

**ERIE HIGHLANDS METROPOLITAN DISTRICT NOS. 1 AND 2**

**RULES AND REGULATIONS GOVERNING THE RECREATION AMENITIES**

Adopted: May 13, 2025

## PREAMBLE

The Board of Directors of the Erie Highlands Metropolitan District Nos. 1 and 2 (referred to collectively as the “**District**”) has adopted the following Rules and Regulations Governing the Erie Recreation Amenities (“**Rules and Regulations**”) pursuant to Section 32-1-1001(l)(m), C.R.S., to provide for the orderly and efficient conduct of construction, management, operation and control of the public facilities and services of the District. The District, pursuant to the provisions of the Service Plan approved by the Town of Erie on September 24<sup>th</sup>, 2013 (the “**Service Plan**”), has constructed certain recreation amenities to serve the community commonly known as Erie Highlands (the “**Community**”) including a pool, clubhouse, and an exercise room (collectively, the “**Recreation Amenities**”), as well as common area landscaped areas and parks.

Unless otherwise specified, all references to the “District” made herein shall refer to Erie Highlands Metropolitan District Nos. 1 and 2, as well as its respective Board of Directors.

## ARTICLE I

### ACCESS TO AND USE OF THE RECREATION AMENITIES

1.1 Persons within the District's Boundaries. All District Users shall be entitled to use the Recreation Amenities as permitted herein. District Users are: (1) Property Owners, who are persons who own, or whose spouse or civil union partner owns, taxable real property within the boundaries of the District; or (2) District Residents, who are persons whose permanent place of residence is within the boundaries of the District. All persons 18 or older claiming status as a District Resident or Property Owner shall present proof of such residency or property ownership to the District upon submission of the Information Form in order to receive an access card for use of the Recreation Amenities ("**Access Card**"). Acceptable proof of residency or property ownership shall include, but not be limited to, a valid Colorado driver's license or identification issued by the Colorado Department of Motor Vehicles with an address located within the District, a deed showing ownership of taxable real property within the District, a fully executed and current lease or current utility bill for a residential property within the District. The District shall accept or reject any such proof of residency or property ownership at its discretion. Use of the Recreation Amenities by District Users is subject to timely payment of all the District's fees, charges and taxes. In the event that such fees, charges and taxes are not timely paid, such District User shall not be issued an Access Card, and any privileges for use of the Recreation Amenities pursuant to a previously issued Access Card shall be suspended until payment is made.

1.2 Persons outside of the District's Boundaries. All persons who are not District Users, which includes persons not residing or owning taxable real property within the legal boundaries of the District ("**Non-District Users**"), shall be entitled to use the Recreation Amenities as permitted herein. All Non-District Users desiring access to the Recreation Amenities shall pay in full all applicable annual charges and fees, as determined by the District's Board of Directors, and subject to adjustment in its sole discretion, from time to time, prior to being allowed access to the Recreation Amenities for each year.

1.3 Use of the Recreation Amenities – Required Forms. Each District User and Non-District User (together, a "**User**") must complete an "Information Form" on an annual basis for access to the Recreation Amenities. Each User and their guests must complete the "Facilities and Activities Release and Waiver". The Facilities and Activities Release and Waiver must be signed by all Users age 18 and older, individually, and further completed by a parent or legal guardian on behalf of all individuals under the age of 18. Each User age 18 and older must also sign the "Acknowledgement of Rules and Regulations Form" and the Acknowledgement of Rules and Regulations Form must be completed by a parent or legal guardian on behalf of all individuals under the age of 18.

1.4 Access Cards. Upon completion of the Information Form, Facilities and Activities Release and Waiver, and the Acknowledgement of Rules and Regulations Form, and payment of any amounts owed, Users shall be issued an Access Card by the District. Each household will be issued two Access Cards at no charge. The Access Card shall be utilized by all Users for access to the pool, exercise room and clubhouse during permitted times. All Access Cards issued by the District are the sole property of the District and may not legally be assigned, sold, loaned or otherwise transferred without the prior written authorization of the District. Any transfer without the District's approval

shall be immediately and completely void for all purposes and the District shall retain the right to suspend or revoke any User's privileges to the Recreation Amenities for such violation. If, at any time, a District Resident or Property Owner moves outside of the District's boundaries or ceases to own property therein, he or she shall promptly notify the District. Any such person may continue to use the Recreation Amenities as a Non-District User subject to the payment of any amounts owed.

