

A. Introduction

The Foundation of Pelican Marsh, Inc. (the “Foundation”) through its Board of Directors (the “Board”) has the responsibility for the administration, operation, maintenance, management of certain common areas generally located at 1504 Pelican Marsh Blvd., which include, but are not limited to, a community center building, a tennis center building, tennis courts, bocce ball courts, a fitness center, meeting rooms, amenities and other appurtenances (sometimes hereinafter collectively referred to as the “Facilities”).

Consistent with the authority provided to the Board in the Articles of Incorporation for the Foundation, its Bylaws, Neighborhood Covenants, (sometimes hereinafter collectively referred to as the “Governing Documents”), and Section 720.305, Florida Statutes, the Board may, from time to time, adopt, amend and/or revoke written rules, regulations, policies, practices and guidelines relating to the administration, operation, and management of the Facilities (the “Rules”) regarding use of the Facilities by its Members, family members of Members, or a Member’s occupants, licensees, tenants, guests or invitees, and/or both (sometimes hereinafter collectively referred to as “Member(s)”).

Pursuant to Section 5.08 of the Bylaws the Board shall appoint a Manager (“GM”) as the chief administrative official of the Foundation who shall be responsible to the Board for the administration of all Foundation offices and affairs, as may be placed in his charge by the Board, including, but not limited to, oversight regarding the administration of the Rules. The GM, in his discretion, may, in his absence, appoint a nominee to assist in the execution of the GM’s responsibilities as referred to in these Rules.

Amendments and/or modifications of the Rules and/or a memorandum thereof shall be disseminated to Members either by electronic mail, regular mail, posted on the website of the Foundation or on the bulletin board maintained by the Foundation on the exterior of the community center building.

Violation of any of the Rules by a Member, and/or sanctions for violations, deemed to be improper or likely to endanger the welfare, safety, harmony and/or good reputation of the Foundation or its Members shall be determined in accordance with Section 2.06 of the Bylaws.

B. Rules Regarding the Use and Enjoyment of the Facilities applicable to all Members

1. The Facilities shall be open on the days and during the hours as may from time to time be established by the Board and/or the GM.
2. The Facilities may also be closed from time to time for scheduled maintenance, repairs, special events, and renovations as may from time to time be approved by the Board and/or the GM.
3. Commercial advertisements, other than those authorized by the GM, shall not be posted or circulated within or on the Facilities nor shall unauthorized solicitations of any kind be made on or within the Facilities, nor shall letter head stationery of the Foundation be used without prior authorization of the GM.

4. Members shall not abuse each other or any of the Facilities' employees, verbally or otherwise. Excessive noise and/or profanity are prohibited.
5. Smoking of any cigarette, cigar, pipe, and or electronic device is not permitted on and or within the Facilities
6. Firearms and/or all other weapons of any kind are not permitted on and/or within the Facilities except for firearms or other weapons carried by authorized law enforcement personnel.
7. Guest fees, other than tennis guest fees, shall be set by the Board with input from the GM.
8. All bicycles must be stored in the provided bike racks.
9. All persons using the Facilities at the community center building must show their Pelican Marsh ID card or pay a guest fee prior to use of the Facilities. There is no limit to the number of times a person may be a guest provided the appropriate guest fee is paid. A schedule of guest or other fees shall be posted within the community center building.
10. If there any questions regarding the Rules please call the GM at 239-594-7800.
11. No business solicitations, circulations or postings on or within the Facilities are allowed without the GM's prior approval.

C. Rules Applicable to the Use and Enjoyment of the Tennis Facilities

1. The rules of the United States Tennis Association apply at all times except when amended during special events that may use different themes of scoring systems. The basic rules of play and etiquette shall be available in the pro shop.
2. All players must register in the tennis center building, show their Pelican Marsh ID card or pay the guest fee prior to playing. If the tennis center is closed, all players must register in the community center building. There is no limit to the number of times a person can be a guest provided the appropriate guest fee is paid. Guest or other fees for use of the tennis facilities shall be set by the Board with input from the tennis director and the GM. A schedule of guest or other fees shall be posted in the pro shop.
3. All guests must pay the appropriate fees for the time in which they are playing (prime or non-prime), tennis lessons, ball machines or other tennis events. The booking Member shall be responsible for ensuring that these fees are paid. This includes team practice, regular fees, adult guests and house guests in season, October 1st through April 30th from 8:00 AM to 12:30 PM, court usage shall be limited to only one guest per Member.
4. Players should arrive at the tennis center at least ten (10) minutes early to allow them to start on time. Players must leave the court promptly when time of play is up. Arriving players must

