

**The Legacy at Cary Creek Condominium Owners Association, Inc.**  
**Rules, Regulations, and Policies**

## **Introduction**

The Legacy at Cary Creek Condominium Owners Association, Inc., Rules, Regulations and Policies are hereby established by the Board of Directors of The Legacy at Cary Creek Condominium Owners Association, Inc. (The Association) under the authority described in the Association's Governing Documents, including, but not limited to the Declaration of Condominium of The Legacy of Cary Creek, A Condominium (Declaration), as amended. These rules and regulations are established for the common areas and Recreational Facilities, (hereinafter collectively referred to as "Recreation Facilities") for the well-being, convenience and mutual enjoyment of the Members and their guests (as defined in the Declaration).

While all Members are entitled to enjoy the Recreational Facilities, it is imperative that they do so while respecting the rights of others who share in the use of the Facilities. The Community has an age-restricted membership, for those persons 55 years of age or above. The use of the Recreational Facilities is intended for the enjoyment of Members of the Association. Guest/Visitors are accommodated only when such accommodation does not infringe upon the convenience or rights of the Members. While every effort is made to provide comfortable and equitable use of the Recreational Facilities by all Members and their guests/visitors, the recreational Facilities and Amenities are not intended to serve the general public, and are not open for public use.

### **I. Authority**

The authority granted to the Board of Directors, ("the Board") or their designated agents, to make and enforce such Rules, Regulations, and Policies as the Board deems appropriate and reasonable, is provided in the Bylaws and Declaration and any amendments thereto. The Rules, Regulations, and Policies, as formulated by the Board, shall be binding upon all residents, occupants, guests or visitors and licensees, if any.

Members are required to comply with all rules, regulations, policies, and adopted procedures, and sets forth the right of the Board of Directors to suspend Member rights or levy disciplinary actions, as well as the right of the Association to charge reasonable admission fees. The Board and Association's enforcement remedies include, but are not limited to the following:

1. The right of the Association to levy reasonable monetary fines or collect damages.
2. The right to suspend Resident privileges or deny use of the Recreational Facilities.
3. The right to suspend services to a Resident.
4. The right to levy assessments against a Condominium Owner.
5. The right of the Association to regulate use of the common areas and any Recreational Facilities are vested with the Board of Directors, including the ability to restrict the use of such areas and facilities. Such decisions are made at the sole discretion of the Board of Directors in its exercise of reasonable business judgment.
6. The right to determine what is proper use of each of the Recreational Facilities including dress codes, equipment, and all common area.

The Association's Bylaws establish and define the composition and duties of the Association's Board of Directors, which includes making or contracting for repairs, additions and improvements to or alterations of the common areas. The Board of Directors has all powers and duties for administration of the Association's affairs as provided in the Association's Governing Documents, or as provided by law.

## **II. Definitions**

"Resident" — Person or persons who legally reside within The Legacy at Cary Creek, A Condominium as (an) Owner of record, pays association fees and assessments, is current in said fees, and is a Member of The Legacy at Cary Creek Condominium Owners Association, Inc. If the Owner of record rents his or her condominium, and is in compliance with Article 10, Sec. 4 of the Declaration of Condominium of The Legacy at Cary Creek, A Condominium, then the person(s) renting has right-of-use to the Clubhouse and facilities.

"Guest" — Person or persons visiting as houseguests, who stay overnight for one or more days in a Resident's condominium or at a local hotel, whether or not a member of the Resident's extended family.

"Visitor" — Person or persons visiting for the day or within the time frame proscribed in the Association's Governing Documents.

## **III. Conduct**

1. Residents, guests and visitors must at all times conduct themselves in a manner which will not jeopardize or interfere with the rights, privileges and enjoyment of other residents or guests.
2. Residents are responsible for the conduct and behavior of their guests/visitors while using the recreational facilities or common areas.
3. Residents will be held responsible for any damage to the Clubhouse or Association property, caused by themselves, their guests or visitors.
4. All guests/visitors age 18 or under must be accompanied by the Hosting Resident while using the recreational facilities. The sponsoring Resident will remain with their guests/visitors at all times. Unaccompanied guests/visitors may be asked to leave.
5. Residents and guests/visitors will refrain from loud, indecent or abusive language.
6. Proper attire and footwear is required in all facilities. These will be addressed more fully in their respective sections. No wet swimsuits are allowed within the Clubhouse or Fitness Center. Dry swimsuits allowed only with proper cover. Bare chests, uncovered swimwear or bare feet are considered inappropriate attire and will not be allowed.
7. Residents who conduct themselves in an unbecoming manner, or who violate Association rules are subject to disciplinary action, including suspension of Resident privileges, use of Clubhouse and Recreational Facilities, and/or fines.

