the fenced pool area or placed in the pool.
10. No profanity, harassment, diving, running, rough housing, chicken fighting, or horseplay is permitted.
11. No skates, skateboards, scooters, or bicycles are permitted within the fenced pool area.
12. No more than 7 total persons can be brought by any Patron household at any time.

Playground Policies

1. Children under the age of 15 years old must be supervised by a Patron
2. All children must remain in the sight of parents/guardians.
3. All children are expected to play cooperatively with other children.
4. Proper footwear and clothing is required. Loose clothing, especially with strings, is prohibited.
5. Mulch must not be picked up, thrown, or kicked for any reason.
6. No food, drinks or gum are permitted at the playground.
7. No glass containers are permitted at the playground.
8. No jumping off from any climbing bar or platform.
9. Profanity, rough-housing, and disruptive behavior are prohibited.

Dog Park Policies

1. Children under the age of 15 years old must be supervised by a Patron
2. Patrons are legally responsible for their dogs and injuries caused by them.
3. Dogs are required to wear a basic flat buckle collar or harness with identification tags at all times.
4. Patrons must clean up after their dogs and immediately fill any holes their dogs dig.
5. Dogs showing aggression towards people may be removed from the dog park.
6. Dogs using the dog park must be at least 4 months old.
7. Dogs must never be left unattended.
8. Children must be under constant supervision.
9. Dogs "in heat" will not be allowed inside the dog park.
10. Dogs must be leashed before entering and leaving the dog park.
11. Except for treats, no food is allowed inside the dog park.
12. Dogs are the only type animals permitted in dog park.
13. Violators will be subject to removal from the dog park and suspension of privileges.
14. Dogs must be under voice command at all times.
15. No glass containers are permitted at the Dog Park.
16. Profanity, rough-housing, and disruptive behavior are prohibited.

Access Cards for the Use of the Pool

1. The District operates an access system for entry into the District's Pool to ensure that only Patrons and their Guests enjoy the pool.
2. The current owners of a home in the District will be issued 2 initial Access Cards at no charge. If the current owners sell their property, then they may transfer their Access Card to the purchaser of their home. If no transfer is made, then the new owners may purchase an Access Card from the District for a non-refundable fee of \$25.00 per card.
3. Renters who have proof of a valid rental agreement will be issued Access Cards after they pay the District a non-refundable fee of \$25.00 per Access Card.
4. There is a \$25.00 non-refundable fee to replace a lost Access Card or to purchase an additional Access Card. No more than 4 Access Cards (issued to those 18 years or older) may be held by any Patron's household at any time.
5. Under no circumstance should a Patron provide their Access Cards to another person to allow them to utilize the Pool. To obtain an Access Card, proof of residence (Driver's License, State ID, utility bill or a vehicle registration) is required.

Suspension and Termination of Privileges

1. **Violations.** The privileges of a Patron to use the Recreational Facilities may be suspended or terminated if the Patron engages in any of the following behavior:
 - a. Submits false information on any application for use of the Recreational Facilities.
 - b. Permits the unauthorized use of an Access Card.
 - c. Exhibits unsatisfactory behavior or appearance.
 - d. Fails to pay fees or assessments owed to the District in a proper and timely manner.
 - e. Fails to abide by any policies or rules established for the use of the Recreational Facilities.
 - f. Treats the District's supervisors, contractors, or other representatives, or other Patrons, in an unreasonable or abusive manner.
 - g. Damages or destroys District property.
 - h. Engages in conduct that is improper or likely to endanger the welfare, safety, harmony or reputation of the District, or its supervisors, staff, facility management, contractors, or other representatives, or other Patrons.
2. **Documentation of Violations.** The District Manager shall record all violations, including repeat violations, on written incident reports and shall include the date, time, name of the parties involved, and nature of the violation. The District Manager shall file such report with the District Manager within 24 hours of the incident. The District Manager shall maintain all records in accordance with public record laws.
3. **Suspension by the District Manager**
 - a. The District Manager may at any time suspend a Patron's privileges to use the Recreational Facilities for committing any of the violations outlined above.
 - b. The District Manager shall ask the Patron to leave the Recreational Facilities immediately and shall call local law enforcement for assistance if the Patron fails to comply with the request.
 - c. Such suspension shall be for a maximum period of 30 consecutive days.
 - d. In determining the length of any suspension, the District Manager, shall take into account the nature of the conduct and any prior violations.
4. **Appeal of Suspension**
 - a. A Patron subject to a suspension may appeal the suspension to the District's Board by filing a written request for an appeal, which written request shall be immediately sent to the District's Chairperson with a copy to the District Manager.
 - b. The filing of a request for an appeal shall not result in the stay of the suspension.
 - c. The District shall consider the appeal at its next Board meeting and shall provide reasonable notice to the Patron of the Board meeting where the appeal will be considered.
 - d. At that meeting, the Board shall allow the Patron to appear and present statements and/or evidence on the Patron's behalf, subject to any reasonable restrictions that the Board may impose.
 - e. The Board may take any action deemed by it in its sole discretion to be appropriate under the circumstances, including affirming, overturning or otherwise modifying the suspension, to address the appeal and any violations.

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- f. In determining the appropriate action to be taken, the Board shall take into account the nature of the violation and any prior violations.

5. Longer Suspension or Termination of Privileges by the Board.

- a. The District Manager may recommend to the Board, or the Board on its own initiative may elect to consider, a longer suspension or termination of a Patron's privileges for committing any of the violations.
- b. At least 15 days prior to any Board meeting where a longer suspension or termination is to be considered, the District shall send written notice of the meeting by United States mail to the Patron's last known address.
- c. Upon prior written request submitted by the Patron to the District at least 5 days prior to the meeting, the Board shall allow the Patron to appear at the meeting and present statements and/or evidence on the Patron's behalf, subject to any reasonable restrictions that the Board may impose.
- d. The Board may take any action deemed by it in its sole discretion to be appropriate under the circumstances to address the violations, including imposing a longer suspension or permanent termination of a Patron's privileges to use the Recreation Facilities.
- e. In determining the appropriate action to be taken, the Board shall take into account the nature of the violation and any prior violations.

- 6. Trespass.** If a Patron subject to a suspension or termination is found on the premises, such Patron may be subject to arrest for trespassing.

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Incident Report

Date of Incident: _____ Time of Incident: _____ (am/pm)
Party Involved: _____ Sex: Male/Female

Is this person 18 years or older? Yes/No
If not, name of Parent or Guardian: _____
Mailing Address: _____

Was local law enforcement called? Yes/No

Description of what happened (include location):

Names, phone numbers, and addresses of who witnessed the incident:

Immediately Suspended: Yes/No
If yes, the reason: _____

Recommendation: _____

Name of Staff Member writing this report: _____

Signature of Staff Member writing this report: _____

Date: _____