

OPERATING RULES

OF THE MT. LOOKOUT SWIM CLUB, INC.

The operating rules are designed to give the highest degree of safety, cleanliness, and convenience to the greatest number of members of Mt. Lookout Swim Club, Inc. aka the Mt. Lookout Swim & Tennis Club (the "Club"). Please remember to send a letter to the Trustees if you have a suggestion that would add to the membership's overall enjoyment of the Club. The Board of Trustees sincerely requests the cooperation of all members and guests in adhering to the following rules, as violations of these rules can result in suspension or expulsion from the Club. SwimSafe (or any successor management agent of the Club), as club manager, and its employees (collectively referred to as the "Club Manager"), have complete authority to enforce all rules established by the Board of Trustees, and it is the duty of the Club Manager to strictly enforce these rules at all times. If there are any complaints regarding the Club Manager in carrying out its duties under these rules, please report them to the Board of Trustees. All regulations of the Ohio Department of Health and the City of Cincinnati apply to the management and operation of the Club. All members are bound by these rules and regulations.

NON-DISCRIMINATION IN THE WORKPLACE & BY CONTRACTORS ZERO TOLERANCE PROGRAM

The Club has adopted the following policy to promote diversity and prohibit discrimination or harassment in the workplace or involving Club operations, its members and families by its employees and independent contractors on the basis of race, color, religion, sex, national origin, age, disability, or status as a disabled veteran or veteran of the Vietnam era. Further, this policy prohibits sexual harassment in any form, including unwelcome sexual advances and offensive verbal or physical conduct of a sexual nature that creates a hostile, offensive, or intimidating working environment. Adherence to this policy is a high priority for the Club and we want to express our commitment to the principles of non-discrimination in the workplace and Club operations. We have therefore adopted a "Zero Tolerance Program." The key elements of this program are:

- The Club Manager and each of its employees and contractors must take personal responsibility for knowledge of the policies and be accountable for any violation.
- Each manager or contractor will be accountable for compliance by the employees in the departments within his or her control.
- There will be zero tolerance for violations of the policies.
- Strong disciplinary action, up to and including immediate dismissal, will occur when violations are found.

We have asked that the Club Manager and all contractors oversee our efforts to enforce this program and to ensure proper observance of these policies, including disciplinary action when necessary be taken to achieve the goal of a workplace and Club free from discrimination. You are encouraged to report all offensive conduct to the Club Manager or to any member of the Board of Trustees of the Club. All complaints of discrimination and harassment will be promptly and thoroughly investigated. These policies are important to all of us. Not only is adherence to these policies required by the law, it is the right thing to do. All Club Manager employees, contractors, members, their families, and guests are entitled to equal opportunity and an environment free from discrimination and harassment.

Section I. GENERAL

1. If you ever have a question about the Club rules, ask a lifeguard or other employee of the Club Manager.
2. While operating automobiles, etc., on the Club property, members are cautioned to be on the lookout for children and guests walking in the driveway and parking lots; at no time shall any vehicle be driven at a speed greater than 5 M.P.H. Parking of automobiles shall be permitted in the parking lot and designated spaces only, during operating hours. Vehicles parked on Club property after operating hours will be locked behind the gate and may not be removed until the after the start of normal operating hours the following day. Parking is not permitted in the areas of the parking lot designated for emergency/fire/police/ambulance parking, or such areas that may be reserved or blocked by orange cones from time to time. For safety and operational reasons, please do not move any cones, and/or park in such designated areas.
3. No glass containers, bottles, etc., are allowed anywhere in the Club, including the pool deck, grass, tennis courts, and parking lot.
4. All members and their children must check in each day when entering the Club grounds. Upon request by the Club Manager, all members and their children must present satisfactory identification.
5. All guests must register upon entering the fenced Club grounds. (See rules for guests in Section V. below).
6. No pets, other than pre-approved service animals, shall be permitted on the Club grounds at any time.

7. All persons using the Club facilities do so at their own risk. The Club will not be responsible for any accidents or injuries to persons or property in connection with such use. The Club will not be responsible for loss or damage to any personal property. The cost of any property damage by a member or guest will be charged to the responsible member.

8. The roped lap lane in the swimming pool is reserved for lap swimmers at all times; lap swimmers are defined as swimmers who are swimming continuously from one side of the pool to the other.

9. The moveable steps in the pool are for persons needing extra assistance in entering or exiting the pool. There is no playing allowed on the moveable steps at any time.

10. Bicycles, scooters, and all other non-motorized, wheeled vehicles (including wheeled shoes or "heelies") shall be parked only in designated areas. No such non-motorized, wheeled vehicles are allowed inside the Club's fenced grounds, including the tennis courts. Violation of this rule will result in a restriction of pool privileges for the applicable member, child, or guest.

11. The Club Manager may, when deemed appropriate, restrict the Club privileges of any member, child, or guest for such period of time as he or she deems advisable.

12. A suggestion box is available at the front desk. Suggestions need not be signed.

13. No member shall reprimand any employee of the Club Manager or dispute any of their actions. Complaints regarding Club services and infractions of Club rules should be directed to the Club Manager's senior supervisor. All other complaints should be signed and submitted in writing to the Board of Trustees.

