

**MARSHALL CREEK COMMUNITY DEVELOPMENT DISTRICT AND  
SWEETWATER CREEK COMMUNITY DEVELOPMENT DISTRICT  
AMENITY CENTERS, TOLOMATO RIVER BOARDWALK, ATHLETIC  
PARK, AND COMMUNITY PARKS**

**POLICIES**

Adopted November 12, 2003  
Revised through May 22, 2006  
Revised through June 27, 2007  
Revised through July 11, 2007  
Revised through November 12, 2008  
Revised through February 10, 2010  
Revised through July 14, 2010  
Revised through March 10, 2011  
Revised through September 14, 2011  
Revised through January 16, 2013  
Revised through November 16, 2016  
Revised through February 15, 2017

**SECTION A.**  
**DEFINITIONS**

1. District(s) - Shall mean the Marshall Creek Community Development District (MCCDD) and/or Sweetwater Creek Community Development District (SCCDD).
2. Manager - Shall mean the person or entity legally charged with the daily operation and management of the Palencia Amenity Centers.
3. Amenity Centers or Amenity Facilities - Shall refer to the Palencia Amenity Centers including the pool areas, exercise rooms, clubhouses, pavilions, tennis courts, tennis pro shop, Tolomato River Boardwalk (hereinafter defined), and any other facilities which are owned by the Districts and are available to Patrons, as defined herein.
4. Tennis Center or Tennis Facilities - Shall include the tennis courts and tennis pro shop.
5. Swim and Fitness Center - Shall include the pool areas, exercise rooms, and clubhouses.
6. Athletic Park - Shall mean the athletic fields and the Athletic Park Pavilion. These are not included within the District and are open to the general public and are not part of the Amenity Centers.
7. Community Parks - Shall mean the community neighborhood parks, The Village Green, and other common areas not included in #3 and #6 above.
8. Patron - Shall mean property owners of the Marshall Creek Community Development District and Sweetwater Creek Community Development District, and those persons permanently

residing in the same dwelling unit as the property owner; and non-property owners who have paid the Annual User Fee for the use of the Palencia Amenity Centers, and those persons permanently residing in the same dwelling unit as such non-property owner.

9. Annual User Fees - Shall mean that fee established by the Marshall Creek Community Development District and/or Sweetwater Creek Community Development District for the use of the Amenity Centers and Tolomato Boardwalk.
10. Patron Card - An electronic identification card issued by the District to Patrons.
11. Guest Privileges - Privileges included with the aforementioned Patron account authorizing Patrons twenty-four (24) individual guest entries for the Swim and Fitness Center and eight (8) guest entries for the Tennis Center per year. Guest passes are required for the Tennis Center and Swim and Fitness Center every day of the year; and Patrons must accompany their guest(s) to the Swim and Fitness Center. Guest passes for the Tennis Center and Swim and Fitness Centers are not required for family members (defined as parents, grandparents, grandchildren, brothers, sisters, adult children, and nannies). Nannies may only have access to the Marshall Creek CDD family pool. The child must be present with his or her amenity card. Nannies must be pre-registered prior to admittance. *See* attached addendum A for additional details on the Guest Pass Programs.
12. House Guest - An individual who is residing on a temporary basis in the same dwelling unit as the Patron. House Guests must be registered with the Manager and may use the Amenity Centers without the presence of the Patron. House guests are limited to a two week visit.
13. Guest - Any person whom the Patron wishes to accompany them while utilizing the Amenity Centers. However, a guest may be a guest of a single or multiple Patron(s) for the Tennis Center no more than a total of eight (8) times per calendar year. This term does not include guests or invitees of the Amenity Centers during swim meets, tennis tournaments, or other organized activities. Any one person can use the Fitness Center up to 18 visits per calendar year.
14. Boardwalk - Elevated boardwalks that interconnect neighborhoods and areas throughout the community, including the boardwalk along The Promenade.
15. Tolomato River Boardwalk - Elevated Tolomato River Boardwalk which entrance can be found at the terminus end of Costa Blanca Rd. in North River, Phase II of Palencia, that stretches the length of approximately 7/8th of a mile east-north-eastward into the marsh area and splitting into a “Y” on a couple of intracoastal waterway island pods.
16. Policies - Shall mean these Policies governing the use of the Amenity Facilities.

**SECTION B.**  
**GENERAL PROVISIONS**

1. Patrons must present their Patron Card and register upon entering the Amenity Centers.
2. Children under twelve (12) for Tennis Center, eight (8) for playgrounds, twelve (12) for MCCDD swimming pool, (14) fourteen for SCCDD swimming pool, sixteen (16) for fitness center, years of age must be accompanied by a parent or legal guardian eighteen (18) years of age or older, unless specifically stated elsewhere in the Policies. No child under the age of fourteen (14) is allowed in the fitness area.
3. The Amenity Centers hours of operation shall be established by the Manager and based upon seasonal and other considerations and shall be published to the Patrons in a manner determined by the Manager.
4. Alcoholic beverages shall not be served or sold, nor permitted to be consumed, except for catered events or as specifically authorized in the Policies.
5. Pet and Service Animal Policy:
  - a. Unless otherwise posted, dogs or other pets (with the exception of Service Animal(s) trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability service animals) are not permitted in the Amenity Centers or Tennis Facilities. Pets are permitted at the Community Parks, but must be leashed at all times, and pet owners are to pick up any waste the pets may produce when in the park(s) or along the path of travel to and from the park(s).
  - b. A Service Animal must be kept under the control of its handler by leash or harness, unless doing so interferes with the Service Animal's work or tasks or the individual's disability prevents doing so. The District may remove the Service Animal under the following conditions:
    - If the Service Animal is out of control and the handler does not take effective measures to control it;
    - If the Service Animal is not housebroken; or
    - If the Service Animal's behavior poses a direct threat to the health and safety of others.
  - c. The District is prohibited from asking about the nature or extent of an individual's disability in order to determine whether an animal is a Service Animal or pet. However, the District may ask whether an animal is a Service Animal required because of a disability and what work or tasks the animal has been trained to perform.
6. Vehicles, including golf carts, scooters, and bicycles must be parked in designated areas. Unless designated otherwise, 4-wheel passenger vehicles and golf carts must be parked in the parking lots. Vehicles shall not be parked on grass lawns, or in any manner which blocks the normal flow

