

**RESOLUTION 2017-12**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF K-BAR RANCH COMMUNITY DEVELOPMENT DISTRICT ADOPTING RECREATION FACILITY RULES AND REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the K-Bar Ranch Community Development District (the “**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated in Hillsborough County, Florida; and

**WHEREAS**, the District’s recreational facilities (the “**Recreation Facilities**”) have been constructed in accordance with the District’s purpose and improvement plan; and

**WHEREAS**, Chapters 190 and 120, Florida Statutes, authorize the District to adopt rules, regulations, rates, charges and fees to govern the administration of the District and defray costs of operation and to adopt resolutions as may be necessary for the conduct of District business; and

**WHEREAS**, after providing notice pursuant to Florida law, and after holding a public hearing thereon, the Board finds that it is in the best interests of the District to adopt Recreation Facilities Rules and Regulations for the Recreation Facilities, attached hereto as **Exhibit A** and incorporated herein by this reference (the “**Recreation Policies**”), for immediate use and application; and

**WHEREAS**, the Board finds that the imposition of user fees and related charges in accordance with Exhibit A for utilization of the Recreation Facilities and services is necessary in order to provide for the expenses associated with the operation and maintenance of the Recreation Facilities and is in the best interest of the District; and

**WHEREAS**, the Board further finds that it is in the best interests of the District to adopt the policies governing suspension and termination of privileges of the Recreation Facilities contained in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF K-BAR RANCH COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The above stated recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2.** The attached Recreation Facilities Rules and Regulations are hereby adopted pursuant to this resolution as necessary for the efficient use and operation of the District’s Recreation Facilities. These Recreation Policies shall stay in full force and effect until such time as the Board of Supervisors may amend these Recreation Policies. The Board of Supervisors reserves the right to approve such amendments by motion.

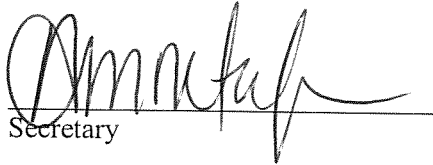
**SECTION 3.** If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

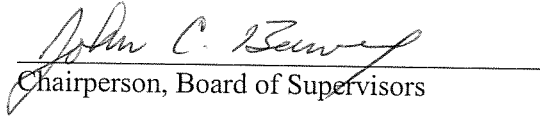
**SECTION 4.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 20th day of September, 2017.

ATTEST:

**K-BAR RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

  
Secretary

  
Chairperson, Board of Supervisors

**Exhibit A:** Recreation Facilities Rules and Regulations

**K-BAR RANCH CDD  
RECREATION FACILITIES  
RULES AND REGULATIONS**

**General Rules:**

The following are the initial rules for usage of the Recreation Facilities:

1. Members, Allowed Renters, and their House Guests, as well as Non-Owner Users (collectively "Recreational Users"), are to adhere to all promulgated rules.

Non-Owner Users Fee is outlined in Attachment "A"

Definitions of Recreational Users is outlined in Attachment "B"

A violation of any of these Rules by a Recreational User will result in the following at the discretion of the District staff/agents:

- Verbal warning.
- Immediate removal of any Recreational User by District staff/agents that does not adhere to the verbal warning. The name, address and phone number of the Recreational User will be taken. If a House Guest is the violator, both the House Guest and Member's/Allowed Renter's contact information will be garnered.
- After removal, a written notice suspending privileges for a minimum of 90 days will be issued by the District Manager to the offender via certified mail. If there are damages to person or property caused by the offender, payment for the damages incurred must be remitted to the District before privileges are reinstated. The owner of the property/residence located within the District is ultimately responsible for all damages incurred, including, but not limited to damages caused by the owner's House Guest, Allowed Renter, Allowed Renter's House Guest, or any of their respective families. If a Recreational User is suspended, then all family members residing in the household are suspended from usage of the Recreation Facilities. Damages include costs for service call, and (if warranted) emergency service calls, parts and labor, as well as the District's administrative costs, as applicable.
- If an individual is asked to leave and refuses, if an individual refuses to provide identification when asked, or if an individual tries to use the Recreation Facilities while

privileges are suspended, then such person is trespassing and the appropriate authorities will be contacted.

