

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 6

POOL RULES

(5/21/21)

WHEREAS, Article IV, Section 4.01, of the Bylaws assigns the Board of Directors with "...all the powers of the Association except such as are, by the laws of Virginia, the Articles of Incorporation, the Declaration or these Bylaws, conferred upon or reserved to the Members"; and

WHEREAS, in order that all residents and their guests enjoy and benefit from the use of the pool facilities, to ensure the safe and sanitary operation of the pool facilities, and to provide equitable distribution of pool availability for all age groups and swimming disciplines within the community, and to extend the service life of equipment and grounds, the Board wishes to establish the following rules;

NOW, THEREFORE, BE IT RESOLVED THAT the following rules be adopted by the Board as they pertain to the operation and use of the pool facility by the residents of the community and their guests:

POOL RULES

I. OPERATING RULES AND PROMULGATION

- A. Purpose - The rules contained herein have been established for the protection, benefit and enjoyment of all residents. These rules were developed to ensure the safe and sanitary operation of the pool facilities, to provide equitable distribution of the pool availability for all age groups and swimming disciplines within the community, and to extend the service life of equipment and grounds. The rules have also been modified with consideration for the previously-existing and current Virginia and Fairfax County COVID-19 guidance and requirements. As the COVID-19 "situation" evolves during the Summer of 2021, the Board will revise these rules if deemed prudent.
- B. Origin - These rules have been approved by the Board of Directors of the Association. Recommendations for changes to these rules shall be made in writing to the Board of Directors.
- C. Capacity - Capacity of the pool facility as established in accordance with Virginia state law and Fairfax County codes and ordinances is a total of 237 persons, regardless of age, whether swimmers or non-swimmers, and the lifeguards.

II. COMPLIANCE WITH THE RULES

The facilities of the pool have been developed expressly for the enjoyment of the residents during authorized and published operating hours. Residents are required to review and familiarize themselves with these rules, to caution their children to observe all rules, and to comply with the direction of the pool employees. Residents are responsible for the conduct of their CHILDREN at all times the pool is in use (including special events).

III. LIABILITY

When using pool facilities, residents assume the risk for:

- A. Any accident or injury to any person or their property.
- B. The loss or damage to personal property, belongings, bicycles, or automobiles located on or near the pool property.
- C. COVID-19: A resident 18 years of age or older **must sign** a waiver accepting the risk of contracting COVID-19 for each household (all individuals residing on a Lot). Residents shall not be admitted to or use the pool or associated facilities (e.g., the bathhouse or pool apron), if they are unwilling to accept this risk/liability.

IV. MANAGEMENT AND COMPLAINTS

- A. The Association has contracted with a professional pool management company to operate the pool facilities. While acting in that capacity, the pool manager is acting at the direction of the Board of Directors. Accordingly, residents and their families shall NOT reprimand the manager or his/her employees but shall bring their concerns to the Association staff, Pool Committee Chairman, or directly to the Board. The Board can be contacted at Board@newingtonforest.org, in writing, or by attending a regularly-scheduled Board meeting.
- B. Complaints about pool management personnel should be referred to the Association staff or Pool Committee Chairman who will evaluate the situation and may refer the matter to the Board of Directors if his/her attempts to rectify the situation with the professional management company are not successful.
- C. Complaints may be phoned in to the Association office by calling 703-451-8563 at any time. Complaints may also be put in writing and placed in the pool's Comment Box or be placed in the Association's mail slot on the front of the Community Center if the office is not open. The Association requests all pool users to submit complaints regarding the pool as soon as possible following the event or incident involved, in part because it aids the Association in reviewing and resolving the complaint. Issues brought to the Association's attention weeks or even months later (following the incident or event) may not be able to be investigated or resolved, depending on the circumstances of the situation.

V. **GENERAL RULES**

A. For the purpose of these rules,

1. An adult is defined as a resident 18 years or older.
2. A teenager is defined as being at least 13 years old and younger than 18 years old.
3. A swimmer is any resident between the age of 13 and 18 years old.
4. A non-swimmer is any resident younger than 13 years old.