1.5 Age Restrictions. For safety reasons, age restrictions have been established for various areas of the Recreation Amenities.

1.6 Guests. Each User shall be allowed up to four guests per day at no additional charge for use of the Recreation Amenities. The maximum number of guests per household is twelve guests per day. All guests must be accompanied by the User at all times during their use of the Recreation Amenities. All Users shall be responsible for their guests' actions, and shall be jointly and severally liable with such guest for any damages caused by such guest to the Recreation Amenities and/or any violations of these Rules and Regulations and/or any injuries caused by such guest whether negligent, accidental or intentional.

1.7 Clean Up after Use. Users are expected to clean up the Recreational Amenities area at the end of each use, including properly disposing of all trash and returning any furniture to the original locations.

1.8 Hours of Operation. The Recreation Amenities shall have the following hours and dates of operation:

Pool: Generally open from Memorial Day to Labor Day as follows:

<b><u>General Operating Hours</u></b>	
Monday through Friday	10:00 a.m. – 8:00 p.m.
Saturday and Sunday	10:00 a.m. – 8:00 p.m.
<b><u>Lap Swimming</u></b>	
Monday, Tuesday, Thursday and Friday	6:00 a.m. – 10:00 a.m.
Saturday and Sunday	6:00 a.m. – 10:00 a.m.

Exercise Room: Generally open year-round as follows:

<b><u>General Operating Hours</u></b>	
Monday through Sunday	5:00 a.m. – 9:00 p.m.

Clubhouse: Generally open year-round as follows:

<b><u>General Operating Hours</u></b>	
Monday through Sunday	10:00 a.m. – 9:00 p.m.

The Hours of Operation for the Recreation Amenities is subject to seasonal adjustments, rental reservations, and changes deemed necessary and appropriate by the Board of Directors in its discretion. Users may contact the District or check the District's website to obtain up to date information relating to the hours of operation for any of the Recreation Amenities. Additionally, the District reserves the right to close any of the Recreation Amenities due to weather conditions, preparation for major events, temporary staffing problems or other reasons. Any such required closing will not result in any adjustments to User fees.

## ARTICLE II

### SWIMMING POOL

- 2.1      Pool Rules. Supplemental Pool Rules are attached as **Exhibit A.**
- 2.2      Pool Attendant/Lifeguards. The District may hire a pool attendant or lifeguards to regulate and enforce these rules for the pool.
- 2.3      Pool Toys and Flotation Devices. The only play balls allowed in the pool shall be Nerf-type balls and inflatable plastic beach balls. Tennis ball, golf balls, footballs, basketballs, etc. are not allowed. Squirt guns, diving toys and individual use flotation devices (for example, water wings or pool noodles) are allowed. Large flotation devices are not permitted.
- 2.4      Attire. Proper and appropriate attire shall be worn by all Users and their guests when utilizing the swimming pool facilities. Swim diapers must be worn in the pool at all times by anyone that does not have complete bodily function control.

## ARTICLE III

### THE CLUBHOUSE

3.1 Clubhouse Rules. Supplemental Clubhouse Rules are attached as **Exhibit B**.

3.2 Use of Clubhouse. The Clubhouse is available to Users and their guests and are open on a first-come, first-served basis unless their has been reserved by a User.

3.3 Clubhouse Reservations: The indoor portion of the Clubhouse can be reserved by Users for four or eight hours. Users must contact the District to make a reservation at least five days in advance of the desired reservation date. Reservations are finalized upon receipt of payment during booking. Users are subject to the conditions of the Rental Agreement.

3.4 Cleaning: Users are expected to clean up behind themselves including properly disposing of any trash and returning furniture to its original location.