Section II. POOL HOURS

1. The Club shall generally be open from 11:00 a.m. to 9:00 p.m., Monday through Friday from Memorial Day weekend until Labor Day. On Saturday and Sunday, the hours shall be from 10:00 a.m. until 9:00 p.m. Check mailing or bulletin board for changes or updates. The Club Manager will begin the process of clearing the Club 10 minutes before closing time.

2. Monday thru Friday the pool may be reserved for the swim and dive team and swim lessons authorized by the Board of Trustees from 9:00 a.m. to 11:45 a.m., unless changes are specifically authorized by the Board of Trustees. Swim lessons are from 9:00 a.m. to 11:00 a.m. and from 6:00 p.m. to 7:00 p.m.

3. The Club may be closed when necessary—and without notice to members—for maintenance operations, inclement weather, and other emergencies. The Club Manager will endeavor to promptly post notice of extraordinary closures on the Club's website and Facebook page.

4. Members and guests must leave the Club at closing time. Any member or guest who violates this rule may have their Club privileges restricted for a period of time deemed advisable by the Board of Trustees.

Section III. HEALTH AND SAFETY RULES

1. All injuries encountered within the confines of the Club must be reported immediately to the Club Manager. When possible, first aid will be offered by Club Manager's staff.

2. Parents must closely supervise young children at all times, including during swim lessons, swim team, and other pool activities and while playing on the playset.

3. Safety of children in the baby pool/splash pad area is the responsibility of their parents or guardians.

4. *All children who cannot swim must have an adult parent or guardian within arm's reach at all times.* This rule applies even if a child is wearing a safety or lifejacket.

5. No child wearing a cloth or paper diaper is permitted in the pool. Any child not toilet trained must wear a swim diaper in both the baby pool/splash pad area and main pool.

6. Do not dive in areas marked "NO DIVING."

7. Please do not engage in breath-holding games like "who can hold their breath the longest" and "who can swim the longest distance underwater." These games can be very dangerous; studies have shown that these games may cause cardiac arrhythmia or seizures.

8. No one who is sick may swim. Admissions to the pool will be denied to persons suffering obvious diseases and/or injuries to the skin, eyes, ears or respiratory tract unless exempted by an appropriate medical certificate, and approved by the Club Manager.

9. No toys or equipment (including water guns) except those that are reasonable sized and specifically designed for swimming purposes will be permitted within the fenced pool grounds. Air mattresses, inner tubes, and other floatation devices—other than safety or lifejackets—are not permitted in either the main pool or the baby pool/splash pad area.

10. At no time shall there be any pushing, wrestling, or other actions which cause undue disturbances in or about the pool area. When playing ball, only soft, foam, or sponge balls may be used—tennis balls are specifically prohibited. At no time shall there be any games such as water polo, sharks and minnows, etc., unless specifically authorized and conducted by the attending lifeguard.

11. All non-recyclable trash shall be placed in trash receptacles. Recyclable trash should be placed in recycling containers.

12. The Club is a non-smoking facility; smoking, vaping, and the use of smokeless tobacco is prohibited anywhere on the grounds.

13. Diving Board Rules:

- (a) Only members or guests who can swim without assistance may use the diving boards;
- (b) Under no circumstances may someone “catch” or assist a non-swimmer going off a diving board;
- (c) Only one person shall be allowed on the diving board, including the ladder, at one time;
- (d) Swimming through the diving area is prohibited except to clear the area following a dive, or when a lifeguard has closed the diving area and announced that swimming is permitted;
- (e) Diving off the sides of the diving boards and hanging off the diving boards is prohibited; and
- (f) Only one bounce is permitted on the diving boards.

14. Common Sense Rules:

- (a) Spitting and nose-blowing in the pool are prohibited;
- (b) Please change diapers in a bathroom and not at poolside;
- (c) Please take your children on bathroom breaks often;
- (d) Please don’t swim when you have diarrhea—this is especially important for children in diapers;
- (e) Please don’t swallow the pool water;
- (f) Please do not enter the pool if your body is dirty from either work or sports activities; please shower off first;
- (g) Please supervise any minors for which you are responsible;
- (h) All members must conduct themselves in a courteous manner; this includes being respectful of other members, “Club Managers,” staff, and other guests; and
- (i) Videos and photographs are prohibited in restrooms.

15. Bullying Will Not Be Permitted

- (a) Bullying of any person, including, but not limited to members, guests, lifeguards, “Club Managers,” or staff, will not be tolerated.
- (b) Bullying is the intentional effort to harm one or more individuals. Bullying may be direct or indirect and is not limited to behaviors that cause physical harm. Bullying may be verbal (including oral and written language) or non-verbal.
- (c) The Club Manager and Board of Trustees may, when deemed appropriate, restrict privileges

of any member, child, or guest for such period of time as they deem advisable, when it has been deemed that bullying has occurred.