B. **No person** shall use the pool facilities unless the pool is officially open and lifeguards are on duty.

C. **Alcoholic beverages** are not permitted anywhere on the pool grounds. Individuals attempting to enter the pool that are under the influence of alcohol shall not be admitted. If an individual is observed to be consuming an alcoholic beverage and is not intoxicated, they shall either immediately discontinue consumption of the beverage or exit the pool. If an individual within the pool is or becomes intoxicated, they shall be asked to exit the pool. Failure to immediately comply with this policy is considered a **Serious Violation** and may result in the suspension of pool privileges.

D. **Drugs** - Any violation of Federal, state, or county laws regarding controlled substances on pool grounds observed by pool management shall be reported to Fairfax County Police. **No exceptions.**

E. **Pets** are not permitted anywhere on the pool grounds, with the exception of service dogs that are exempt from this rule.

F. **Trash or refuse** must be placed in trash containers or appropriate recycling containers.

G. **Vehicles, Bicycles, and Motorcycles**

1. **Parking** - Vehicles may be parked only in authorized parking spaces. No parking is allowed on the grassy areas in the parking lot. Vehicles may **not** be parked at an angle or spread over two spaces to minimize door bumping damage. Bicycle parking must be in any bicycle racks provided or in the immediate adjacent area if the racks are full. When bicycle racks are full and adjacent areas are used, a clear path must be kept open down the sidewalk for pedestrians to walk. When the parking lot is full and parking is sought on adjacent streets, residents are reminded to avoid parking in front of private driveways and mailboxes when the pool is open. The pool parking facilities may **not** be used as a place to operate engine-powered model aircraft, model cars, mini-bikes, motor scooters, go-carts, big wheels, skate boards, roller skates, etc.

2. Speed Limit in the pool parking lot for all types of vehicles and bicycles is 10 miles per hour or lower speed appropriate for conditions. Violations of this rule may be reported by any resident who should provide all available information. Such reports need not allege a specific rate of speed, but must contain adequate information showing that the speed was “too fast for conditions.” Speeding rule violations can result in suspension from the pool.
 3. Right of Way - Pedestrians always have the right of way. Motorized vehicles must always yield to bicycles.
 4. Bicycles and Any Type of Vehicles may not be operated on any grassy area.
 5. Horn Blowing is not permitted except as necessary to avoid an accident. Residents or guests in the bathhouse or pool compound should not be summoned to waiting cars by blowing vehicle horns.
 6. Residents and Staff Parking - Parking spaces are intended for use by residents and pool staff during their use of the pool facilities and tennis and multi-use courts, and for off-season parking of recreational vehicles by permit. When the Association’s office is open, persons attending the pool should not park in the parking spaces reserved for Association staff. All of the parking spaces, except the handicapped spaces, can be used when the office is closed. Handicapped parking spaces can only be used when a handicapped placard or license plate is properly displayed. Anyone illegally parked in a handicapped parking space on Association-owned property is subject to ticketing and towing by Fairfax County authorities in accordance with state law and Fairfax County ordinances.
- H. Damage, Destruction or Unauthorized Removal of pool property shall be charged to the resident(s) responsible unless it is deemed accidental by the Community Manager. In the case of children, such costs will be charged to the responsible adult resident(s). Responsible adult resident(s) will be required to pay for such damage and/or removal. Failure to pay assessed damages shall result in suspension of pool privileges and possible legal action. However, payment does not assure that a suspension will not be invoked. Intentional damage, destruction or unauthorized removal of pool property can result in criminal prosecution, restitution for repair or replacement, and/or suspension of pool privileges.
- I. Special Events

Rental Availability

Due to COVID-19 considerations, the pool facility will not be rented and is not available for parties either during or after regular pool hours.

The only special event authorized by the Board is the use of the pool by the Newington Forest Swim Team. A separate written agreement has been established that covers the use of the pool by the Swim Team and its events.