of traffic. Golf carts are strictly prohibited in Community parks, The Village Green, elevated boardwalks, The Promenade, and pedestrian sidewalks.

7. Fireworks of any kind are not permitted anywhere on the MCCDD or SCCDD grounds or adjacent areas.
8. No Patron or Guest is permitted in the service areas of the Amenity Centers.
9. The Board of Supervisors reserves the right to amend or modify the Policies when necessary and will notify the residents of any changes.
10. Members of the Boards of Supervisors, the District Managers, and MCCDD and SCCDD Managers and authorized employees shall have full authority to enforce these rules and regulations.
11. Patron Cards shall be issued to Patrons at the time their membership commences. All Patrons must present their Patron Card for entrance to the Amenity Centers. All lost or stolen Patron Cards should be reported immediately to the Manager. There will be a \$10.00 replacement fee.
12. Smoking (including electronic cigarettes) is not permitted anywhere in the Amenity Centers or other areas as designated by law.
13. All Guests must be registered and accompanied by a resident before entering the Amenity Centers. Resident must accompany and register Houseguest(s) on the initial visit.
14. Disregard of the Amenity Centers' rules may result in expulsion from the Amenity Centers and/or loss of Amenity Center privileges.
15. Any exceptions to the Policies must be made in writing by the Manager prior to the time any such contrary action is taken.
16. Swimming, boating, jet skiing, paddle-boarding, or in any way entering into or being on top of any retention/detention pond, lake, or other body of water within the Districts shall be prohibited. These bodies of water are subject to, among other legal restrictions, conservation easements to protect the natural habitat for plants and wildlife, including alligators, which are known to cause serious bodily injury and death. This rule shall not apply to the Districts' employees, contractors, or other authorized individuals when servicing the retention/detention ponds, lakes, or other bodies of water within the Districts.

#### **SECTION C.**

#### **LOSS OR DESTRUCTION OF PROPERTY OR INSTANCES OF PERSONAL INJURY**

Each Patron and Guest as a condition of invitation to the premises of the Amenity Centers assumes sole responsibility for his or her personal property. The Districts, their agents, employees, and contractors shall not be responsible for the loss or damage to any private property used or stored on the premises of the Amenity Centers, whether in lockers or elsewhere.

No person shall remove from the room in which it is placed or from the Amenity Centers' premises any property or furniture belonging to the Districts, the Districts' Board of Supervisors, their agents, employees, or contractors without proper authorization. Patrons and guests shall be liable for any property damage and/or personal injury at the Amenity Centers, or at any activity or function operated, organized, arranged, or sponsored by the Districts or their contractors which is caused by the Patron or their guests. The Districts reserve the right to pursue any and all legal and equitable measures necessary to remedy any losses due to any such property damage or personal injury.

Any Patron, Guest or other person who, in any manner, makes use of or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the Districts, the Districts' Board of Supervisors, its agents, employees or contractors, or who engages in any contest game, function, exercise, competition, or other activity operated, organized, arranged, or sponsored by them, either on or off the Amenity Centers' premises, shall do so at his or her own risk, and shall hold the Districts, the Districts' Board of Supervisors, their agents, employees, and contractors harmless for any and all loss, cost, claim, injury, damage, or liability sustained or incurred by him or her, resulting there from and/or from any act of omission of the Districts, the Districts' Board of Supervisors, its agents, employees, or contractors. Any Patron shall have, owe, and perform the same obligation to the Districts, the Districts' Board of Supervisors, their agents, employees, or contractors hereunder in respect to any loss, cost, claim, injury, damage, or liability sustained or incurred by any guest or family member of such Patron.

Should any party bound by the Policies bring suit against the Districts, the Districts' Board of Supervisors, its agents, employees, or contractors in connection with any event operated, organized, arranged, or sponsored by the Districts or any other claim or matter in connection with any event operated, organized, arranged, or sponsored by the Districts, and fail to obtain judgment therein against the Districts, the Districts' Board of Supervisors, their agents, employees, or contractors, said party shall be liable to the Districts for all costs and expenses incurred by it in the defense of such suit (including court costs and attorneys' fees through all appellate proceedings).

**SECTION D.**  
**GENERAL SWIMMING POOL RULES**

1. All Patrons and Guests must sign in upon entry of the pool area in MCCDD or SCCDD. The pools governed by these rules are the MCCDD Adult Pool, MCCDD Family Pool, MCCDD Wading Pool and the SCCDD Swimming Pool.

