

CAPITAL REGION COMMUNITY DEVELOPMENT DISTRICT
PARK FACILITY POLICIES

ADOPTED: SEPTEMBER 10, 2009

AMENDED: DECEMBER 8, 2011

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SECTION I. PARK FACILITY POLICIES

Goal. It is the intent of the Capital Region Community Development District (the “District”) to provide park facilities, which include, but are not necessarily limited to, District owned parks, common-areas, green-spaces, conservation areas, ponds, lakes and any appurtenant structures (“Park Facilities”), that are open and available to the public. The Park Facilities are family oriented and designed to be multi-functional in serving a variety of users.

Policies.

A. Availability. The District’s Park Facilities are intended for recreational uses by the general public. It is the general policy of the District that use of the Park Facilities is on a first come first serve basis.

B. Hours of Operation. Unless specifically posted otherwise, the Park Facilities will be open from dawn until dusk. It is prohibited for any person to remain present in the Park Facilities after hours.

C. Acts of Third Persons. The District cannot be responsible for the conduct of third parties at or on the District’s Park Facilities. All persons use and enjoy the Park Facilities at their own risk.

D. Maintenance Policy. It is District policy to establish minimum maintenance standards for each Park Facility owned or maintained by the District as determined in the discretion of the District’s Board of Supervisors in consideration of factors deemed relevant by the Board, including, but not limited to, public usage, environmental considerations, and applicable permit, code, regulatory or easement requirements. As these factors will apply to District Park Facilities to varying degrees, it will not be uncommon to have higher levels of service for specific properties.

It is District policy that District Park Facilities should be maintained solely by the District or District approved personnel. No third parties, including property owners within the District, should undertake any maintenance activities within District Park Facilities, including, but not limited to, mowing grass, trimming shrubs or trees, and/or digging or disturbing soil.

E. Policies on Other Uses. All persons utilizing the Park Facilities are subject to the following policies with respect to their use thereof:

- Personal property of third parties should not be left unattended on, or within, District Park Facilities without the express approval and direction of the District Board of Supervisors.
- Application of fertilizers and pesticides or other chemical applications, except by District approved personnel.

- Dumping yard waste or garbage or otherwise littering is prohibited.
- Sleeping or reclining in a horizontal position on any park bench or table is prohibited.
- Sleeping or otherwise remaining in any bushes, shrubs or other foliage is prohibited.
- Sleeping at any time during any hours when the park is closed to the public use is prohibited.
- Building or erecting any tent, hut, shanty, or other shelter, or engaging in any form of construction or digging is prohibited.
- All pets must be on a leash or tether and under direct control at all times.
- All pet owners shall clean up all pet waste and dispose of such waste in the proper trash receptacles.
- Hunting is prohibited.
- No person shall fish in any District ponds, lakes or other bodies of water where prohibited. Any and all fishing shall be catch and release.
- Swimming and diving is prohibited.
- No person shall bring into or operate any boat, yacht, cruiser, canoe, raft or other watercraft (except toys), regardless of means of propulsion, where prohibited.
- All motorized watercraft (except toys) are prohibited. This prohibition is not intended to apply to authorized city, county or District maintenance personnel.
- Use of motorized vehicles, including golf carts, other than on designated roads and in parking areas, is prohibited. This prohibition is not intended to apply to authorized city, county or District maintenance personnel.
- Open flames are prohibited, except in designated areas and as allowed by the District in accordance with Section II herein.
- Plant removal is prohibited.
- Disturbing animal habitat is prohibited.
- Glass bottles, or glass containers of any kind, are prohibited.
- Activities or uses that unnecessarily place the general public at risk and/or detract from the family orientation of the Park Facilities, such as foul language, horseplay, and other disturbing or dangerous behavior, are strictly prohibited.
- Children under the age of thirteen (13) must be accompanied by an adult at all times.