8. COA Board or the Property Manager Security will direct offenders, resident or guest, to leave the facility due to rules violations or misconduct. Property Manager, Activities Director and Security have the authority to involve police or sheriff should a resident or guest/visitor refuse to leave the premises when so directed.
9. All guests/visitors under 18 years of age must be accompanied and under adult supervision at all times.
10. Residents will refrain from direct confrontation with other residents or guests. If an issue arises, bring the concern to the attention of the Activities Director, Property Manager or Security.

#### **IV. General Operation Rules**

Use of the Clubhouse and all Recreational Facilities are strictly reserved for The Legacy at Cary Creek Residents, their guests and visitors. Unauthorized visitors, walk-ins, and the general public are prohibited from access to and use of, any of The Legacy at Cary Creek Clubhouse and Recreational Facilities, other than informational or prospect tours directed by the Sales Office.

#### **Assumption of Risk**

All uses of The Legacy at Cary Creek Clubhouse and Recreational Facilities, and all participation in activities are strictly voluntary. Correspondingly, the nature of all activities involves the potential of some personal or physical risk to the participant. Participation in activities or use of the Clubhouse and/or Recreational Facilities is interpreted as an acknowledgement and acceptance of the inherent risks. A Waiver of Liability is required to be on file for each Resident, their guests/visitors, at the Clubhouse Office. Waivers must be completed, signed, and turned in to The Legacy at Cary Creek Clubhouse Office.

#### **General Policies and Hours of Operation**

The Clubhouse and Recreational Facilities will be open at 6:00 am and will close at 10:00 pm each day, with the exception of a planned event.

The Pool is closed from dusk to dawn. Dawn is considered to be one half-hour after sunrise and dusk is considered one half-hour after sunset.

Proper attire must be worn on the in the Clubhouse and Recreational Facilities at all times. No swimsuits with cover-ups, no fitness attire, and no bare feet allowed in the Clubhouse and Recreational Facilities.

There will be NO GLASS items of any kind on the Common Areas and Clubhouse which includes the Fitness Center, Fitness Center restrooms, saunas, men's and women's locker areas, the pool, spa, tennis courts, pickleball courts, and the Greenhouse/Garden areas.

### **Smoking Policy**

The Clubhouse, Fitness Center, Pickleball Court, and all of the Recreational Facilities will be NO — SMOKING at all times. This includes cigars, pipes and all forms of tobacco.

### **Alcohol Policy**

Alcoholic beverages may not be sold at any activity or event sponsored by The Legacy at Cary Creek. All events, activities or gatherings are designated as BYOB (Bring Your Own Beverage). Licensed caterers may provide alcohol at designated functions.

### **Rental Policy**

Clubhouse and Common Areas may be reserved by Residents for private events for rental fee as set by the Board.

### **Classes**

Instructors (fitness, personal training, crafts, art, etc.) may not use The Legacy at Cary Creek Clubhouse, and Recreational Facilities to engage in any financial enterprise without permission from the COA Board or the Property Manager.

Classes may not be scheduled or implemented without approval. Each instructor will submit a schedule of proposed classes to the COA Board or the Property Manager for approval. Instructors must restrict their student base to The Legacy at Cary Creek Residents and their guests/visitors. Only Residents may bring guests/visitors to any class, not the instructor.

### **Animals**

No animals are allowed in The Legacy at Cary Creek Clubhouse and Recreational Facilities, with the exception being service animals needed by any Resident or Guest/Visitor.

### **First Aid Kits**

First aid kits are located in the Clubhouse Lobby, in the Kitchen Area, and behind the Reception Area desk.

## **V. Use of the Clubhouse**

### **Fitness Center**

1. The fitness center facilities will be open 6:00 am to 10:00 pm each day.
2. Persons under the age of 18 are not permitted in the fitness room.
3. All Residents are advised to consult a physician prior to engaging in strenuous activities or using the fitness room equipment.

4. Appropriate fitness apparel is required while using the fitness center, including upper body garments and no cut-off shorts. Proper footwear is required at all times. No street shoes, sandals, bare feet, etc. will be permitted.
5. During peak usage times or when people are waiting to use the equipment the use of equipment is limited to 30 minutes.
6. Food and beverages are not permitted in the fitness center. The sole exception is bottled drinks in plastic containers with tops.
7. Portable equipment must be returned to its proper location after use.
8. Personal stereo equipment is permitted only with the use of headphones.
9. TV sound must be kept to a minimum, so as not to disturb others.
10. Televisions, lights and fans must be turned off after use.
11. All residents are to exercise appropriate "Hand Hygiene" upon entering and exiting the fitness room.
12. All persons using the fitness room equipment are required to wipe down the equipment after use.