The maximum bathing capacity of the pools is as follows:

MCCDD Adult Pool	42 people
MCCDD Family Pool	130 people
MCCDD Wading Pool	17 people
SCCDD Swimming Pool	91 people

2. Lifeguards may be on duty on a seasonal basis only.

3. Children under twelve (12) years of age entering the MCCDD Family Pool, and those under fourteen (14) years of age entering the SCCDD Swimming Pool must be accompanied by a parent or legal guardian of at least eighteen (18) years of age, unless otherwise provided for herein.
4. When lifeguards are on duty, parents or legal guardians may, by completing and signing the appropriate form, designate teenagers between the ages of fourteen (14) and seventeen (17) as “Supervising Companions” for their children. Each Supervising Companion may accompany one child at a time who is under the age of six (6) or up to two children at a time who are between the ages of six (6) and eleven (11). Staff reserves the right to terminate an individual’s privilege of being designated as a Supervising Companion if, in Staff’s sole discretion, such individual is not fulfilling his or her responsibilities as a Supervising Companion.
5. Additionally, subject to the receipt of a consent form from a parent or legal guardian, Patrons under the age of twelve (12) may use the MCCDD Family Pools and Patrons under the age of fourteen (14) may use the SCCDD Swimming Pool under the direct supervision of the Swim Team Coaching Staff or District-authorized Swim Lesson Staff Members.
6. Radios, televisions, and the like may be listened to if played at a volume, which is not offensive to other Patrons and Guests.
7. Swimming is permitted only during designated hours, as posted at the pool.
8. Showers are required before entering the pool.
9. Glass containers, aluminum cans, and other sharp or potentially hazardous objects are not permitted in the pool area.
10. Children under three (3) years of age, and those who are not reliably toilet trained, must wear rubber lined swim diapers, as well as a swimsuit over the swim diaper, to reduce the health risks associated with human waste in the swimming pool/deck area. *See* Section F. Feces Policy, page #8.
11. Play equipment, such as floats, rafts, snorkels, dive sticks, and flotation devices must be presented to the MCCDD Amenity Center staff for approval prior to use. The aforementioned play equipment is prohibited at the SCCDD Swimming Pool. The MCCDD Amenity Center reserves the right to prevent usage of such play equipment during times of peak or scheduled activity at the pool, or if the equipment provides a safety concern.
12. The pools will be closed once per week on Monday (unless otherwise noted) in order to facilitate maintenance.
13. Bicycles, skateboards, roller blades, scooters, and golf carts are not permitted on the pool deck area inside the pool gates at any time.
14. No one shall block or place an object to block any exit or entrance to a pool area.

15. Hanging on the lane lines, interfering with the lap-swimming lane, and unauthorized diving are prohibited.
16. The Amenity Centers' staff reserves the right to control all programs and activities, including the number of guest participants, equipment, and supplies usage, etc. conducted at the pool including swim lessons, aquatic/recreational programs, and pool parties.
17. Any person swimming when the pool is closed may be suspended from using the pool. The hours during which the pool is attended by a lifeguard will be posted. All Guests must be registered. Guests, other than House Guests, must be accompanied by a Patron before entering the Amenity Centers.
18. Proper swim attire (no cutoffs) must be worn in and around the pool.
19. No chewing gum is permitted in the pool or on the pool deck area.
20. Alcoholic beverages are not permitted in the pool area, except at catered events pre-approved by the MCCDD and/or SCCDD.
21. No diving, jumping, pushing, running, or other horseplay is allowed in the pool or on the pool deck area. Facility staff reserves the right to enforce pool warnings, as set forth in this document, including 1<sup>st</sup> warnings, "time-outs," suspensions, and expulsions.
22. All diaper or changing of clothes must be done in the outside pool bathrooms.
23. Radio controlled watercrafts are not allowed in the pool area, unless it is a MCCDD and/or SCCDD sponsored event.
24. Pool entrances must be kept clear at all times.
25. Smoking (including electronic cigarettes) is not permitted in the Amenity Centers, in any pool, on any pool deck, or any other area as designated by law.
26. No pets (with the exception of Service Animals) are allowed in the pool area.
27. No swinging on ladders, fences, or railings is allowed.
28. Pool furniture is not to be removed from the pool area.
29. Loud, profane, or abusive language is prohibited.
30. Children less than forty inches tall are not permitted to ride the MCCDD Family Pool slide.

MCCDD Family Pool Slide Rules:

- a. Patron must be able to climb and slide unassisted.
  - b. One person at a time.
  - c. Slide feet first and face up.
  - d. Wait for lifeguard to signal before starting the ride.
  - e. Do not run, dive, stand, kneel, rotate, or stop in the slide.
  - f. Keep arms, hands, and legs inside flume at all times.
  - g. No flotation devices are allowed on the water slide unless specifically provided by lifeguard for the purpose of use on the slide.
  - h. The slide may only be used while lifeguards are on duty.
  - i. No shorts with snaps or rivets will be allowed.
  - j. The slide is to be used at your own risk and only while lifeguards are on duty
  - k. For safety reasons, pregnant women and persons with health conditions or back problems should not ride the water slide.
31. All patrons must be 18 years of age or older to use the MCCDD Adult Pool.

**Lap Swimming Rules**

- All Patrons in a lap lane must swim laps. Maximum occupancy is 4 Patrons per lane. Individuals not swimming laps or slow swimmers will be asked to leave the lap lanes and use recreation/social area at the MCCDD Adult Pool. Only Patrons eighteen (18) years or older are permitted to use the lap lanes at the MCCDD Adult Pool. Patrons younger than eighteen (18) years old may use the SCCDD Swimming Pool and MCCDD Family Pool for swimming laps.
- 1. Equipment such as pull buoys, masks, fins, snorkels, and paddles may be used at the MCCDD Adult Pool only with prior approval.
  - 2. Patrons must swim in a circular direction.
  - 3. The SCCDD Swimming Pool may be utilized by approved swim teams at certain times. Management will dictate how many lanes will be set aside for resident use only during swim team use.
  - 4. All Patrons visiting the SCCDD Amenities Center related to swim team activities should enter by using the gate located on the front of the Center and to the left of the main lobby entrance.