not enter the court if play is in progress. They should wait until the point is over and notify the players on court that their time has begun. Once players are off the court, they may sign up for the next available court time.

5. Courts are assigned seven (7) days in advance through the court reservation process (weighted lottery system). Court reservations may be cancelled 24 hours in advance or by 3:00 PM the day before the reservation (Monday thru Friday). In the event of an emergency, notify the tennis center as soon as possible. When courts are reserved for league matches and the match is rescheduled, cancelled or relocated, the tennis center must be informed as soon as the changes are made. No Individual or group may reserve a court more than once daily during the prime-time hours of 8:30 AM to 12:30 PM; however, they may continue play if a court is available after first checking in at the tennis center. A complete court reservation policy is on file at the tennis center.
6. Court reservations are for one and one-half hours (beginning at 8:00 AM, 9:30 AM and 11:00 AM) except certain times designated by the tennis professional staff. Specific court assignments are given by the staff and are subject to change.
7. One person may book only one court.
8. If a player or players are 10 minutes late for a reservation and others are waiting, that court is forfeited. One player may not hold a court while waiting for the arrival of other players.
9. In the event of an open court time, play will be determined on a "First come/First serve" basis. If the office is closed and courts have been reserved, the reservation will be posted on the door. No posting means no prior reservations have been made.
10. Appropriate tennis attire is required at all times. Unacceptable attire includes tank tops on men, undershirts, cut offs, swim trunks, Bermuda shorts, walking shorts, blue jeans, and jams-style shorts. Only appropriate clay court tennis shoes are permitted on the courts. No running, basketball or street shoes will be permitted as they cause injury or damage to the court surface.
11. Only Pelican Marsh tennis professionals may provide on-court instruction. A Member may request permission from the director of tennis to provide non-compensated instruction for personal friends or family members.
12. In season scheduling of lessons will be restricted to one court from 8:00 AM until 12:00 PM. Members may book a lesson a week or more in advance. Nonresidents may only book within 72 hours.
13. Proper tennis etiquette should be observed at all times. Excessive noise, racquet throwing, and profanity are not permitted at any time.
14. All trash must be disposed of properly. Please leave the court, patio and surrounding areas neat and clean for everyone.

15. Children less than twelve years of age who are at the tennis center must be accompanied by an adult. Children must be supervised at all times. Children may not run around the tennis center unattended while the parents are playing.
16. The tennis staff reserves the right to ask children or adults being disruptive to leave the Facility.
17. All tennis activities shall be suspended immediately in the event of lightening. The tennis staff is authorized to implement emergency measures necessary for the safety of players including, but not limited to, adverse weather court playability or unsafe playing conditions.
18. Pelican Marsh league teams will have at least 70% Member players. Exceptions may be approved by the director of tennis. The director of tennis will oversee all team activities and approve all teams prior to league submission.
19. In season, league play starts at 12:30 PM or thereafter. The exception to this start time would be the governing rules of the league itself, I.E., CTA leagues must start by noon. The affected courts will only be available for recreational play until 12 PM on these days. Out of season league play may commence at 11:00 AM.
20. In order to increase playing opportunities for Members during the off season (May 1st-September 30th) reciprocal arrangements may be made with other communities. The director of tennis will post a list of communities that participate in our reciprocal arrangement.
21. Guest fees will be waived for all communities on the reciprocal list providing the following are adhered to:
 - 21.1 Each Member sponsor wishing to participate in the reciprocal arrangement is issued a membership card annually at a fee in effect at that time. The reciprocal program is subject to annual review by the Board with the input/recommendation by the Tennis Advisory Committee.
 - 21.2 A reciprocal arrangement does not give other communities court booking privileges.
 - 21.3 Sponsor Members must initiate the booking.
 - 21.4 Players from reciprocal facilities are invited (by the sponsor Member) to play with Members.
 - 21.5 Guest fees are waived providing the sponsor Member has a current reciprocal membership card, and presents same to the tennis director, or staff prior to play.
22. The sponsor Member must call the pro shop to:
 - 22.1 Book the court reservation.
 - 22.2 Contact the gate (access control system) to add the reciprocal guest in for gate access. Failure to notify the gate may result in your guest being denied access.