16. Drink Rules:

- (a) NO DRINKS/DRINKING WHILE IN THE SWIMMING POOL AT ANY TIME. This means all drinks of any kind, in any container, cup, koozie, etc., are not allowed while in the swimming pool at any time. Please understand that this rule is required for insurance/liability purposes, and to ensure a sanitary, safe, and family-friendly pool for all Members.
- (b) NO GLASS/GLASS BOTTLES ON THE POOL GROUNDS AT ANY TIME. No glass/glass bottles are allowed inside the Club at any time. If you have glass/glass bottles, here are some suggestions: (i) leave your cooler in your car, and go out and get drinks when needed (by pouring into plastic cups/containers); and/or, (ii) obtain plastic cups/containers, and transfer the beverage from the glass bottle into the plastic cups/containers prior to entering the Club gates.
- (c) ALCOHOLIC DRINKS (BEER, WINE, MIXED DRINKS, ETC.) MUST BE IN KOOZIES, PLASTIC CUPS AND/OR PERMITTED (I.E., NON-GLASS) BEVERAGE CONTAINERS. All alcoholic drinks (beer, wine, mixed drinks, etc.) must be in koozies, plastic cups, and/or permitted (i.e., non-glass) containers.

Section IV. CHILDREN

1. Parents must closely supervise young children. At all times, children under twelve (12) years of age are not permitted on the Club grounds unless they are under the direct care and supervision of a parent, a sibling who is sixteen (16) years of age or older, or a baby-sitter (as defined in rule IV.6); any such care-giver will be held responsible for the conduct of children under their supervision.

2. This privilege shall be granted at the sole discretion of the Club Manager and may be revoked at any time without notice. Under no circumstances will anyone under the age of twelve (12) be permitted to use the Club unsupervised, as noted in Rule IV.1 (above).

3. No on-duty lifeguard or club employee, under any circumstances, shall perform the duties of a baby-sitter.

4. After 5:00 p.m., all children under sixteen (16) years of age, or who will not be juniors in high school in the fall following the swimming season, must be accompanied by an adult member who is at least twenty-one (21) years of age.

5. Rules concerning the BABY POOL/SPLASH PAD AREA:

- (a) A PARENT/GUARDIAN IS REQUIRED TO BE WITH CHILD(REN) OF ANY AGE AT ALL TIMES WHILE CHILD(REN) UNDER THEIR SUPERVISION ARE IN THE BABY POOL/SPLASH PAD. A Parent/Guardian MUST accompany, AND remain with, your child(ren) inside the enclosed Baby Pool/Splash Pad area at all times while such child(ren) is in the Baby Pool/Splash Pad area. No lifeguards are on duty in this area; you are solely responsible for watching, monitoring and protecting your child(ren). Please watch your children, and, if there are younger children/babies in the Baby Pool/Splash Pad area, please be courteous to, and mindful of, their presence in the area.
- (b) DO NOT THROW ITEMS INTO THE BLUE WATER BUCKETS (i.e., the blue buckets that fill up and dump water). Please do not throw goggles, balls, toys, etc. into the blue water buckets.
- (c) NO POOL CHAIRS IN THE BABY POOL/SPLASH PAD; HOWEVER, PARENTS/GUARDIANS ARE PERMITTED TO PLACE THE SMALL CHAIRS IN THE DESIGNATED AREA (I.E., THE BEIGE-COLORED AREA) OF THE BABY POOL/SPLASH PAD. There are two (2) kinds of chairs in the Baby Pool/Splash Pad Area: (1) Pool Chairs, which have four legs and arm rests; and, (2) Small Chairs, which are lower to the ground than the Pool Chairs, and do not have arm rests. With respect to:
 - Pool Chairs: Do not put Pool Chairs in the Baby Pool/Splash Pad.
 - Small Chairs: The Small Chairs are permitted, for Parent/Guardian use only, in the entry area/portion of the Baby Pool/Splash Pad (NOTE: the entry area/portion of the Baby Pool/Splash Pad is the beige-colored area of the entry to the Baby Pool/Splash Pad area). The Small Chairs are not permitted beyond such area and/or in the water (NOTE: the area where the Small Chairs are not

permitted is the white-colored area of the Baby Pool/Splash Pad).

6. Rules concerning BABYSITTERS:

- (a) All full-time babysitters must be approved by the Club and registered before being sent to the pool with children. Members must email the Club to request such approval, which may be granted or denied at the Club's discretion.
- (b) Under no conditions shall any babysitter be permitted who is under sixteen (16) years old.
- (c) Members are not permitted to bring a babysitter to the pool with them to assist with child care without prior written approval from the Club or adhering to the applicable guest rules.
- (d) Babysitters are only permitted to bring member children to the pool.

7. All persons under sixteen (16) years of age will be required to leave the pool for a fifteen (15) minute rest period each hour. Adult swimmers only will be permitted in the pool during the rest period.

Section V. GUESTS & PARTIES

1. No person may be a guest of the Club more than twice in any one calendar month, regardless of how many members may extend an invitation to that non-member. Provided, however, that a visit to the Club as an invitee to an approved party in accordance with this Section shall not count as a "guest visit" for purposes of this subsection 1. If this rule creates a hardship for your family, please contact the Board of Trustees to discuss potential special arrangements on a case by case basis.

2. Guests must adhere to the Club rules. Members are responsible for making sure their guests know the rules and shall be responsible for the conduct of their guests.