5. The SCCDD swimming pool is “heat capable.”

**SECTION E.**  
**SWIMMING POOL: THUNDER STORM POLICY**

The lifeguards and front desk staff, are in control of the operation of the swimming pool during thunderstorms and heavy rain. The lifeguards will control whether swimming is permitted or not during the times the pool is attended. During periods of heavy rain, thunderstorms, and other inclement weather the pool will be closed.

**SECTION F.**  
**SWIMMING POOL: FECES POLICY**

1. No one shall pollute the pool. The Patron responsible for the individual who pollutes the pool is liable for any costs incurred in treating and reopening the pool.
2. If contamination occurs, the pool will be closed for six (6) hours and the water will be shocked with chlorine to kill the bacteria.
3. Parents should take their children to the restroom before entering the pool.
4. If a child is not completely potty-trained, they must wear a rubber lined swim diaper, as well as a swimsuit over the swim diaper, at all times.

**SECTION G.**  
**GENERAL FITNESS CENTER RULES**

1. Usage of the fitness center is permitted only during designated operating hours, as posted at the fitness center.
2. Children aged fourteen (14) and fifteen (15) years of age must be accompanied by a parent or legal guardian of at least eighteen (18) years of age to use the fitness area. No children under the age of fourteen (14) are allowed in the fitness area, except that:
  - a.Children aged thirteen (13) years and older may use the cardio and strength rooms of the fitness center upon the following conditions:
    - (1) Child must be accompanied by a parent or legal guardian of at least eighteen (18) years of age; and
    - (2) Child is involved in an organized sport activity where fitness training is integral to the sport activity, as validated by their coach in writing; and
    - (3) Child’s physician provides a written training program and attests that the child has the mental and physical ability to participate in the training; and
    - (4) All documentation required herein shall be provided to a CDD fitness trainer for approval.
3. The sauna and steam room may only be used by Patrons at least sixteen (16) years of age.

4. Guests and House Guests must be accompanied by a Patron and register upon entering.
5. All Patrons and Guests using the fitness center are expected to conduct themselves in a responsible, courteous, and safe manner in compliance with fitness center rules and regulations.
6. Appropriate clothing is required at all times in the fitness center. Appropriate clothing means t-shirts, shorts, leotards, and/or sweat suits.
7. All Patrons and Guests must wear athletic footwear, which covers the entire foot.
8. Food is permitted in lobby area only. Water and sports drinks in non-glass containers, however, are permitted in the fitness center when sealed and covered.
9. Smoking, electronic cigarettes, and smokeless tobacco products are not permitted anywhere in the fitness center.
10. The chewing of gum is not permitted in the fitness center.
11. Radios and tape or CD players are not permitted unless they are personal units equipped with headphones.
12. Loud, profane, or abusive language is prohibited.
13. Patrons and Guests exercise at their own risk. Each individual is responsible for his or her own safety.
14. All emergencies or injuries must be reported to the Manager and Director, as well as the District Management Office. The phone number for the District Management Office of the MCCDD fitness center (Severn Trent Services) is (904) 940-6044 or (904) 599-9020 for the District Manager, and the phone number for the District Management Office of the SCCDD fitness center (Fishkind & Associates, Inc.) is (407) 382-3256 for the District Manager. Disregard to any fitness center rule will result in expulsion from the fitness center and/or loss of fitness center privileges.
15. All broken equipment should immediately be reported to the Manager on duty as well as the Director, whose phone number is (904) 829-8584 or (904) 810-0520.
16. Weights may not be removed from the fitness center for any reason.
17. Each individual is responsible for wiping off the equipment after use.
18. You should limit cardiovascular equipment usage to 30 minutes if others are waiting for the equipment, stepping aside between multiple sets on the weight equipment, and restacking weights after usage.
19. The Amenity Centers reserves the right to authorize all programs and activities at the fitness facility including group fitness classes, personal training, etc. and reserve the right to discontinue

- any such program(s) or activities due to concerns with safety and other conflicts with the operation of the Amenity Centers.
20. Each individual is responsible for removing the weight plates that he or she has used on the plate-loaded machine and returning all plates, dumbbells, barbells, and other equipment to the proper storage places.
  21. Hand chalk is not permitted.
  22. Weight plates are not to be attached to weight stacks on the machines.
  23. Weights, dumbbells, and bars shall be not to be dropped. Everything should be placed down gently.
  24. Benches and machines are not to be stepped on.
  25. Dumbbells, weight plates, and barbells shall not be placed on the benches.
  26. Dogs and other pets (with the exception of Service Animals) are not permitted in the Fitness Center.
  27. Private fitness trainers are not allowed. All trainers are pre-approved by the MCCDD and SCCDD providing evidence of acceptable training certificates and insurance as required by the MCCDD and SCCDD.

**SECTION H.**  
**TENNIS FACILITY RULES**

1. All players shall check in at the tennis pro shop prior to playing. Unreserved tennis courts will be assigned on a first come, first serve basis. Clinic, lesson, and guest fees are to be paid prior to stepping on the court(s).
2. A member may make a court reservation by calling the tennis shop or in person. Reservations are allowed for one court, up to 72 hours in advance.
3. The length of time for a court reservation is 1 1/2 hours for singles and 2 hours for doubles. If a member arrives more than 15 minutes late for a reservation, that court will be forfeited if there are others waiting.
4. Tennis court usage may be limited or suspended from time to time for sponsored events or lessons, as approved by the Manager.
5. Proper tennis attire shall be worn at all times; cutoffs or jeans are prohibited. Only smooth sole tennis shoes shall be worn. Running shoes and cross-training shoes are prohibited due to risk of injury and damage to courts.
6. Proper court etiquette should be observed at all times. Profanity and/or disruptive behavior are

prohibited.