- J. Good Neighbors - All residents shall respect the property rights of homeowners in the immediate area. Their property shall not be used for short-cuts nor shall their property be abused in any way. Violations of this rule could result in the suspension of pool privileges as determined by the Board of Directors.
- K. Injuries: The lifeguards are trained in First Aid and are considered our first responders. Fairfax County Fire & Rescue may be summoned for further evaluation and possible transport to a local medical facility for treatment. Injuries occurring on the pool property **MUST** be reported to the Pool Manager or lifeguard who will make out a report recording the circumstances.
- L. Lost and Found - The Pool Manager will maintain a Lost and Found “box”. Articles found by the pool members will be turned in to the Manager or his representative. Persons losing articles should describe them to the Duty Manager who, if satisfied of the ownership, will return the article to its rightful Owner. Articles not claimed within 30 days after the end of the pool season will be disposed of at the discretion of the Community Manager.
- M. Loitering is NOT permitted at the bathhouse entrance or in the pool parking lot.
- N. Smoking is not permitted within 25 feet of the pool facility.
- O. Rules Suspension - Under special circumstances, sections of the operating rules can be temporarily suspended by the Board of Directors.
- P. Bulletin Board will be maintained for the pool and Association notices. Requests from residents to post notices will be made to the Duty Manager. The Community Manager will decide if the notice should be posted.
- Q. Food and Soft Drinks may only be consumed in the grassy area or along the left designated pool deck area. No food or drink, other than water in a plastic container, may be consumed on the deck adjacent to the pool. No glass containers of any kind are permitted within the pool enclosure, pool grounds, and associated facilities.
- R. Noise Control - The control of noise in the pool facilities is essential. Manager, lifeguards, residents and guests must help in keeping noise at a tolerable level.
 - 1. Loud, Profane, Vulgar or Abusive Language is not permitted on the pool grounds.

2. Individual radios, tape players or CD players must be operated at a level which is not objectionable to others.
- S. Prompt Departure in an orderly manner from the pool facilities is essential in order that employees may properly secure for the night or prepare for special or reserved events.
- T. Appropriate Behavior - The pool facility is an individual and family-oriented recreational facility. Each resident is expected to conduct themselves in such a way as to enhance the wholesome environment which the Association hopes to foster. Consequently, unbecoming behavior is not permitted. Unbecoming behavior is any conduct which is a breach of the peace and wholesome environment which the Association hopes to foster.
- U. Access to Pool Facilities While Closed is prohibited except for authorized persons. Violators of this rule shall be subject to Laws of Trespass, even if a resident. Residents will be subject to immediate suspension of pool privileges. Residents that have their pool privileges suspended may appeal this decision to the Board of Directors.
- V. Pool Furniture, such as chairs and tables, will be provided by the Association. Seating on pool decks may have some separation in spacing between persons who are not members of the same household when available. Residents should take into consideration the health concerns of other individuals who are using the pool.

VI. NO GUESTS

Special Use Passes – Only residents in good standing may use the pool. No guest, nanny, daycare, or grandchildren passes can be used to enter the pool. This restriction has been put in place to maximize the number of residents that can enjoy the pool, especially during the initial opening period of the swimming season when pool use is typically high. This restriction may be revised during the summer if pool occupancy is routinely below capacity.

VII. ADMISSION PROCEDURES

- A. Pool passes will not be used this summer.

The Association will use the “PoolisOpen” Reservation System. Residents will be admitted based on the information that has been loaded into the reservation system. Staff will enter pre-registration information into the reservation system that the residents will need to complete to finalize their registration. A photograph of individuals using the pool must be in the system to gain access. **Only those persons registered will be admitted.**

Specific details for registration will be provided in the Newington Forest Association newsletter and website, in emails sent by the Association, or on paper copies that can be picked up at the Community Center.

If a resident does not have access to a computer system or other “smart” device or are having trouble completing their registration, they may contact the Association staff at (703) 451-8563 during regular business hours for assistance.

- B. Definition of “Resident” - For the purpose of pool registration, a resident is defined as the Owner or renter of a unit (single-family detached/townhouse dwelling). A resident-Owner and his/her immediate family residing in the household may use the pool facilities when properly registered. A resident-renter and his/her immediate family in the household may use the pool facilities ONLY when authorized by the unit Owner. The resident-renter must provide a signed statement during the annual registration period from the unit Owner which assigns to him/her the Owner’s swimming privileges for the season. This statement will be attached to the pool registration. NOTE: The pool facilities may only be used by the unit Owner or the resident-renter during the same pool season, but not by both parties (and their immediate families). Listing of unauthorized persons as pool users may subject the resident-Owner or resident-renter to suspension of pool privileges.
- C. Adult residents may bring all members of their immediate family (spouse or equivalent, their children, and any relatives that live year round at their home) to the pool. All family members 1 year of age or older must be in the reservation system in order to obtain access to the pool. No guests shall be admitted to the pool.