## ARTICLE IV

### EXERCISE ROOM

C. 4.1 Exercise Room Rules. Supplemental Exercise Room Rules are attached as **Exhibit**

4.2 Attire. Proper attire must be worn at all times. No cutoffs, sandals, flip flops or open-toe shoes are allowed in the Exercise Room. Shirts must be worn at all times. Closed-toed athletic shoes must be worn at all times.

4.3 Use of Equipment. The use of all equipment and all risks, including the inherent risks from exercising, are at the Users' own risk. The exercise room is not monitored. Users are advised to see their doctors prior to beginning any sort of exercise or exercise program. No towels will be provided for users. After using the equipment, each User must wipe down the equipment with the cleaning products supplied for said purpose.



## ARTICLE V

### LANDSCAPED COMMON AREAS

5.1 Park and Picnic Areas. The open green areas (“**Common Areas**”) are intended for general play, recreational use, and picnics. Users shall report all broken or damaged equipment to the District, as well as any other items, such as broken glass, which could be hazardous or harmful to persons utilizing these areas. No motorized bikes or vehicles are allowed in the park areas or on the bike or trail paths.

5.2 Use of Common Areas. The Common Areas are available to Users and their guests and are open on a first-come, first-served basis.

5.3 Gazebo: The District has two gazebos that are available to Users and their guests and are open on a first-come, first-served basis, unless a User reserves a Gazebo by contacting the District at least five days in advance of the desired reservation date and paying the associated fees. Any reservation is not final until the required fees are paid.

5.4 Event Lawn and Patio Rules: The Event Lawn and Patio Rules are attached hereto as **Exhibit D**.

## ARTICLE VI

### MISCELLANEOUS

6.1 Lost Articles. The District is not responsible for any lost or stolen articles or for accidents on the premises. All personal articles should be locked or secured as appropriate to avoid loss to the owner. The District may create a collection spot for all lost articles. All lost articles which are not claimed shall be donated to a non-profit collection agency as determined at the District's sole discretion.

6.2 Limitation Of Liability of District. Use of the Recreation Amenities is at the sole risk of any User. Except as provided by the Colorado Governmental Immunity Act, Section 24- 10-101 et seq., C.R.S., the District shall not be responsible for any claims for damage by reason of any action or inaction of the District or its agents or representatives in connection with any of the Recreation Amenities.

6.3 Equipment. All recreational items and equipment located on or around the Recreation Amenities are the property of the District and shall not be taken from the District's property. Any violations shall result in criminal prosecution by the District.

6.4 Smoking and Drugs. Smoking of any kind, including, but not limited to tobacco, marijuana, and use of electronic smoking devices, and use of illegal drugs is not allowed and shall not be permitted on or around the Recreation Amenities.

6.5 Weapons. With the exception of squirt guns, no weapons of any kind shall be allowed on or around the Recreation Amenities, including but not limited to knives and guns.

6.6 Food and Drink. Food and drink are permitted in the Recreation Amenities, except for the exercise room. Only water or sports drinks in plastic containers with lids may be used in the exercise room.

6.7 Glass. No glass containers of any sort are permitted at any time in the pool, parks, common areas, exercise room or any of the other Recreation Amenities.

6.8 Pets. Pets are not allowed in the pool area or in the exercise room except those necessary to help a person with a disability. Pets are allowed in the common area park and picnic areas. All pets must be accompanied and must be on a leash. All Users are responsible for cleaning up after their pet.

6.9 Commercial Uses of the Pool and Recreational Facilities. No commercial activities are permitted at or on any of the Recreational Amenities.

## ARTICLE VII

### ENFORCEMENT

7.1 Disorderly or Offensive Conduct. The District and its authorized representatives may request any User and/or guest to cease conduct that is:

- a. In violation of any of these Rules and Regulations.
- b. Interferes with, or is abusive, toward any of the District's representatives in the normal operation of the facility.
- c. Interferes with any User or guest's use or enjoyment of the facilities, or is abusive to any such person.

7.2 Remedies Available for Disorderly or Offensive Conduct. In the event that the offending party fails to cease such conduct after being requested and warned to do so, the attendant, lifeguard, or the District or its representative, is authorized to use any and all reasonable means deemed necessary to stop such conduct. This includes, but is not limited to, having the offender removed from the Recreation Amenities and barred from further use of the Recreation Amenities.