- A written suspension or revocation can be appealed to the District Board of Supervisors at a regularly scheduled District meeting after submittal of a written request to the District Manager at least ten (10) calendar days prior to such meeting. If anyone chooses to appeal any decision of the Board, such person should ensure that a verbatim record of the proceedings is made.
  - Notwithstanding anything to the contrary contained herein, the District Board of Supervisors (either by itself or through an authorized agent) may immediately, at any time, restrict, suspend, or remove any Recreational User when such action is necessary to protect the health, safety and welfare of the District, District property, or other individuals.
2. Each Member, Allowed Renter, and Non-Owner User (including by definition all individuals in the household) must have a District issued "**Access Card**" with them at all times while using the Recreation Facilities. One (1) Access Card for each property address will be issued by the District at no charge. There will be a \$50.00 charge per Access Card for any replacements, as well as one (1) additional Access Card per property address. A maximum of two Access Cards may be active for each property address. Lost or stolen Access Cards are to be reported immediately to the District.

Access Cards will only be issued to Members and/or Allowed Renters upon the presentation of sufficient proof of residency in the District. For Members, proof of residency will require presentation to the District of Owner's photo identification, together with a copy of the deed and/or a utility bill for the property. For Allowed Renters, proof of residency will require presentation to the District of Allowed Renter's photo identification and a copy of the signed and dated lease agreement and/or utility bill for the property leased within the District.

Upon selling of a home, the seller must turn over any Access Cards to the buyer at time of closing. If the Access Card(s) is not transferred at closing, the buyer may purchase replacement Access Card(s) from the District for a reduced amount of \$25.00. Any Access Card that was previously issued to that property address will be deleted from the access system.

3. No chewing tobacco is permitted at any of the Recreation Facilities. No gum chewing is permitted at any Recreation Facilities.

4. No alcohol shall be allowed at any Recreation Facilities without prior written approval of the District Board of Supervisors. Persons suspected of being under the influence of drugs or alcohol shall be prohibited from using the Recreation Facilities.
5. No animals or pets (except service animals as defined by applicable law) are allowed in or on any Recreation Facilities. All dog waste on District property must be picked up and properly disposed of. Pets must be leashed at all times when outside.
6. No bicycles, roller blades, skateboards, scooters, or hoverboards are permitted on the pool deck or cabana.
7. Out of consideration for others, music must be kept at a low level when using any Recreation Facilities.
8. No glass or breakable items are allowed at any Recreation Facilities. Trash must be deposited in proper receptacles.
9. Rules and regulations of the Department of Health and other related governmental agencies having jurisdiction will be considered a part of these Rules and Regulations and will govern in any conflict of such rules and these promulgated rules.
10. Rules may be revised by the District Board of Supervisors at a public meeting as necessary in their sole and absolute discretion.
11. All persons using any of the Recreation Facilities do so at their own risk. The District and its officers, agents and employees assume no responsibilities, direct or indirect, for any personal injury or loss, including damage to personal property for usage of any of the Recreation Facilities.
12. For safety and liability reasons, all children under the age of twelve (12) must be accompanied and supervised by an adult at all times while using the Recreation Facilities, excluding the pool and pool area (see Rules Specific to Usage of District Pool and Related Facilities).
13. Except for preapproved activities, any loitering or parking on District property outside of posted hours is strictly prohibited. During allowed hours, vehicles shall be parked in designated areas only. Vehicles shall not park in any manner which has the effect of disrupting traffic. Bicycles shall be placed in bike racks in designated areas.
14. No fireworks of any kind are allowed on District property. The use of firearms or other projectiles is strictly prohibited, except as permitted by Florida Law.

15. There is no lifeguard on duty and users of the pool facilities do so at their own risk. It is recommended that swimmers not use the pool alone, but always have one other swimmer accompany them.
16. Grills, picnic tables, and benches at the Recreational Facilities are first-come, first-served and must be cleaned by the resident after each use, including coals removed and properly disposed of, and grates scrubbed and cleaned.