- 22.3 During the off-season members from clubs that have a reciprocal arrangement with Pelican Marsh may play an unlimited number of times without charge, at the sole discretion of the tennis director.
- 22.4 Guest fees are waived for the following special situations:
- 22.5 Sponsor members whose grand-children are under age 16 may book a court in non-prime time without paying a guest fee, and without a one guest/Member limitation. The sponsor Member must be present.
- 22.6 Participants in a special event authorized by the tennis director may have their guest fees waived at the discretion of the tennis director.
- 22.7 Sponsor Members with children under the age of 23:
- (a) Whose primary residence is with their parent(s) in Pelican Marsh, or
 - (b) Who are attending school or college need not pay guest fees because they are not considered "guests".
23. The director of tennis shall reserve any conflict or dispute arising from the interpretation of any of the Rules relating to use of the tennis facilities.
24. For events such as, but not exclusive to, round robin parties, men's night, women's night, theme parties and such, the fees should be collected in advance at the time the reservation is made. It is suggested that reservations be closed 48 hours prior to the event and a waiting list be established. Refunds require a 48-hour cancellation notice. Participants who cancel late may choose to find a sub and collect the fee from the sub. Some events have no refunds, those events will be posted.
25. In season the ball machine may not be reserved in advance during prime time (8:00 AM to 12:30 PM) and no bookings by a single player will be permitted unless a court is available the morning the player wishes to use it.
26. If there are any questions regarding any of the Rules relating to tennis, please contact the tennis center at 239-514-3200.

D. Rules Applicable to the Use of the Fitness Center

1. Wipe down equipment after each use.
2. Observe a 30-minute limit on all equipment when others are waiting.
3. Refrain from cell phone use within the fitness center.
4. Return equipment to designated areas after use.
5. Do not drop weights. If you can't set the weights down quietly, don't pick-up and ask for help.
6. Children under the age of 12 are not permitted.

7. Children ages 12 to 15 years of age must be accompanied by and under the direct supervision of a Member, guest, or other authorized person.
8. For safety purposes you must wear proper footwear. Opened toed shoes or flip-flops are not permitted.
9. Only certified personal trainers approved by the Director of Fitness may professionally train and/or provide services to Members, guests, or other authorized persons.

E. Rules Regarding the Use and Enjoyment of the Bocce Ball Courts

The rules of Southwest Florida Bocce League apply at all times except when amended during special events that may use different themes of scoring. Basic rules of etiquette and play shall be available at the community center.

1. All players must register at the front desk and show their Pelican Marsh ID card. All guests must show a driver's license or other means of identification and pay a guest fee prior to playing. Fees are set by the Foundation of Pelican Marsh and are on the web site under "Hours of Operation and Guest Fees". There is no limit to the number of times a person can be a guest provided the appropriate guest fee is paid.
2. Equipment will be available when courts are open. A person reserving a court shall be responsible for returning the equipment. Reserved periods are 90 minutes. After play the court must be relinquished to the next group of players.
3. Players should arrive at the community center 10 minutes early to allow them to start on time. Players must leave the court promptly when time of play is up. Arriving players must not enter the court if play is in progress. Once players are off the court, they may sign up for the next available court time.
4. Courts are assigned up to seven (7) days in advance. Courts must be cancelled 24 hours in advance or by 3:00 PM the day before the reservation. Court reservations are for one and one-half hours beginning at 8:30 AM. Players may not reserve consecutive court times on the same day. However, they may continue play if a court is available after first checking at the front desk of the community center. If a reserved court is not in use within 15 minutes after the signed-up time, that court will become available for other to use. Unless there is an open court time, play time will be limited to one court time per day per group.
5. Bocce activity such as tournaments, league play, or special events must be presented to and approved by the Bocce Committee Coordinator or by the Activities Director.
6. If the community center is closed and courts have been reserved, the reservations will be posted on the door. No posting means no prior reservations have been made.