VIII. ADMITTANCE REFUSAL

- A. In the best interest of pool operation, the Pool Manager shall have the authority, in his/her absolute discretion to refuse admittance to any resident or guest if in his/her opinion sufficient cause exists, such as situations which may affect the use of the facilities, or the health and/or safety of any resident/guest. The Pool Manager shall immediately inform the Community Manager whenever a resident and/or his/her guest is refused admission. This decision may be appealed to the Board of Directors.
- B. The Pool Manager shall refuse admittance to any resident and/or guest when the stated pool capacity has been reached. A sign will be displayed outside the Pool Facility entrance indicating the temporary condition and estimated waiting time. If an individual leaves the pool while at capacity that individual must wait in line to re-enter the pool.
- C. No one with a fever or symptoms of COVID-19, or known exposure to a COVID-19 case in the prior 14 days, is permitted in the pool or surrounding area.

IX. SWIMMING POOL RULES

- A. Hours of Operation: The pool will be open from the Saturday of Memorial Day weekend through Labor Day. Specific hours of operation will be posted at the pool facility, in the community newsletter, and on the Association’s website.

- B. Swim Team/Swimming Lessons - The pool may not be used for swim team practice/meets and/or swimming lessons during normal hours of operation except when permission is granted by the Board of Directors. During swim team events, the pool is closed to non-participating residents.
- C. Closures - The pool will be closed for:
1. Inclement Weather - The pool will be closed by the Pool Manager if, in his/her opinion, a hazardous condition exists or during inclement weather, e.g. thunder, lightning, and/or strong winds. Swimming will be halted during heavy rain because lifeguards are unable to see the bottom of the pool.
 2. Maintenance and Other Reasons - The pool may be closed for routine maintenance, health conditions or other reasons deemed sufficient by the Pool Manager or Community Manager. Notification will be posted at the pool in advance, if time permits.
- D. Lessons - Swimming lessons may be made available by the pool management company. These lessons will require a fee which will be fixed by contract between the management company and the Association. Fee rates will be posted at the pool. Swim lessons will be conducted on a private / individual basis with one student per instructor. Patrons can schedule directly with the lifeguards. No group lessons will be available.
- E. Lap Lane - A lap lane will be provided after 6:00 p.m. if requested by those who wish to swim laps. Individuals using the lap lane must swim laps. Additional lap lanes will be provided if space permits.
- F. Health and Safety - The Pool Manager, or the lifeguard on duty in his/her absence, shall have the final and conclusive authority to enforce all matters relating to health and safety. He/she may evict any persons failing to observe health and safety rules or otherwise conducting themselves improperly.
1. Cleansing Showers must be taken in the bathhouse before entering the pool.
 2. Footwear - No person in street shoes shall be allowed on the deck of the swimming pool within five (5) feet of the water except for operating personnel, maintenance personnel, or authorized officials conducting pool business.
 3. Glass is not permitted anywhere inside the pool facilities. No glass objects or other sharp, breakable, or otherwise hazardous objects are permitted in the pools or on the decks.

4. Foot Shower must be taken by anyone entering the pool from the grassy area.
5. Running, Pushing, Wrestling or any activity causing undue disturbance in or about the pool area is prohibited.
6. Chewing gum is not permitted in or about the pool area.
7. Food is only permitted in the grassy area or along the left side of the pool deck in the designated area. No food or drinks will be sold by the Association. Residents should not have food delivered to the pool or Community Center area. Residents may bring food and drinks from their homes.
8. Health of Swimmers - Persons with an obvious skin disease, nasal or ear discharge, inflamed eyes or any communicable disease may not use the pool.
9. Spitting, spouting of water, or blowing noses, etc. into the pool or onto the pool deck is strictly prohibited.
10. Sanitary Requirements - Individuals without voluntary bowel and/or bladder control must wear tight waterproof pants under their swimming suits. This is to prevent accidental contamination of the pool.
11. Rings, Nerf Balls, Water Wings, Floats - The following rules apply when:

Two (2) guards are up on the stand:

- a) Nerf balls or sponge balls and approved basketballs are permitted. Tennis balls and footballs are NOT allowed.
- b) Any size ring is permitted. Rafts are only permitted on designated days, as posted on the pool facility bulletin board.
- c) If a child is using a ring or water wings anywhere in the pool, an adult must be in the water no further than one (1) arm's length away from that child.
- d) The basketball hoop will not be available.

Three (3) guards are up on the stand:

- e) Nerf or sponge balls and approved basketballs are permitted. Tennis balls and footballs are NOT allowed. The use of Nerf or sponge balls may be prohibited by the lifeguards at any time if their use interferes with the guards' ability to safely monitor the pool area or their use is deemed a nuisance or hazard to other pool patrons.

- f) Rings may only be the small 24-inch, one-person size. A larger ring may be used by anyone who is disabled.
 - g) Rafts are only permitted on designated days as posted on the pool facility bulletin board.
 - h) Water wings may be used anywhere in the pool, provided an adult is in the pool no further than one arm's length away from that child.
12. The use of face masks, snorkels, water wings, life jackets and fins are normally acceptable. The Pool Manager may make a specific exception to this rule if conditions do not permit their use.
13. Linting Objects - Paper product diapers, cut-offs, athletic shorts, towels, etc., are not permitted in the pool except those made specifically for use when swimming.
14. Small Objects clog the filter system and damage pumps. Accordingly, bobby pins, barrettes, etc., are not permitted in the pool.
15. Proper Swimming Attire - Swim suits will be worn by all individuals using the pool.
16. Unsafe toys, games and sports equipment are prohibited in the pool.
17. Lounge Chairs, Tables, and Umbrellas are available on a first-come, first-serve basis. This furniture will be placed so as not to obstruct free access to the bathhouse entrances and the Pool Manager's office.
18. Rest Period - To prevent over-fatigue of children, a 15-minute rest period for children will be observed every hour in the main pool. Persons under 16 years of age will not be permitted in the main pool during this 15-minute rest period except for small babies being held by an adult.
19. Persons who have special requirements should contact the Pool Manager or Community Manager.
- G. Other Special Control Measures - The Pool Manager has authority to rope off certain areas of the pool and restrict the use of these areas to certain age groups, games, etc.

X. QUALIFICATIONS FOR POOL USE

A. Wading Pool

1. Age Limit - Only children five (5) years old and younger may use the wading pool. Children may only enter the wading pool enclosure when accompanied by a person age 13 or older.
2. Required Supervision - The pool does not furnish lifeguard service at the wading pool. Parents, or those delegated by the parents to be in charge of the children, shall remain physically with children in the wading area. Children delegated to care for young ones in the wading area must be 13 years of age or older.
3. Diapers - Children not completely toilet trained must wear “swim diapers”, or tight fitting heavy rubberized training pants over cloth diapers. No disposable diapers are allowed in the pools.

B. Main Pool

1. Adults and Teenagers - Persons 13 years of age and older may use the main pool without previously establishing swimming proficiency. Persons in this category who, after entering the pool, are unable to demonstrate to the lifeguards their ability to swim will be restricted to chest deep or shallower water. After 6:00 p.m., persons under 16 years of age must be accompanied by an adult.
2. After 6:00 p.m., teenagers 16 and 17 years of age may bring any number of children 15 years of age and under from their own immediate family, but only two (2) of those children can be non-swimmers.
3. Children - Children between the ages of 1 and 11 must be accompanied by a guardian 16 years of age or older who will be responsible for the child at all times. Children who are 12 years of age can come to the pool unaccompanied, but only after passing the swim test administered by one of the lifeguards (swim one and a half laps of the pool, tread water for 1 minute and be able to float to qualify as a swimmer). Children between the ages of 13 and 15 can come to the pool unaccompanied; however, if they are unaccompanied, they must leave the pool at 6:00 p.m. Any child over 16 years of age can come to the pool unaccompanied and can remain until closing.