3. No Family, Single, Empty Nester, or Senior Membership shall be entitled to more than ten (10) guests on any one day, without prior permission of the Club Manager (Except, see rules for parties below in Rule V.8.).

4. The above guest rules shall not apply to bona-fide *house guests*, which shall be defined as persons whose permanent residence is outside the Greater Cincinnati area. House guest privileges for guests must be obtained in advance from the Club by emailing the Club and requesting such privileges, which may be granted or denied at the Club's discretion. If this rule creates a hardship for your family or you have a situation that falls outside the parameters of these rules, please contact the Board of Trustees to discuss potential special arrangements on a case by case basis.

5. All guests—including house guests—must be accompanied at all times by the sponsoring Member or a member of the sponsoring family who is twelve (12) years of age or older. Prior to entry/admission, all Guests must be checked in as "Guests" at the Front Desk and entered into the system by the Front Desk Attendant, with the Member present at the Front Desk at the time the Guest enters/checks in to the Club. A Member may alert the Front Desk that he/she is expecting a Guest prior to the arrival of such Guest; however, no Guest will be allowed in until such Member greets the Guest at the Front Desk and "signs" them in with the Front Desk Attendant. Further, if the Member leaves the Club, the Guest(s) must also leave with such Member. Any member who fails to register a guest or supplies false information as to such guest will be subject to a suspension of Club privileges, at the discretion of the Board of Trustees.

6. The Club Manager or the Board of Trustees shall have the right to refuse admission of guests to the Club at any time, without notice. If the Board of Trustees deems it advisable, it may exclude all guests except house guests on Saturday, Sunday, and Holidays.

7. Guest fees:

- (a) The daily guest rate is Five Dollars (\$5.00) every day. This rate applies to both adults and children. All guest fees shall be on a charge basis. They will be charged to the holders of Family, Empty Nester, Single, or Senior Memberships.
- (b) The rate for house guest privileges shall be Ten Dollars (\$10.00) per house guest per two-week period (or part thereof) regardless of the number of days such privileges is actually used. The term "house guest" refers to individuals, not families; therefore, this fee will be assessed per person.
- (c) No persons may obtain house guest privileges for longer than a two (2) week period without written consent of the Board of Trustees. No person may be a house guest of more than one (1) member or member family in any year without the written consent of the Board of Trustees. Each house guest must have a permanent residence outside of the

Greater Cincinnati Area, as determined by the Club Manager in its discretion.

8. Members wishing to have a “party” (defined as **more than 10 guests attending the same function on a single day**) must register in advance with the Club Manager and have their party or group approved by the Club Manager a minimum of 1 week before the desired date. The sponsoring member shall pay a party fee of \$50.00, not including guest fees, and sign a waiver of liability. If more than 20 guests are invited, the sponsoring member is responsible for clean up and must pay for an additional lifeguard to be added to staff during the time of the party. The sponsoring member must provide an adult chaperone for every 10 children under the age of 18. In addition, parties are subject to the following restrictions:

- No parties are permitted on the first or last weekends of the season, or on any holiday weekend during the season.
- Parties shall be restricted to designated areas at the Club (i) on the upper deck, (ii) under the pavilion or (iii) within the Baby Pool/Splash Pad area, as directed by the Club Manager.
- Each party must be hosted by a single member or family, not by a group of members or families. The list of all members and guests must be submitted to the Club Manager prior to the party. A single payment covering applicable party fees and guest fees, along with the liability waiver, must be delivered to the Club Manager by the sponsoring member/family on the date of the party.
- Any party involving over 30 guests must be approved in advance by the Board of Trustees. The approval of the Board of Trustees will be based on numerous factors, including the proposed date, time, age of guests, and past party behavior of proposed members and guests.
- Parties are subject to the Club schedule and availability of the facilities. The Club Manager has the right to expel guests at any time for undesirable or unruly behavior, overcrowding, or other conditions that substantially diminish the experience of other members of the Club during the party.

Any attempts to circumvent, as determined by the Board of Trustees in its discretion, the requirements and restrictions in this Rule V.8 may result in loss or suspension of membership by the offending member/family.

9. Guest fees shall be billed from time to time by the Club, as the fees accrue.

Section VI. ANNUAL DUES

See Article IX of the Code of Regulations for a description of each of the following membership categories.

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| (a) Family Membership | \$775.00 |
| (b) Empty Nester | \$675.00 |
| (c) Single Membership | \$400.00 |
| (d) Senior Membership | \$375.00 |
| (e) Inactive Members* | \$75.00 |

*Inactive Members have no privileges; please see the Club’s website (<http://www.mtlookoutswimclub.com/>) for more information about becoming an Inactive Member, etc.

1. All bills will be sent via email and payment is required online via credit card; provided that the Club will send hardcopy bills to Senior Members and Inactive Members only, which hardcopy bills may be paid by check mailed to the Club. If dues or written notification of selling are not received on or before March 15, there will be a penalty levied against the member in the amount of \$50.00. If not received by April 1, there will be a penalty levied against the member in the amount of \$100.00. **If no payment has been made or the Board of Trustees has not otherwise been contacted by a non-paying member by April 10, the membership will be automatically sold.**

2. **Any member in arrears of dues or other fees on accounts payable after Memorial Day shall not have use of the Club facilities. The Board of Trustees shall notify all members in arrears of dues or other fees through monthly bills until all accounts are paid current.**

Section VII. MEMBERSHIP

1. In the event of a dispute between family members regarding ownership of a Family Membership or proceeds from the sale of a Family Membership, the Board of Trustees will decide who is entitled to (a) control of the Family Membership or (b) receive the proceeds from the sale of a family membership. All decisions made by the Board concerning ownership of a family membership are final and all members agree to abide by the decision of the Board on such matters.