7. Use of the tennis courts are permitted only during operating hours, as posted.
8. Tennis courts are for tennis only, and pickleball as approved by the Manager. Equipment such as skateboards, roller blades, or scooters are not allowed on courts.
9. Children under twelve (12) years of age must be accompanied by a parent or other person of at least eighteen (18) years of age.
10. Glass containers, food, and smoking (including electronic cigarettes) are prohibited on or near the courts.
11. All vehicles, including, but not limited to, golf carts, bicycles, baby carriages/strollers, and scooters, are restricted from being parked on or near the tennis courts. Golf carts shall be parked in the parking lot. Bicycles shall be parked at the bike rack located by Court 1.
12. The Amenity Center reserves the right to authorize all programs and activities at the tennis center including tennis tournaments, clinics, lessons, socials, etc. and reserves the right to discontinue any such programs or activities due to concerns with safety and other conflicts with the operation of the Amenity Centers.
13. Patrons may bring beer and/or wine for their responsible personal consumption at designated areas and times as designated by the staff within the Tennis Facility.

**SECTION I.**  
**AMENITY CENTERS ROOM RENTAL POLICIES**

1. Only Patrons may utilize the Amenity Centers for private parties.
2. The current pool regulations and the Policies apply.
3. Check with the Manager regarding the anticipated date for the party in order to determine availability. A reservation must be made and a rental agreement accepted by the Manager prior to date of rental.
4. No trackless trains, trampolines, inflatables or battery- or gas-powered vehicles of any kind are permitted in the Amenity Center or Pool Pavilion at any time. The staking of tents and other acts which may cause damage to the MCCDD Amenity Center or Pool Pavilion facilities or grounds are also prohibited. The staking of tents is allowed at the SCCDD Amenity Center during swim team competition, and are permitted on the grass at the rear of the SCCDD Amenity Center building **only**.
5. If the use of a third-party vendor is approved, the vendor must provide either a certificate of insurance or a liability waiver in a form acceptable to the Manager prior to the rental date.

6. At the time the reservation is made, the Patron must deliver to the Manager two separate checks or money orders (no cash). One is for the deposit and one is for the room rental. Checks or money orders should be made payable to Marshall Creek Community Development District.
7. A complete list of all attending guests must accompany deposits. The deposit of \$100.00 will be required at least 14 days in advance of the party. All guests must register at the front desk unless other arrangements have been made.
8. The MCCDD pool pavilion rental charge is \$50.00 for the 3 hours the pool pavilion is being used.
9. Deposit refunds may take up to 14 business days to process. To receive the full refund of the deposit, the following must occur:
  - a. Remove all garbage and place in dumpster;
  - b. Take down all party displays;
  - c. Sweep the floor of the pavilion; and
  - d. Return all furniture/equipment to its original place.
10. The following may result in either full or partial forfeiture of the deposit:
  - a. Failure to adhere to the Policies;
  - b. Damage caused to District grounds or property; or
  - c. Insufficient clean-up.
11. The deposit is fully refundable if the party is cancelled due to inclement weather.

**SECTION J.**  
**ATHLETIC PARK AND ATHLETIC PARK PAVILION POLICIES**

1. For rules and regulations of the Athletic Park and the Athletic Park Pavilion, please visit <http://www.co.st-johns.fl.us/Recreation/pavilions.aspx>.
2. All reservations are to be made directly with the County to reserve the Athletic Park Pavilion for the St. Johns County Park and Pavilion at Palencia, located at 649 Palencia Club Drive, St. Augustine, FL 32095. The Palencia Amenity Centers will no longer accept reservations, and will refer all calls to:

St. Johns County Parks & Recreation; phone number (904) 209-0333

Please be advised, that although the pavilion area can be reserved, the County nor the MCCDD can deny other members of the general public from use of the playground area or athletic fields during a scheduled event.

3. For Athletic Park and ball field reservations, please contact the coordinator at the St Johns County Parks and Recreation department at (904) 209-0333.

**SECTION K.**  
**MCCDD VILLAGE GREEN POLICIES**

For the comfort and safety of all residents and guests, all children under the age of and sixteen (16) years of age must be accompanied by a parent or legal guardian of at least eighteen (18) years of age while on the Village Green. The Village Green is not a “playing” park area. There are several areas appropriate for children to play in the community. Therefore, the following activities/items are prohibited on the Village Green:

1. Running, rough playing;
2. Playing with or around the water fountains or any of the water areas;
3. Touching, removing, picking up, or throwing of the rocks, mulch, or plant materials (including fruit from the trees);
4. Loud noise; and
5. Golf carts, bicycles, scooters, and skateboards – foot traffic is the only mode of traffic.

**SECTION L.**  
**USE OF AMENITY CENTERS FOR SPECIAL EVENTS**

1. Patrons desiring to use the Amenity Centers for Special Events must submit a letter to the respective MCCDD or SCCDD District Operations Manager, or authorized representatives indicating the purpose of the use of the Amenity Centers, the number of guests that will be attending, the hours when the special event will be held, and whether alcohol and/or food will be served.
2. Based on the above criteria, the District Operations Manager will evaluate the impact that the proposed use will have on the Amenity Centers and will determine if a Special Event Agreement will need to be executed prior to the use of the Amenity Centers.
3. Where determined by the District Operations Manager to be required, a properly executed Special Event Agreement, along with all documentation required therein, must be received by the District Operations Manager no less than 5 days prior to the date of the Special Event.