#### **Card Rooms (Future)**

1. No one under the age of 18 may participate in any card games.
2. Chips must be used for poker games.
3. Gambling of any type is prohibited in all card rooms unless all proceeds are distributed as prizes at the time of play.
4. Large card room will be shared by persons playing different card games when it is considered open session and no games are scheduled.
5. Card rooms may not be reserved for private play.
6. Loud or profane language is prohibited.
7. Dry snacks and drinks are permitted.
8. Each group or individuals using the rooms are required to clean up after play and restore all equipment and furnishings to original places.
9. Before beginning play, report any problems to Activities Director or Reception Desk.
10. Lights will be turned off when card rooms are not in use.

### **Teaching Kitchen**

1. Reservations must be made in advance for kitchen use.
2. Persons or groups reserving the kitchen are responsible for its cleanup.
3. “Class in Session” sign is to be observed by not entering the classroom during teaching sessions.
4. Proper safety measures are to be observed at all times. NO sandals, bare feet, etc. will be permitted.
5. All breakage and equipment failure must be reported to the Activities Director or Property Manager in a timely manner.
6. A resident adult must accompany class members under 18 years of age.

### **Electronic/Audio Visual**

1. No one is to touch any electronics or thermostats at any time. Only qualified trained personnel may operate any of the electronics, sound equipment, security equipment, etc.
2. All accessories for equipment (microphones, portable equipment, remotes, etc.) will be locked up with limited access to keys.
3. The use of electronic equipment should be handled by someone on the Electronics Committee.

### **Swimming Pool**

1. Pool is open dawn to dusk.
2. Lifeguards are not provided, SWIM AT OWN RISK.
3. No person using incontinence products may use the pool.
4. Children not completely potty trained must wear swim diapers (Swimmers) or they not allowed in the pool. Regular diapers are NOT PERMITTED.
5. It is the responsibility of the resident, guest, parent, or grandparent to monitor children using the pool at all times.
6. Children that are non-swimmers must have adult in-the-pool supervision, within arm’s reach at all times. Young children without immediate supervision will not be permitted in the pool.
7. NO glass containers of any kind are permitted on pool deck.
8. NO Food or Drink within 5 feet of pool area. Food and drink is also permitted under the portico at the rear of the Clubhouse building.

9. Sound producing equipment will not be permitted in pool area, with the exception of Activities Director sponsored activities. Personal sound equipment may be used with headphones.
10. In pool, NO DIVING, JUMPING-IN, RUNNING or HORSEPLAY is permitted.
11. No toys, balls or floating devices are permitted in pool, with the exception of two (2) per person, noodles with net seats, water aerobics equipment and kick boards.
12. No ball playing except adult water sports.
13. Those using the pool furniture are responsible for ensuring that it is returned to its proper place after use. The lounges, chairs and tables may be moved, but upon leaving, please return them to their original positions.
14. Only personal flotation devices such as life vests or flotation armbands approved by the U.S. Coast Guard are permitted for use in the pool.
15. The swimming pool and spa must be cleared of all occupancy at the first sign of inclement weather, first indication of thunder or lightning, or by determination of the COA Board or the Property Manager.
16. Only proper swimwear is permitted.

### **Pickleball Courts**

1. Courts are available from 8:00 am to 8:00 pm.
2. Courts use is limited to Residents and Guests/Visitors ONLY.
3. Sign-up policies and court assignment procedures will be developed by the Activities Director or Property Manager in accordance with The Legacy at Cary Creek rules and policies.
4. Guest under 18 years of age must be accompanied by resident or adult guest 21 years of age or older.
5. Courts are for pickleball ONLY. No other activities are permitted.
6. Gates must be closed upon entering or leaving the courts.
7. Proper pickleball attire is required. No tank-tops, cut off shorts, or swimsuits will be worn while engaged in play. Tennis shoes only: NO running shoes allowed on clay courts. (If the tread on your tennis shoes seems to be digging up the court, please consider changing to a smoother style of shoe.)
8. Rain or Freeze—Please check with the Activities Director or Property Manager before playing on clay courts.
9. No Pets allowed in club or courts area unless service animals needed by Residents or Guests/Visitors.



10. No bicycles, skates or other recreational vehicles in club or courts area.
11. Time limit when courts are full: please limit play to 1 hour.
12. Night Play — Please turn light switches off before leaving. Night play must be completed, courts swept and lights extinguished by 10:00 pm.
13. At all times please sweep courts and clean lines after clay court play.

**Community Garden/Greenhouse**

1. The Community Garden will be available for Residents planting.
2. The Community Garden will have a simple agreement for residents to sign which will focus on a co-operative operation. As an example: Please don't pick your neighbor's Tomatoes or Roses.