The above rules shall be in full force and effect at all times.

If necessary, these rules may be changed without notice by the Board of Trustees of the Mt. Lookout Swim Club, Inc.

The Board of Trustees of the Mt. Lookout Swim Club, Inc. has the authority to develop rules and regulations for extraordinary situations that may arise. Any rules or regulations developed in an extraordinary situation will be sent to members via email and will have the same effect as if they were included in the Operating Rules, Tennis Rules, or Code of Regulations.

MT. LOOKOUT SWIM CLUB, INC.

TENNIS AND PICKLEBALL RULES

These rules, in combination with common sense and courtesy, are intended to govern play for both tennis and pickleball so that the courts may provide maximum enjoyment for the greatest number of our members. Each member is urged to follow and not abuse these rules even though many will be enforced only by our own "honor system". Since the effective operation of our facility will depend on everyone following the rules, we ask all members to let the Tennis Committee know if anyone consistently abuses them.

ETIQUETTE – Proper etiquette should be observed at all times. Those participating in tennis or pickleball must conduct themselves in a courteous manner at all times; this includes being respectful of other members, "Club Managers," staff, and guests.

DRESS – Proper attire should be worn on the courts at all times. This specifically requires shirts. Also tennis shoes or gym shoes must be worn, as street shoes will damage the playing surface.

PRIORITIES: For the purposes of these rules, senior members are defined as those 16 and over, while junior members are those 10-15. Senior members have priority on all courts after 5:00 p.m. on weekdays, and at all times on weekends and holidays. Junior members have equal access to all courts except for the above senior priorities, and equal access to any OPEN courts (i.e., where no one is playing or signed up) no matter what the time. Once a junior player begins proper play on an open court, he or she may complete his one hour period of play even if a senior member arrives during that time. Also, junior members ARE permitted to use the courts during the senior member's priority hours provided they are playing with a senior member or THEIR family.

AGE RESTRAINTS – Children under ten are not permitted to use the courts unless accompanied by a senior member of their family. Further, children under ten are not permitted to use the courts during the senior member's priority evening and weekend hours unless courts are completely open. Also, even if a child and senior member begin to play on an open court during the priority hours, they are asked to relinquish the court to other senior members as they arrive.

TOURNAMENTS – We will have a schedule of singles, doubles, and mixed doubles events during the summer months. Details on these events will be posted at the courts.

PLAYING TIME/RESERVATIONS – Play time is restricted to one hour for doubles and singles. All courts must be reserved through the tennis reservation system, www.mlsctennis.com. There is also a link from www.mtlookoutswimclub.com. This site will be used all year long for reserving courts. Those players making reservations have priority over those that did not and all classes, lessons, and matches organized by the Club or the tennis Pro will have first priority. All starting times are on the half hour. If players are late but arrive within 15 minutes of the appointed time, they may claim their appointed court. However, the late group would only get the REMAINING BALANCE of their one hour playing segment, thus giving up the amount of time they were late. If the group is late beyond 15 minutes, they must not ask players to relinquish their court. They may play, however, if a free court is available.

No member of a singles or doubles game may sign up for a second court until they have finished playing out their first time. The only way that a group may continue playing beyond its one hour segment is if no other names are on the site for that court and no one is waiting for another court.

LESSONS – A head tennis Pro will be hired for the purpose of organizing adult/junior tennis programs and to supervise all activities and events at tennis courts. Tennis instructors who are not teaching staff of the Club may not use the courts for instructional purposes. Junior clinics will be taught in the morning hours and adult clinics in the evening hours Monday through Thursday. Private tennis lessons may be scheduled in the afternoon hours Monday through Friday or on the weekends. There will be a non-refundable enrollment fee. All lessons and clinics sign ups must be on the new website.

GUESTS – Guests are permitted on the courts as long as they are accompanied by a member on a one-to-one ratio (i.e., one member and one guest or two members and two guests). The charge for guests during the season will be \$5.00 per time, and tennis guests will have pool privileges. The guest is only permitted twice per month, regardless of which member sponsors his or her appearance. Provided, however, that the guest rules in this paragraph shall not apply to "house guests". Use of tennis facilities by house guests shall be permitted on the same terms and conditions as use of the pool facilities.

BILLING – All billing for clinics (both children and adult) will be sent after the pool season along with your guest fees. Our tennis pro will no longer accept payment or signups. Signups must be done via the website, www.mlsctennis.com.

OFF SEASON PLAY – The courts are open all year long and a key can be purchased by the Tennis board member for \$15, due each year, for access. The new website for reservations needs to be used even in the off season.