**SECTION M.**

## SUSPENSION AND TERMINATION OF PRIVILEGES

1. **Violations.** Privileges at the Amenity Facilities can be subject to suspension or termination if a Patron:
  - a. Submits false information on any application for the use of the Amenity Facilities including, but not limited to, a guest pass or Patron Card;
  - b. Permits unauthorized use of a pass or Patron Card;
  - c. Exhibits offensive behavior or appearance;
  - d. Fails to abide by the rules and regulations established for the use of the Amenity Facilities;
  - e. Treats the District's supervisors, staff, facility management, contractors, or other representatives, or other Patrons, in an unreasonable or abusive manner;
  - f. 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 of the District;
  - g. Fails to pay fees owed to the District in a proper and timely manner;
  - h. Damages or destroys District property; or
  - i. A Guest of a Patron commits any of the above violations.
  
2. **Suspension by the District Manager or Amenity Centers' Management / Appeal of Suspension.** The District Manager, or the Amenity Centers' management, may at any time suspend a Patron's privileges to use the Amenity Facilities for committing any of the violations outlined in Section 1. In determining the length of any suspension, the District Manager, or the Amenity Center's Centers management, shall take into account the nature of the conduct and any prior violations. A Patron subject to a suspension under this Section 2 may appeal the suspension to the District's Board of Supervisors ("Board") by filing a written request for an appeal, which written request shall be immediately sent to the District's Chairperson. The filing of a request for an appeal shall not result in the stay of the suspension. 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. 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. 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 outlined in Section 1. In determining the appropriate action to be taken, the Board shall take into account the nature of the violation and any prior violations.

3. **Suspension or Termination by the Board.** The District Manager, or the Amenity Centers' management, may recommend to the Board, or the Board on its own initiative may elect to consider, a suspension or termination of a Patron's privileges for committing any of the violations outlined in Section 1. At least 15 days prior to any Board meeting where a suspension or termination is to be considered under this Section, the District shall send written notice of the meeting by United States mail to the Patron's last known address. 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. The Board may take any action deemed by it in its sole discretion to be appropriate under the circumstances to address the violations outlined in Section 1, including suspension or permanent termination of a Patron's privileges to use the Amenity Facilities. In determining the appropriate action to be taken, the Board shall take into account the nature of the violation and any prior violations.
4. **Trespass.** If a Patron subject to a suspension or termination is found at an Amenity Facility, such Patron will be subject to arrest for trespassing.

**SECTION N.**  
**ASSIGNMENT OF RIGHTS BY DISTRICT PROPERTY OWNERS**

1. District property owners may elect to assign their right to the use of the Amenity Centers to lessees of their property located within the District in accordance with the provisions of this Section.
  - a. All assignments must be in writing and contain a clear affirmative assignment of the property owner's rights for the use and enjoyment of the Amenity Centers.
  - b. A copy of the written agreement must be provided to the District and the Manager immediately upon execution.
  - c. District property owners who assign their right to use the Amenity Centers are prohibited from the use of the facility, including rental of the pavilion or Amenity Centers' room(s), without payment of the Annual User Fee as provided for non-residents.
  - d. Assignees shall assume all liabilities associated with the assignment of rights to the use the Amenity Center.
  - e. Acceptance by the Districts of any such assignment shall not be considered an assignment of the District property owner's obligations regarding the payment of any fee or assessment levied by the Districts or in any way impede, alter, or restrict the power of the Districts to enforce the collection of fees and assessments as provided by law.

**SECTION O.**  
**USER FEES FOR NON-RESIDENTS**

1. The Annual User Fee for non-residents is:



- a. \$3,500 per non-resident Patron for use of the swim, fitness and tennis facilities.
  - b. \$2,350 per non-resident Patron for use of the tennis facilities only.
  - c. \$1,350 per non-resident Single Patron for use of the tennis facilities only.
  - d. \$100 per non-resident Swim Team Patron for use of the SCCDD fitness pool (Swim Team Patron shall include members of swim teams approved by the Board of Supervisors of either the MCCDD or SCCDD).
2. A Guest Card, good for a total of twenty-four (24) guest uses at either the MCCDD or SCCDD Swim and Fitness facilities and eight (8) guest uses at the Tennis Center, will be issued with the Patron Card.
  3. The Tennis Center guest fee is \$10.00 per guest, per day, for any additional Tennis Center guest passes after the initial eight (8) passes are provided with the Patron Card each year. Any individual guest can only use 8 passes per year.
  4. A Weekly House Guest Pass may be purchased from the Manager for a fee of \$25.00 per individual House Guest Pass.
  5. All non-House Guests and non-Summer Guest Pass Users must be accompanied by a Patron at all times.

**SECTION P.**  
**CHILD WATCH SERVICES**

1. Child watch service is for the use of Patrons only, for children six (6) months to nine (9) years of age. Patrons must be attending training or exercise program in the Tennis Center or Swim and Fitness Centers.
2. **Parents may not leave the Tennis Center or Swim and Fitness Centers during the time their child is in child watch services.**
3. The child watch room is only available when child watch personnel are present in child watch room.
4. Child watch hours shall be established by the Amenity Center Manager.
5. All children must be signed in and out by their parent or legal guardian with a picture ID. The ID is to remain until the child is picked up. Any other arrangements will need to be formally approved in advance. Parents and/or legal guardian must complete an emergency authorization form.
6. Child watch personnel have the authority to disallow children who appear ill, sick, or currently exhibiting symptoms of allergies.