- Signs erected or affixed on District Park Facilities, except signs erected by a public authority for public purposes or subdivision signs authorized by the applicable local government authority, are prohibited.
- Serving or distributing alcoholic beverages is prohibited, except as may be allowed by the District in accordance with Section II herein.
- Illegal drugs are prohibited.
- Weapons are prohibited.
- Special events or organized assemblies calculated or anticipated to attract at any one time the attendance or attention of more than ten (10) people are prohibited. This prohibition is not intended to apply to unorganized or spontaneous gatherings.

F. Conservation/Preservation Areas. Certain Park Facilities, including a large portion of Central Park, are subject to conservation easements held by the City of Tallahassee. The conservation easements are intended to protect and preserve land within the easement area in a natural condition and generally allow vegetation to follow a process of natural succession in accordance with an approved Habitat Management Plan on file with the City of Tallahassee's Growth Management Department. Because these areas are intended to remain in a protected natural state, they are only subject to limited passive recreational activities in accordance with the approved Habitat Management Plan and as approved by the City of Tallahassee. To the extent not already provided herein, the restrictions and prohibitions contained within these conservation easements are explicitly incorporated herein. Any individual or other entity that desires to carry on any activity that may violate the restrictions and prohibitions of any such conservation easement may only carry on such activity by initially seeking approval of the City of Tallahassee and then, only after receiving such approval, by seeking the approval of the District as provided in Section II., below.

SECTION II. PARK FACILITY SPECIAL USE APPLICATION.

Generally. Any individual, organization or group may obtain a special use application for an otherwise prohibited activity from the District's Property Manager at Governmental Management Services, LLC, 3196 Merchants Row, Suite 130, Tallahassee, Florida 32311, Tel: (850) 727-5310.

SECTION III. SUSPENSION AND TERMINATION OF PARK FACILITY PRIVILEGES.

A. Relating to the public health, safety and welfare and damage to District property. Notwithstanding anything contained herein, the District Property Manager and/or other District designee may at any time restrict or suspend any individual's or organization's privileges to use any or all of the Park Facilities when such action is considered necessary to protect the health, safety and welfare of the public or to protect District property from damage.

Such restriction or suspension shall be for a maximum period of thirty (30) consecutive days or until the date of the next Board of Supervisors meeting, whichever occurs first. Such infraction and suspension shall be documented by the District Property Manager and/or other District designee. The Board shall be notified to review this action at its next meeting.

B. Relating to District Park Facilities Polices. An individual's or organization's privileges to use any or all of the District's Park Facilities may be subject to various lengths of suspension or revocation for up to one (1) calendar year by the District's Board of Supervisors, and restitution for any property damage may be required, if the individual or organization:

- Fails to abide by District's policies, rules and/or regulations established and approved by the Board.
- Submits false information on a special use application.
- Treats the personnel or employees of the District in an unreasonable or abusive manner.
- Engages in conduct that is improper or likely to endanger public health, safety or welfare or the reputation of the District.
- Damages or destroys District property.

C. Appeal of Suspension or Revocation of Park Facility Use Privileges. Individuals or organizations whose privileges have been suspended or revoked may have the determination reviewed by the District's Board of Supervisors pursuant to the District's Rules of Procedure. Any request for a hearing by the District's Board of Supervisors shall act to hold any such suspension being appealed in abeyance

SECTION IV. RESERVATION OF RIGHTS; MISCELLANEOUS ENFORCEMENT.

The District reserves all rights to seek enforcement of the District Park Facility Policies and to protect and preserve the District's property and Park Facilities. Nothing herein shall be deemed to restrict such rights. If prohibited activities have occurred the District will contact the responsible party in writing regarding such prohibited activity. The District will undertake to correct such prohibited activity and seek compensation from the party for any damages and/or costs incurred. If the responsible party does not comply with the District's policies then staff will pursue available remedies to ensure compliance with District policies and to protect and preserve the District's property and Park Facilities. Such remedies may include, but are not necessarily limited to, court action for trespass or an injunction.