**Rules Specific to Usage of District Pool and Pool Related Facilities:**

1. Pool hours will be from one half hour after sunrise to one half hour before sunset or as otherwise modified due to special events or unforeseen circumstances. There will be no night swimming as defined by Florida Administrative Code 64E-9.008(8).
2. There is no Life Guard on duty. All persons using the pool do so at their own risk.
3. For safety and liability reasons, as with all Recreation Facilities, no children of a Recreational User under the age of sixteen (16) are permitted without adult supervision in the pool or pool area.
4. All persons using the pool must abide by the loading limits established by law for the maximum number of swimmers in the pool at one time.
5. Appropriate swimming attire (no cutoffs or thongs) must be worn at all times. No public nudity.
6. Infants, non-toilet trained children, and incontinent persons are required to wear swim diapers. Regular disposable diapers and cloth diapers are not permitted in the pool. Please use the bathroom facilities when changing diapers.
7. No food or beverages are allowed in the pool. No food or beverages of any kind, other than water, are allowed on the pool deck area. Food and coolers are allowed in the area where picnic tables are located under the roof area of the Cabana.
8. No running, diving, jumping, pushing, nuisance activity, or other horseplay is allowed in the pool or pool area. No swinging on the pool ladders, railings, fences or gates.
9. Life rings and shepherd's crooks are not to be used as toys. They are for life saving emergency use only.
10. No suds, bath beads, or bath oils are allowed in the pool.

11. No large floats, fins, or snorkels are allowed in the pool.
12. Radio controlled watercraft are not allowed in the pool area.
13. Pool furniture may not be removed from the pool deck area and shall not be placed inside the pool.
14. No one shall pollute the pool. Anyone who does so may be liable for any costs incurred in treating or correcting the problem. If contamination occurs, either because of pollution or a bio-hazard (e.g., blood), the pool will be closed for twenty-four (24) hours and the water will be shocked with chlorine to kill bacteria.
15. If lightning is sighted, regardless of location, the entire pool area will be closed for at least thirty (30) minutes and anyone using the pool shall leave for safety and liability reasons. If during that time no other lightning is seen, the pool will reopen. In the case of a thunderstorm (with thunder only) in the immediate area, the pool will be closed for at least fifteen (15) minutes. If no thunder is heard during that closed period, the pool will be reopened.
16. If at any time the rain is so heavy that the bottom of the pool cannot be seen, the pool will be closed.
17. The lift is for special needs users only and not for any other purpose.

**Rules Specific to Usage of Playground Facility:**

1. No one over the age of twelve (12) is allowed on the equipment. Adult supervision is required at all times.
2. No roughhousing.
3. Persons using the playground must clean up all food, beverages, and miscellaneous trash brought to the playground. Glass containers are prohibited. Place all trash in containers.
4. The use of profanity or disruptive behavior is absolutely prohibited.
5. Alcoholic beverages are not permitted.
6. Inflatable equipment, such as bounce houses, is not permitted at the parks without approval of the District/Agents.
7. Usage of the playground may be limited or suspended from time to time for sponsored events approved by the District.

8. The playground hours will be from one half hour after sunrise to one half hour before sunset or as otherwise modified due to special events or unforeseen circumstances.

**Rules Specific to Usage of District Basketball and Tennis Facility:**

1. The basketball and tennis facility hours will be from one half hour after sunrise to one half hour before sunset or as otherwise modified due to special events or unforeseen circumstances.
2. Proper etiquette shall be adhered to at all times. The use of profanity or disruptive behavior is prohibited.
3. Persons using the facility must supply their own equipment. Proper shoes and attire is required at all times when on the courts.
4. Courts may not be rented.
5. The facility is for the play of basketball and/or tennis only. All other uses including, but not limited to, the allowance of pets, roller blades, bikes, skates, skateboards, hoverboards, and scooters are strictly prohibited at the facility.
6. Permitted beverages are required to have a screw top or sealed lid when at the facility. Glass containers may not be used.
7. No chairs other than those provided by the District are permitted on the courts.
8. For safety and liability reasons, as with all Recreation Facilities, no children under the age of twelve (12) are allowed to utilize the facility without adult supervision.