7. Children must be picked up in a timely manner at the conclusion of child watch hours.
8. Disregard of the Policies may result in suspension from use of the child watch and/or Amenity Centers.
9. The maximum number of children who can occupy the current child care room at one time will be limited to twelve (12) children along with at least one (1) or more attendants as established by the St. Johns County Fire / Fire Rescue Marshall to meet building standards. Availability will be based on a first come first serve basis.

**SECTION Q.**  
**TOLOMATO RIVER BOARDWALK AT PALENCIA**

The Tolomato River Boardwalk is for the use of the residents of the District, their guests, and the general public. These rules are designed to maximize the safe and enjoyable use of the Tolomato River Boardwalk system, and to protect wetland vegetation and wildlife.

\*\*\*\*\* USE AT YOUR OWN RISK – MCCDD AND SWCCDD ARE NOT RESPONSIBLE  
FOR PERSONAL PROPERTY OR PERSONAL INJURY \*\*\*\*\*

1. The authorized Tolomato River Boardwalk vehicle parking areas are located at the St. Johns County Park at Palencia, located on Palencia Village Drive - the park with the ship playground, and the Palencia Swim and Fitness Center, located in the Village Center at 625 Palencia Club Drive.
2. All areas surrounding the Tolomato River Boardwalk system are environmentally sensitive areas. All cautions are to be made to protect the natural inhabitants, marshes, animals, and wildlife. No plants, trees, or animal life are to be removed, touched, walked on, trampled, or damaged in any way.
3. Children under the age of twelve (12) are not permitted on the Tolomato River Boardwalk system without a legal guardian eighteen (18) years of age or older.
4. Excepting the entrance, leaving or departing the Tolomato River Boardwalk system or its designated areas is not permitted.
5. The Tolomato River Boardwalk hours of operation are during daylight hours, from dawn until dusk, sunrise to sunset. Overnight stays or camping are not permitted on the Tolomato River Boardwalk system.
6. Residents, guests, and users are encouraged to access the Tolomato River Boardwalk entrance by walking or riding their bicycles. Appropriate footwear is required. A bicycle rack will be located at the entrance to Tolomato River Boardwalk. The entrance to the Tolomato River Boardwalk is situated adjacent to several private property home sites. Residents, guests and users of the Tolomato River Boardwalk are asked to respect the enjoyment of this private property by not parking any vehicles, including, but not limited to, automobiles or golf carts, anywhere except at the two Authorized Parking Area locations defined above in paragraph 1. No parking for the

Tolomato River Boardwalk has been provided along Costa Blanca Road, Hickory Hill Drive, or North River Drive. (*See* Paragraph 1 for authorized parking locations).

7. The Tolomato River Boardwalk is intended for pedestrian foot traffic and persons in wheel chairs only. Wheeled vehicles, including automobiles, trucks, motorcycles, all-terrain vehicles (ATV), golf carts, scooters (motorized or non-motorized), skateboards (motorized or non-motorized), power wheel-type children's vehicles, skates, bicycles, or any other motorized or non-motorized vehicles are not permitted anywhere on the Tolomato River Boardwalk system. Acceptable wheeled vehicles include ADA- compliant wheel chairs, and tandem baby strollers or wagons used to transport babies or small children. Double-wide strollers are not permitted anywhere on the Tolomato River Boardwalk system. A bike rack at the front entrance to the Tolomato River Boardwalk is available where bicyclists may leave their bikes prior to using the Tolomato River Boardwalk system.
8. NOTE: Motorized MCCDD carts and bicycles will be used for security purposes and to maintain and haul trash off of the Tolomato River Boardwalk system.
9. Fireworks of any kind are not permitted anywhere on the Tolomato River Boardwalk system. Alcohol is not permitted anywhere on the Tolomato River Boardwalk system.
10. The Tolomato River Boardwalk is for the enjoyment of nature under quiet conditions. Shouting and radios are incompatible with such enjoyment, and thus, radios or other loud noise-generating devices, other than personal headphones, are not permitted anywhere on the Tolomato River Boardwalk system.
11. Running and rough play is not permitted on the Tolomato River Boardwalk system.
12. The Tolomato River Boardwalk is not for the use of private parties.
13. Smoking or fires of any kind are not permitted anywhere on the Tolomato River Boardwalk system.
14. Fishing is permitted, with required licenses, only at the designated fishing pier area at the end of the Tolomato River Boardwalk. Fishing is not permitted on any other portion of the Tolomato River Boardwalk system. Residents, guests, and users must fish in accordance with State of Florida Fish and Wildlife Conservation Commission fishing license and permit requirements (<http://www.floridaconservation.org/license/>).
15. All pets must be leashed at all times. Pet owners are responsible for policing of pet excrement. If pets and pet waste become a nuisance or problem, the MCCDD Board may be forced revise the policy to prohibit pets. The Tolomato River Boardwalk users and their pets are not permitted to leave the Tolomato River Boardwalk for any reason other than the entrance/exit (*See* Paragraph 2).
16. Hunting is not permitted anywhere on or off the Tolomato River Boardwalk system. Guns, arrows, knives, spears, saws, sling shots, or other weapons are not permitted anywhere on the Tolomato River Boardwalk system.