C. Diving Board and Slide

1. The diving board and slide can only be used when there are two guards in the stand during adult swim.
2. The diving board and slide may be closed at any time if the lifeguard feels the deep end is overcrowded and visibility is obstructed.
3. People wishing to dive from the diving board or use the slide have priority over free swimming in the deep end.

4. Only one person may be on the diving board or slide at a time.
5. Only one bounce on the board is permitted.
6. Divers and Slide users must swim out of the diving/slide area to the ladder immediately after surfacing.
7. No diving or sliding is permitted until the previous diver/slider has visibly cleared the area and has reached the ladder.
8. All divers/sliders must enter the water and swim to the ladders unassisted or out of the diving/sliding area that is designated by a floating rope across the deep end of the pool. Under no circumstances shall anyone "catch" or assist others going off the diving board or slide.
9. No items may be tossed or thrown towards divers or sliders that are entering the water.
10. At no time should there be people swimming or hanging around in the diving and sliding board wells when these facilities are this facility is open for use.
11. Goggles, masks, or flotation devices may not be worn when going off the diving board or slide.

D. Basketball Hoop

1. The basketball hoop will not be available.

E. Grill Rules

1. The grills will not be available.

XI. RULES ENFORCEMENT

- A. All residents must help enforce the pool rules by complying with the letter and spirit of the rules themselves. The pool rules are designed to ensure the greatest enjoyment of the facilities for the majority of residents.
- B. Direct Enforcement of the rules rests primarily with the swimming pool management company. The Pool Manager on duty is obliged to make on-the-spot decisions regarding health and safety matters. The Pool Manager on duty has the authority granted by the Board of Directors to refuse entry of resident and guests into the pool and to evict residents and guests from the pool for violations of the pool rules.
- C. Community Manager is responsible for general admission and enforcement of all pool rules.

- D. Police Assistance - The Association will prosecute cases where and when appropriate, and police assistance will be secured whenever appropriate.
- E. Disciplinary Action Will Be Administered As Follows:
1. Minor Violations - Many pool patrons will, at one time or another, tend to become a little careless or perhaps rowdy when using the pool. While the pool is for fun and enjoyment, it is not the place for carelessness or rowdiness. The Pool Manager has explicit responsibilities to enforce the pool rules, and to prevent abuse of pool facilities. Specific disciplinary action includes:
 - i. First offense/infraction - warning
 - ii. Second offense/infraction - 15-minute time-out
 - iii. Repeated Offenses/Infractions - The Pool Manager on duty may evict the person from the facility for 24 hours on weekdays or for the duration of a weekend (including associated holidays).
 2. Serious Violations or repeated minor suspensions will be brought to the attention of the Association Staff. The Community Manager with or without the recommendation of the Pool Manager is authorized to eject, for up to three (3) days, persons that violate the pool rules. Suspensions exceeding 24 hours or for the duration of a regular or holiday weekend shall be brought to the attention of the Board of Directors. The Board President may increase the length of a suspension for up to seven (7) days without seeking Board approval. Disciplinary action may include, but is not limited to, probation, restrictions on which areas of the pool may be used, or suspension of all pool privileges. Suspensions in excess of seven (7) days require Board approval. Appeals of suspensions must be made in writing to the Board of Directors which will render a written final decision within a reasonable period of time. Per Article II, Section 2.01 (c), of the Declaration, the Board may suspend the right of an Owner or resident to use the pool facilities for up to 60 days if they violate the rules of this policy resolution.

XII. EFFECTIVE DATE OF RESOLUTION

I hereby certify that this policy resolution was amended and adopted by the Board of Directors by a unanimous online vote on May 21, 2021. The effective date of this resolution is May 21, 2021. The Board reserves the right to revise these pool rules immediately on an as-needed basis with special consideration given to Federal, Virginia, or Fairfax County COVID-19 guidance and requirements

NEWINGTON FOREST COMMUNITY
ASSOCIATION, INC.

By: _____

Tina L. Ward, President