**Rules Specific to Usage of District Lakes and Ponds:**

1. Swimming, wading, boating, any type of watercraft, to include remote controlled watercraft, and unauthorized motor vehicles are prohibited in all lakes/ponds and other bodies of water owned by the District.
2. No fishing is allowed in any pond, except for District sanctioned events.
3. Feeding of the wildlife is strictly prohibited. Violations will be reported to the appropriate local authorities.

**USE OF ALL RECREATION FACILITIES REQUIRES DUE CARE AND ALL INDIVIDUALS USING THE RECREATION FACILITIES USE THE FACILITIES**



**AT THEIR OWN RISK. THE COMMUNITY DEVELOPMENT DISTRICT AND ITS OFFICERS, EMPLOYEES AND AGENTS SPECIFICALLY DISCLAIM ALL LIABILITY FOR SUCH USE. IN CASE OF EMERGENCY, DIAL 911. ALL EMERGENCIES AND INJURIES ARE TO BE ALSO REPORTED TO THE DISTRICT MANAGEMENT AT 813-933-5571 AND DISTRICT CHAIRMAN.**

## Attachment "A"

### Fees for Use of the District's Recreation Facilities

1. User Fees for Owners of Property within the District: The District shall assess no user fees to owners of property within the District, as owners are required to pay special assessments for operation and maintenance expenses as an incident to ownership of property within the District.
2. User Fees for Non-Owners of Property: The District shall assess user fees to those individuals who do not own property within the District, and are not House Guests or Allowed Renters (as defined in Definitions), but wish to use the District's recreation facilities (collectively "Non-Owner User"). The user fees may be established each year in conjunction with the adoption by the District of its annual budget and shall apply to the following Fiscal Year.
3. User Fees for Non-Owners: The Non-Owner User Fees shall be \$100 monthly per person.
4. Access Card Fee for Non-Owners: An initial Access Card for the Non-Resident Members will be provided at the time of membership application. The rates, fees, and charges to be paid for all Non-Resident Members shall be \$50.00 for any replacement cards.
5. Fee Agreement: Non-Owner Users desiring to join shall enter into a non-assignable agreement with the District to pay the fees described herein. The Agreement shall require that all fees be paid upon execution of the Agreement.

## ATTACHMENT "B"

### Recreational Users

#### Definitions:

- a) Members – Owners of Property within the District, including all persons residing in the household, and paid-up Non-Owner Users as defined in Attachment A (Fees for Use of the District's Recreation Facilities). The definition of Member does not include Renters except as provided below.
- b) House Guests – A guest of a Member or Allowed Renter (as defined below) not residing in Member's or Allowed Renter's household. In order to use the Recreation Facilities (as defined below), any Member or Allowed Renter under eighteen (18) that wishes to bring a guest to the pool facilities must be accompanied and supervised by an individual at least eighteen (18) years old at all times. Each household of a Member or Allowed Renter (as defined below) may bring up to a total of four (4) House Guests to use the Recreation Facilities (as defined below).
- c) Recreation Facilities – District-owned pool, cabana, basketball courts, playground, and lakes/ponds.
- d) Renter – An individual and all persons residing full-time in such individual's household renting property within the District. A Renter renting property in compliance with applicable restrictions promulgated by K-Bar Ranch Master Association, as such restrictions may be amended from time to time, is entitled to the same privileges for usage of the Recreation Facilities as an owner of property within the District (hereinafter, "Allowed Renter"), unless the recreational use rights are reserved to the Owner in a lease. All other Renters are not allowed usage of the Recreation Facilities unless they purchase a membership as a Non-Owner User. If Allowed Renters are using the Recreation Facilities, no other individual associated with such property, including the owner(s) of the property being rented, is/are entitled to usage during such timeframe as the rental continues, unless such owner(s) purchase a Non Owner User membership.