17. Horses and horseback riding is not permitted anywhere on the Tolomato River Boardwalk system.
18. No electrical outlets are provided for any purpose. Power generators of any kind are not permitted anywhere on or near the Tolomato River Boardwalk system.
19. Food and non-alcoholic beverages are allowed only in designed picnic areas. All picnic areas are available for use based on the first come basis.
20. Boardwalkers are encouraged to carry out all trash they bring in. Trash and all refuse should be secured in proper trash bags, properly tied, and disposed in designated trash receptacles.
21. No boats, motorized or non-motorized, nor any other water vessel shall be anchored or docked on or off the Tolomato River Boardwalk system.
22. Violations of these policies and procedures for the Tolomato River Boardwalk system, or any amenity, will subject the party(ies) to penalties of law, environmental regulatory agencies, and potential loss of privileges to any and all Amenity Facilities. The District will hold any user(s) personally and legally responsible for any activities which result in violations of environmental regulatory requirements.
23. We highly encourage Tolomato River Boardwalk users to carry their personal cell phones on the Tolomato River Boardwalk system, as there is no other form of communication provided or available.
24. Report maintenance or vandalism concerns to the local District office, 904-810-0520.

Thank you for doing your part to make the Tolomato River Boardwalk system a wonderful experience and pleasant place for everyone to enjoy.

## GUEST PASS ADDENDUM - A

### GUEST PRIVILEGES

#### **Swim & Fitness**

##### Guest Pass (1)

Each household will be issued 24 annual guest passes. An additional 12 passes can be purchased for \$40. All passes must be used prior to purchasing additional sets of 12.

##### Daily Pass

\$10 fee per day per person good for day of issue only. No charge for under 2 years of age. Any individual guest may only be a guest at the Swim & Fitness Center.

##### Weekly House Guest Pass

\$25 weekly fee per individual house guest.

#### **Tennis**

##### Guest Pass (1)

Each household will be issued 8 annual guest passes.

##### Daily Pass

\$10 fee per day per person good for day of issue only. Any individual guest may only be a guest at the Tennis Center.

##### Weekly House Guest Pass

\$25 weekly fee per individual House Guest.

#### **Restrictions**

Patrons will need to sign in guests at the front desk of the Amenity Centers upon arrival each time they use a pass.

##### Daily Pass

Patron to accompany guests

##### Weekly House Guest Pass

Patron does not have to accompany guest

##### Guest Pass (1)

Patron to accompany guests

##### Daily Pass

Patron to accompany Guests

##### Weekly House Guest Pass

Patron does not have to accompany Guest.

#### **Pass Privileges**

Use of pools and fitness facility in accordance with the Policies and rules. (2)

##### Daily Pass

Use of pools and fitness facility in accordance with the Policies and rules. (2)

##### Weekly House Guest Pass

Use of pools and fitness facility in accordance with the Policies and rules. (2)

##### Guest Pass (1)

Tennis Privileges – subject to availability. (2)

##### Daily Pass

Tennis Privileges – subject to availability. (2)

##### Weekly House Guest Pass

Tennis Privileges–subject to availability. (2, 3)

#### Notes

- (1) Guest passes are required every day of the year and Patrons **must** accompany their guest(s) to the Swim and Fitness Center. Guest passes for the Swim and Fitness Center are not required for family members.\* Excludes child watch and classes.
- (2) Excludes child watch and classes.
- (3) Check calendar for special closed days for Leagues and Tournaments.  
\*Family members are defined as parents, grandparents, grandchildren, brothers, sisters, adult children and nannies. Nannies may only have access to the Marshall Creek CDD family pool. The child must be present with his or her(s) amenity card. Nannies must be pre-registered prior to admittance.  
\*\*House guests are defined as a person limited to a two week visit.

## **SWIM TEAM POLICIES ADDENDUM – B**

### **Guidelines for Swim Team Usage**

1. All Swim Team usage of District facilities must be pre-scheduled with District staff at least 30 days prior to the beginning of practices.
2. All Swim Team members must be District residents, paid users of the District's facilities, lifeguards at the facility, or Swim Team coaches and their minor children.
3. Swim Team is responsible for ensuring that Swim Team members and visiting teams abide by all facility rules and policies.
4. Except with the prior approval of the District, no Swim Team competitions may be held on weekends or on days that the pool is closed.
5. Swim Team shall be responsible for straightening chairs and disposing of trash in poolside trash receptacles.
6. During Swim Team practices, the swim team shall leave one lane open for use by non-swim team users. Should the lane reserved for non-swim team users be used by more than three swimmers, the Swim Team shall make another lane available for non-swim team users.
7. Swim Team roster must be provided to the District 30 days prior to practices beginning. Roster must include all coaching staff. Amendments to roster must be provided to District as soon as practical.
8. Proof of insurance must be provided to the District 30 days prior to practices beginning.
9. Swim Team contract with the District must be signed and provided to the District 30 days prior to practices beginning.
10. If the Swim Team wishes to bring in outside "vendors" such as Swim Zone or Planet Swim School, the dates and times must be approved by District staff, two weeks prior to such date.
11. Swim Team is responsible for ensuring that children ages 5 through 12 are accompanied by a parent, coach, or person (13) years old or over at all times.
12. Swim Team shall pay for the cost of any special services (e.g. increased life guard coverage or expanded Child Watch service), should the District allow or offer such services to the Swim Team.
13. Swim Team shall be responsible for automobile parking on swim meet days. Swim meets are expected to surpass the District's parking lot capacity, and the Swim Team shall have volunteers available to manage such overflow parking. Should the asphalt parking lot and

grassy overflow parking area to the south of the asphalt parking lot reach a completely full capacity, the preferred overflow parking area shall be the north bound lane of North Loop Parkway (e.g. – opposite side of street from Amenity Center entrance). Use of temporary “No Parking on this Side of Street” signs shall be permitted two (2) hours prior and one (1) hour after a scheduled swim meet. The Swim Team may also directly seek out permission of nearby vacant land owners for over-flow parking.