7.3 Violation of Rules and Regulations. If anyone is found abusing the equipment, furniture, or disobeying these Rules and Regulations, disciplinary measures will be administered by the District as follows without the necessity of any action of the District's Board of Directors:

First offense: Verbal warning.

Second offense: Restricted from the Recreation Amenities for up to one (1) month

Third offense: Restricted from the Recreation Amenities for at least one (1) year.  
Users must apply for reinstatement. The District's Board of Directors shall determine whether the reapplication is approved.

The District's Board of Directors shall be notified of all disciplinary measures by the District and shall, in its discretion, have the ability to impose other disciplinary measures it deems appropriate at any point in time, which may include revocation of Recreation Amenities privileges for a User and/or User's family members or guests. Any violations and disciplinary measures taken will be recorded in writing and kept on file by the District. All violations may be reported to local law enforcement authorities as deemed necessary by the attendant, lifeguard, or the District or its representative.

7.4 Restitution for Violation. If any User or guest commits an act or omission that constitutes a violation of these Rules and Regulations, and the violation causes the District to incur expenses, the User who commits the violation, or who is responsible for the person or guest who commits the violation, shall be liable to the District for all such expenses and shall repay the same to the District upon request. Such expenses may include, but shall not be limited to, reasonable attorneys' fees incurred as a result of the violation, as well as reasonable costs and/or attorneys' fees incurred in obtaining and collecting a judgment against a User who commits a violation or is

responsible for a guest who commits a violation.

7.5      Forfeiture of Fees: If any User or guest commits an act or omission that constitutes a violation of these Rules and Regulations, the User who commits the violation, or who is responsible for the guest who commits the violation, will forfeit any associated fees paid to the District, which will not be reimbursed under any circumstances.

7.6      Video Camera Surveillance. Disclosure. Any video cameras in any of the Recreation Amenities or outside any of the Recreation Amenities are for surveillance use only and not provided for security of any User or their guests. Copies of any video surveillance is for the use of the District only.

## **EXHIBIT A**

## POOL RULES AND REGULATIONS

1. Residents must have their Access Card to enter the pool area.
2. Do not prop open the front door - it needs to remain closed to ensure only individuals authorized to use the pool are doing so.
3. Do not allow others to use your Access Card to enter the pool.
4. No running.
5. No glass containers.
6. No diving.
7. No hanging on lane lines, depth dividers, or pool ladders.
8. No spitting and throwing of water.
9. No alcohol is permitted anywhere in the pool area.
10. No reserving furniture on the pool deck.
11. The lifeguard to swimmers in the pool ratio is 1:25 and will be strictly enforced by the lifeguards.
12. No flips, back jumps, chicken fighting, rough housing or other dangerous actions.
13. Obey the lifeguards at all times. Otherwise, pool privileges could be revoked.
14. No pushing or dunking.
15. Children under the age of 5 must be directly supervised, within arm's reach at all times, by a responsible parent or guardian.
16. No user under the age of 12 shall use the pool unless accompanied by a parent, legal guardian, or other adult of the age of 18; or a minor aged 16 or older, as authorized on the Minor Release Form.
17. It is recommended for children 6 to 9 years old that a parent/guardian actively observe children unless children are not capable of swimming ("**Non-swimmers**").
18. Non-swimmers should stay in shallow water with a parent/guardian who is in the water within arm's reach. It is recommended that non-swimmers use a Coast Guard-approved life jacket.
19. Only individual use flotation devices (for example, water wings or pool noodles) are allowed. Large flotation devices are not permitted.
20. No chairs or other furniture is allowed in the pool.
21. The District is not responsible for loss or damage to personal pool toys or any other personal items.
22. Foul, abusive or excessively loud language will not be permitted.
23. Bicycles, skateboards, scooters, etc. are not permitted in the pool area. Roller blades and wheelies must be removed before entering the pool area.