**Code of Regulations
of
Mt. Lookout Swim Club Inc.
(As Amended effective January 1, 2021)**

**ARTICLE I
NAME**

The name of this corporation shall be Mt. Lookout Swim Club Inc. (the "Corporation"). The Corporation is a non-profit corporation organized under the laws of the State of Ohio.

**ARTICLE II
PURPOSE**

The purposes for which said Corporation is formed are organizing and maintaining a swimming and tennis club (the "Club") for the promotion of the physical and social welfare among its members; planning, designing, and maintaining a swimming pool and tennis facilities for the sole use of its members and their guests; acquiring by purchase, lease, or otherwise, erecting, maintaining, holding, and owning any and all land, buildings, and personal property appropriate to the accomplishment of the foregoing purposes; and doing all things necessary or incident thereto; and to conduct, carry on, and engage in any business or enterprise in which any natural person can engage in except as prohibited by law.

**ARTICLE III
MEETINGS OF MEMBERS**

SECTION 1—ANNUAL MEETING:

The annual meeting of the members of the Corporation shall be held during the month of October, November, or December of each year in conjunction with the annual meeting of the Corporation's Board of Trustees (the "Trustees") unless the Trustees shall agree otherwise, and at such times and place as the Trustees shall determine.

SECTION 2—SPECIAL MEETINGS:

Special meetings of the members of Corporation may be called by the President, the Vice President, a majority of the Trustees, or upon written request of ten percent (10%) of the members in good standing submitted to the Secretary.

SECTION 3—NOTICE OF MEETINGS:

Notice of such annual and special meetings shall be given to each member by duly mailing the same to his address no fewer than ten (10) days prior to the date of any such meeting: mailing of said notice to last known address or email address of members shall constitute sufficient notice under this section.

**ARTICLE IV
QUORUM**

At all meetings, those members present shall constitute a quorum for the transaction of business. But no action which is required by law or by these regulations to be authorized by the specified proportion of members may be authorized or taken by a lesser proportion.

**ARTICLE V
VOTING**

SECTION 1—PROXIES:

A member may, through written proxy, authorize another to vote for him at any special member's meeting, but the person so authorized must himself be a member, and such proxy must be filed with the Secretary before the person authorized thereby can vote thereunder.

SECTION 2—VOTES:

There shall be two votes for each Family and Charter Family Membership and one vote for each Single, Empty Nester, and Senior Membership. Inactive Members shall not have voting privileges. This vote may be by voice, ballot, roll call, or mail at the discretion of the President or presiding officer. A roll call vote can be demanded and obtained at the request of fifteen (15) members.

**ARTICLE VI
OFFICERS OF MEETINGS
AND ORDER OF BUSINESS**

SECTION 1—OFFICERS OF MEETINGS:

The President of this Club shall preside at all meetings of the members, and in his/her absence or disability, the Vice President or next highest ranking Trustee present shall preside. A Chairperson may be elected and shall preside at any special meeting called by the members if the President or Vice President fails or refuses to preside.

SECTION 2—ORDER OF BUSINESS:

- A. Call to order
- B. Presentation of proxies
- C. Roll call and announcement of voting members present at the meeting
- D. Reading of minutes of previous meeting and action thereon
- E. Report of Trustees, officers, and committees
- F. Financial report or statement
- G. Unfinished business
- H. Election of Trustees
- I. New Business

This order may be changed by affirmative vote of the majority of members present.

**ARTICLE VII
BOARD OF TRUSTEES**

SECTION 1—POWERS:

The corporate powers, property, and affairs of the Corporation, subject to the limitations contained in the Ohio Revised Code, and this Code of Regulations, shall be exercised, conducted and controlled by the Trustees, except that the Trustees shall not sell, lease, mortgage, or otherwise dispose of, or encumber, any real estate or assets owned by the Corporation without consent of a majority of the outstanding membership entitled to vote.

SECTION 2—NUMBER AND QUALIFICATIONS OF TRUSTEES:

The Board of Trustees shall consist of nine persons, all of whom shall be members of the Club, and said Trustees shall be elected at the annual meeting or other meeting of members called to elect Trustees. The Board of Trustees may act if the number of Trustees is fewer than nine; provided that at any time as there are fewer than nine Trustees, the Trustees shall endeavor to promptly fill any vacant Trustee positions on the Board.

The election of Trustees may be made by ballot, voice vote, or any other legal method.

SECTION 3—TERM OF OFFICE:

Each Trustee holds office for three (3) years until their successors are elected and qualified; provided that the Board composition shall be structured so that one-third of the Trustee terms shall end each year. Any vacancy occurring for any reason whatsoever may be filled for the unexpired term thereof by a substitute Trustee elected with a majority vote of the remaining Trustees.

SECTION 4—MEETINGS:

The first meeting of the new Trustees shall be held within thirty (30) days after each annual meeting of members. The Trustees shall elect a President, a Vice President, a Secretary and a Treasurer, together with such other officers as they, in their discretion, may deem necessary, at the annual meeting.

Meetings of Trustees may be called by any officer, or by any three (3) Trustees. The Secretary shall give not less than two (2) business day's written or oral notice of meetings by Trustees, by any legal method, provided that any such notice may be waived by the entire Board of Trustees at any time. No notice of any Trustees' meeting, adjourned to another time and/or place, need be given if the time and place are fixed at the meeting adjourned.