7. Respectful and sportsmanlike conduct is expected of all Members at all times. Please refrain from loud or derogatory remarks when a player is preparing to roll his or her ball. If your team is not playing, please stay off the court and out of the way. Appropriate attire is required at all times. Shoes must have flat soles so as to not damage the court surface.
8. There is no lobbing of bocce balls (throwing above the waist) as this will damage the court. Please release the balls below the knees. Courts must be swept at the end of all court times.
9. Children under 12 years of age must be accompanied and supervised by an adult. The front desk reserves the right to ask children or adults being disruptive to leave the Facility. No food or beverages will be permitted on the actual bocce courts.
10. Copies of all the bocce rules shall be provided to all applicants with signed confirmation that they have read and understood all the terms prior to their signing the agreement.
11. All bocce activities shall be suspended immediately in the event of lighting. The community center staff is authorized to implement emergency measures necessary for the safety of players including, but not limited to, adverse weather, court playability, or unsafe playing conditions.
12. If there are any questions regarding these rule and regulations, please contact the Pelican Marsh Activities Director.

F. Rules Regarding Private Use of Suites A, B, and C

From time to time, private use of the Foundation community center will be allowed. However, usage of the community center will be limited to suites A, B, and/or C of the multiple use section, either in part or in total. Usage of the foregoing shall comply with the Rules, plus the following specific Private use Rules:

1. Private use functions and/or activities should be limited to a maximum of 50 persons per room.
2. Usage of the Facility by private individuals and/or organizations should not be in direct conflict with Foundation community sponsored events. A schedule of community sponsored events is available at the front desk. The Board and/or the GM shall have the final authority to determine the usage of the Facility whenever potential conflicts occur. Use of Facility for a private event where the majority (51%) of the participants is residents will not be charged a room rental fee; however, all other fees apply per schedule.
3. Private events, defined as social gatherings, will not be permitted to sell tickets, charge admission fees, promote business or gain customers by any means.

4. No private activities shall be allowed that necessitate the public advertising of the event to those outside Pelican Marsh. Attendance must be by private invitation only and all forms of invitation require pre-approval.
5. All deposits for damages and room rental fees shall require the use of a credit or debit card. Should any damage to the Facility and/or its contents occur, the cost of the repair or replacement will be the sole responsibility of the sponsor and should be paid promptly. No charge will be made to the credit card unless damage is done, or clean-up is needed. All charges for damages and/or clean-up will be made within five business days.
6. Suite rental charges will be \$100.00 per section (A, B or C) of suite required or \$300.00 for the entire multipurpose suite. A one-time set up fee will be applied to any event which will alter the arrangement of the tables and chairs, etc. A standard cleaning fee of \$35 may be added to suite rentals which involve food.
7. The reservation and use of bocce ball courts may be made at the community center front desk. Additional guest fees may apply. Please note that although a reservation for these courts may be made, exclusive or entire use of these Facilities will not be granted, in order to allow access to other residents.
8. Only residents will be permitted to make private use reservations and will be considered “sponsors”. The “sponsoring” resident must be in attendance.
9. Security personnel may be required as determined by the GM. When security personnel are required, they will be billed at the prevailing rates. Fees may be required to be paid up front.
10. Because of the limitations in the use of kitchen facilities, specific catering organizations, knowledgeable about the Facility, must be pre-approved by the GM. Please refer to section four in the Facility Use Agreement.
11. Any liquor brought onto the premises by the sponsor to be served by anyone other than themselves will require a “serving use license” and insurance coverage (One Million Dollar Liability Policy) as per Florida law to protect the Foundation and its Members. Should the caterer provide the liquor, they will have to submit proof of insurance and license 30 days prior to the event and follow all applicable laws and regulations. All insurance shall include the Foundation as an “additional named insured.”