24. No gum is permitted in the pool area.
25. No person having an infectious or communicable disease or open wound is permitted in the swimming pool.
26. All audio programming must be listened to using personal audio listening devices. Portable speakers of any type at any volume are not permitted.
27. Only authorized personnel are permitted in the filter rooms, chemical storage rooms, and staff office.
28. The pool may be closed by the District at any time due to inclement weather, biological contamination, chemical balancing, or general maintenance cleaning and repairs.
29. The pool, spa, and surrounding area will be closed during electrical storms or when rain makes it difficult to see any part of the pool clearly.
30. The pool will be closed at the first sound of thunder or lightning and will remain closed for thirty minutes after the last sighting.
31. The daily temperature must be 55 degrees or higher for the pool to be open and guarded by lifeguards.
32. Violation of pool rules could result in the offender being asked to leave the pool area for the rest of the day. Pool privileges may be suspended for up to 48 hours by the lifeguards or District representatives and for longer periods by the District manager or Board of Directors, for infractions of pool rules and/or regulations.
33. Residents shall be responsible for damage to District property caused by their family and/or guests.

#### SLIDE RULES

1. Only one person on the slide at a time.
2. After going down the slide, swim away from the area.
3. Do not swim under the slide.
4. Do not hang on the slide.
5. Floating toys, rafts, rings, tubes and boards are not allowed on the slide.
6. Children 48 inches and under will have to pass a YMCA certified swim test in order to use the slide.

## **EXHIBIT B**



## **EXERCISE ROOM RULES AND REGULATIONS**

1. Replace equipment after use.
2. All beverages must be contained in non-breakable bottles.
3. Children under 9 may not use any of the exercise room equipment due to safety concerns. Children 10 through 14 must be directly supervised by a guardian or parent 16 years or older.
4. If a user is waiting, cardiovascular equipment utilization is limited to 30 minutes.
5. If a user is waiting for the weight equipment, individuals should allow others to “work in” between sets.
6. Wipe down equipment with disinfectant spray or gym wipes after use.
7. Personal music devices are permitted if used with headphones and played at a reasonable volume that does not disturb others.
8. No loud or obnoxious behavior will be permitted.
9. Courteous and respectful behavior should be shown toward others working out.
10. Any equipment malfunction should be reported to the District.

## **EXHIBIT C**

## CLUBHOUSE RULES AND REGULATIONS

1. All guests must be accompanied by a resident or property owner at all times.
2. Users are responsible for cleaning up after themselves.
3. Profanity, fighting or disruptive behavior is not permitted.
4. Use of Alcohol:
  - a. Alcohol is only permitted in the Clubhouse for a private, invitation only, reserved events subject to the Rental Agreement.
  - b. The use of alcoholic beverages may only occur in strict compliance with applicable local, state, and/or federal rules, regulations and laws.
  - c. No sale, charge, or advertisement of alcohol is permitted.
  - d. No alcoholic beverages will be consumed, used, and/or served to any person who is under 21 years of age or to any intoxicated person.
  - e. No alcoholic beverages will be consumed, used, and/or served outside the Clubhouse.
  - f. It is acknowledged that the District does **not** hold or maintain a liquor license. The Rental Party shall be solely responsible for compliance with the liquor laws of the State of Colorado.
  - g. The Rental Party shall indemnify and hold harmless the District for any claims, actions, or suits brought by third parties against the District or for any damages caused, directly or indirectly, as a result of Rental Party's failure to comply with the local, state, and/or federal rules, regulations, laws and provisions of this Agreement.

## **EXHIBIT D**

**EVENT LAWN, PATIO, PICNIC AREA, OUTDOOR AREA  
RULES AND REGULATIONS**

1. The event lawn and patio areas are available for use by Users and their guests on a first-come, first-served basis.
2. The patio grill(s) may be utilized by Users and their guests on a first-come, first-served basis.
3. Children 9 years and younger must be directly supervised by a guardian or parent 16 years or older.
4. Users are responsible for cleaning the patio grill after use.
5. Any use of the fire pit must be directly supervised by an adult over the age of 18 years old.
6. Bikes, rollerblades, skateboards and equipment with wheels are prohibited.
7. Profanity, fighting or disruptive behavior is prohibited.
8. Users must clean up after themselves and dispose of trash in the appropriate receptacles.
9. Removal of District furniture such as tables, grills, etc. from the picnic area is prohibited.