A majority of Trustees shall constitute a quorum of the transaction of any business. The act of a majority of Trustees present at any meeting at which a quorum is present shall be the act of the Board of Trustees, except where larger or different number or proportion is required under law or under these regulations.

Meetings of Trustees may be held at such place or places as the President may, from time to time, determine. However, during the months of May through September, the Board of Trustees shall meet at least once a month. Notice of time and place of such meeting shall be posted on the Club's website.

SECTION 5—RULES:

The Trustees may adopt such rules governing the operation and use of the Club property and facilities and, from time to time, amend, change, or repeal the same or any part thereof, as the Trustees shall deem best, provided that no such rules shall be inconsistent with these regulations.

SECTION 6—DUES:

The Trustees of the Corporation shall, from time to time, establish the annual dues for each class of membership and due date for same.

SECTION 7—REMOVAL OF TRUSTEES:

Any one or more Trustees may be removed from office by a three-fourth (3/4) vote of members present in person or represented by proxy at any annual or special meeting of the members.

**ARTICLE VIII
OFFICERS**

SECTION 1—GENERAL:

The officers of the Corporation shall be a President, Vice President, a Secretary, and a Treasurer, each of whom shall be elected by the Trustees to serve for one (1) year. The President and Vice President shall be Trustees, but the Secretary and the Treasurer need not necessarily be Trustees. The Trustees may also elect or appoint one or more assistants and/or other officers or agents, who need not be Trustees, and may assign to them duties as the Trustees, in their discretion, may deem best. Any one person may hold more than one office. These officers shall serve without remuneration.

Any officer of the Club may be removed for a cause by a two-thirds (2/3) majority of the Trustees at a meeting duly called and held for such purpose.

SECTION 2—DUTIES OF OFFICERS:

The officers shall have all the powers and perform all the duties which are incident to their respective offices under the laws of the State of Ohio now or hereafter enacted, or which are assigned by the Trustees.

SECTION 3—SURETY BONDS:

Surety Bonds in such amounts and with such sureties as may be satisfactory to the Trustees may be required of the Treasurer, and may be required of any other officer, agent or employee of the Club, the cost thereof to be paid by the Club.

SECTION 4—COMMITTEES:

The Trustees may create and establish from time to time such committees as they may deem best, to carry out the administration and operation of the Corporation or Club, delegating to any such committee any powers of the Trustees. Members of such committees need not be Trustees. However, any such committees shall be subject at all times to the control and direction of the Trustees, and shall report all action to the Trustees, either in writing or orally.

SECTION 5—INDEMNIFICATION:

Each person who acts as a Trustee or officer of the Corporation shall be indemnified by the Corporation against expenses actually and necessarily incurred by him in connection with the defense of any claim, action, suit or proceeding in which he is made a party by reason of his being or having been a Trustee or officer of the Corporation, except in relation to matters as to which he shall be adjudged in any such action, suit, or proceeding as liable for gross negligence or willful misconduct in the performance of his/her duties.

The right of indemnification provided herein shall inure to each Trustee and officer referred to in the preceding paragraph, whether or not that person a Trustee or officer at the time such costs or expenses are imposed or incurred: in the event of his/her death the right shall extend to his/her successors and legal representatives.

**ARTICLE IX
MEMBERS**

SECTION 1—TYPES OF MEMBERSHIP:

The Membership of the Corporation shall be as follows:

A. CHARTER FAMILY MEMBERSHIP, consists of a Family Membership that was accepted or applied for before October 15, 1959. A "family" is defined as a married couple or single parent and their dependent children sharing primary residence in Cincinnati. Charter Families shall include, in addition to husband and/or wife, all unmarried dependent students and/or non-self-supporting dependents who are residing with the parents or parent.

B. FAMILY MEMBERSHIP, consists of those who have been accepted for Family Membership after October 15, 1959. A "family" is defined as a married couple, single parent, or domestic partners and their dependent children sharing primary residence in Cincinnati. "Family" does not include: non-dependent, adult children; non-dependent relatives; neighbors; or friends. "Family" does include: certificate holders; all members of the immediate family under 18 years of age; all unmarried, dependent students; non-self-supporting dependents who are residing with their parent(s) or guardian(s); and elderly parents who share a residence with their member children.

C. EMPTY NESTER MEMBERSHIP, is a married couple or domestic partners with no children eligible for inclusion in a Family Membership. The couple must have been active Family Members for no less than five continuous years, and become eligible for Empty Nester Membership at the start of the sixth continuous year of active Family Membership status. Empty Nester Memberships are subject to availability based on the limitations in Article IX, Section 3 below.

D. SINGLE MEMBERSHIP, is anyone who is unmarried, 18 years of age or over, and who is not a dependent sharing primary residence with a family holding a Family Membership. Single Memberships are subject to availability based on the limitations in Article IX, Section 3 below.

E. SENIOR MEMBERSHIP, being a husband and/or wife or the survivor, who have held either a Charter Family, or Family Membership for 20 continuous years or more and have no dependents. Senior Memberships are subject to availability based on the limitations in Article IX, Section 3 below.

F. SINGLE MEMBERS, who no longer meet the definition of Single Member as set forth above, shall be dropped as Single Members when they cease meeting such definition. A Single Member who becomes married or has dependent children may apply for Family Membership at any time and the date used for placement on the membership list will be the earlier of their Family Membership application date or Single Membership date. In the event that a person holding a Single Membership is accepted into Family Membership by the Trustees, the Membership Fee, otherwise required for such Family Membership, shall be credited with the amount of the Membership Fee paid when such person was accepted as a Single Member. A Charter Family, Family, and Senior Membership shall terminate on the death of owner of the Membership, and a Single or Empty Nester Membership shall terminate upon the death or upon the happening of an event which no longer qualifies such member under the definition of Membership.

SECTION 2—MEMBERSHIP INITIATION FEES:

The non-refundable Membership Initiation Fee shall be as follows:

Family	\$1,000.00
Single	\$500.00

Incoming members may pay the Membership Initiation Fee of \$1,000.00 over two years by paying \$550.00 year one, \$500 year two, plus tax.

The Membership Initiation Fee is nonrefundable. Any individuals or married couple converting from Family Membership status to Empty Nester, Single, or Senior Membership shall have their Membership Initiation Fees waived in connection with the conversion.

SECTION 3—LIMITATION ON MEMBERSHIP:

There shall be no more than 450 combined Charter Family and Family Memberships outstanding at one time, and no more than 100 combined Empty Nester, Single and Senior Memberships outstanding at one time.

SECTION 4—ACCEPTANCE FOR MEMBERSHIP:

No Membership shall become effective until affirmative approval by five (5) Trustees. The Trustees may appoint a Membership Committee to make recommendations to the Trustees on all applications for Membership.

SECTION 5—TERMINATION AND/OR SUSPENSION OF MEMBERSHIP:

Any Membership may be terminated and/or suspended by the vote of five (5) Trustees, for any of the following reasons:

- A. Violation of these regulations.
- B. Violation of the operating rules of the Club.
- C. Non-Payment or indebtedness to the Club.
- D. Any action or conduct of the Member or his family deemed by the Trustees to be prejudicial, detrimental, or harmful to the best interests of the Club.

However, before any such action by the Trustees, the Member shall be given at least ten days' written notice of the charges and the opportunity to appear before the Trustees and to be heard on such charges. During suspension, the Member and his family may be refused admittance to the Club property and use of all Club facilities. Upon termination for cause, the equity belonging to a Charter Family or Family Membership may also be terminated by five (5) Trustees, and thereafter not subject to sale or transfer under Section 7.

SECTION 6—TEMPORARY ABSENCE:

In the case of the temporary absence of any member, or for other good cause at the discretion of the Trustees, any Membership may be voluntarily suspended upon application to the Trustees, on such conditions and for such period as the Trustees may, from time to time, deem best.

SECTION 7—SALE OF MEMBERSHIP:

The Trustees shall act as agent for all sales of Memberships and shall sell such Memberships to the approved applicant at the head of the waiting list at the dues amounts established by the Trustees from time to time. For any member who joined the Club prior to January 1, 2002, \$365.00 of that member's dues will be returned to the members upon termination of Membership. Anyone joining the Club on or after January 1, 2002 will receive no return of dues when terminating his/her Membership.

Holders of a "Charter Family Membership" only shall have a one-time, right upon voluntary termination of Membership due to moving from the area, to transfer their Membership to the purchaser of their home only; provided said purchaser is acceptable as a member to the Trustees. Such new member, upon transfer of this Membership, shall pay the then-applicable Membership Initiation Fee and annual dues to the Corporation and the Charter Family Member shall receive a return of \$365.00 in dues from the Corporation. Such new members shall become regular Family Member, and there shall be no right (a) to further transfer the Membership or (b) to any return of the Membership Initiation Fee upon termination of such Membership.

SECTION 8—MEMBER:

When the word member or Membership is used in these regulations, it shall include any type of member or Membership (unless the context expressly implies otherwise), including Charter Family Member, Family Member, Empty Nester Member, Senior Member, and Single Member. The term Family Membership shall be defined to include Charter Family Membership (unless the context expressly implies otherwise). Notwithstanding the foregoing, any such member or Membership must be in good standing and not under suspension, termination, and is not delinquent in their dues, fees, or other obligations to the Corporation.

**ARTICLE X
DISSOLUTION**

SECTION 1:

This Corporation may be dissolved by an affirmative vote of two-thirds (2/3) of all members present and voting at a meeting called for the purpose.

SECTION 2:

In the event of dissolution of the Corporation in any manner or for any cause, all property, real and personal, owned by the Corporation shall be liquidated and the proceeds thereof, after payment of all debts and obligations of the Corporation, shall be distributed pro-rata among the members of the Corporation, each of such member's share, however, being subject to set-off of all debts, dues, and obligations owed to the Corporation by such members.

**ARTICLE XI
AMENDMENTS**

SECTION 1:

This code of regulations may be amended by a two-thirds (2/3) vote of the members present in person or represented by proxy at any special or annual meeting, provided that at least five (5) days notice of such amendment shall be given by mail to each member.