

**FISHHAWK COMMUNITY DEVELOPMENT DISTRICT IV**

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**AMENITIES POLICIES  
POND POLICIES  
NATURAL BUFFER AREA POLICIES**

**Adopted June 30, 2015**

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**FISHHAWK CDD IV  
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## DEFINITIONS

**“Amenity Facilities”** – shall mean the properties and areas owned by the District and intended for recreational use and shall include, but not specifically be limited to, Central Park, Pocket Parks, Playgrounds, Basketball Court, Lake Hutto, Lake Hutto Pavilion, together with their appurtenant facilities and areas.

**“Amenity Facilities Policies” or “Policies”** – shall mean all Amenity Facilities Policies of Fishhawk Community Development District IV, as amended from time to time.

**“Board of Supervisors” or “Board”** – shall mean the Fishhawk Community Development District IV’s Board of Supervisors.

**“District”** – shall mean the Fishhawk Community Development District IV.

**“District Manager”** – shall mean the professional management company with which the District has contracted to provide management services to the District.

**“Patron” or “Patrons”** – shall means all persons entering District property including, residents and non-residents of the District.

**“Adult”** – shall be considered any person eighteen (18) years of age or older.

**“Minor”** – shall be considered any person seventeen (17) years of age or younger.

## LOSS OR DESTRUCTION OF PROPERTY OR INSTANCES OF PERSONAL INJURY

Each Patron, as a condition of invitation to any real property of the District, shall assume sole responsibility for his or her property. The District and its contractors shall not be responsible for the loss or damage to any private property used or stored on the District’s property, whether in lockers or elsewhere.

No person shall remove from the area in which it is placed or from the Amenity Facilities’ premises any property belonging to the District or its contractors without proper authorization. Amenity Facilities Patrons shall be liable for any property damage and/or personal injury at the Amenity Facilities, or at any activity or function operated, organized, arranged or sponsored by the District or its contractors, caused by the Patron. The District reserves the right to pursue any and all legal and equitable measures necessary to remedy any losses due to property damage or personal injury.

Any Patron, who, in any manner, makes use of or accepts the use of any apparatus, appliance, facility, privilege or service whatsoever owned, leased or operated by the District or its contractors, or who engages in any contest, game, function, exercise, competition or other activity operated, organized, arranged or sponsored by the District,

either on or off the Amenity Facilities' premises, shall do so at his or her own risk, and shall hold the Amenity Facility, the District, the Board of Supervisors, District employees, District representatives, District contractors, District agents, harmless for any and all loss, cost, claim, injury damage or liability sustained or incurred by him or her, resulting there from and/or from any act of omission of the District, or their respective operators, Supervisors, employees, representatives, contractors, or agents.

Should any party bound by these Policies bring suit against the District, the Board of Supervisors or staff, agents or employees of the District, any Amenity Facility operator or its officers, employees, representatives, contractors or agents in connection with any event operated, organized, arranged or sponsored by the District or any other claim or matter in connection with any event operated, organized, arranged or sponsored by the District, and fail to obtain judgment therein against the District or the Amenity Facility operator, officers, employee, representative, contractor or agent, said party shall be liable to the District for all costs and expenses incurred by it in the defense of such suit (including court costs and attorney's fees through all appellate proceedings).

### **INDEMNIFICATION**

Each organization, group or individual using the Amenities Facilities agrees to indemnify and hold harmless the FishHawk Community Development District IV, ("District") and the amenity management firm, and the respective officers, agents and employees of each, from any and all liability, claims, actions, suits or demands by and person, corporation or other entity, for injuries, death, property damage of any nature, arising out of or in connection with, the use of the District lands, premises and / or facilities, including litigation or any appellate proceeding with respect thereto. Nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity granted pursuant to Section 768.28, Florida Statutes.

The District and its agent, employees and officers shall not be liable for, and the user releases all claims for injury or damage to or loss of personal property or to the person, sustained by the user or any person claiming through the user resulting from any fire, accident, occurrence, theft or condition in or upon the District's lands, premises and/or facilities.

### **SUSPENSION AND TERMINATION OF ADULT PRIVILEGES**

- 1) Privileges at the Amenity Facilities can be subject to suspension or termination by the Board of Supervisors if a Patron:
  - a) Submits false information.
  - b) Exhibits unsatisfactory behavior or appearance.
  - c) Fails to abide by the Policies established for the use of Amenity Facilities.
  - d) Treats the personnel or employees of the Amenity Facilities in an unreasonable or abusive manner. Examples include, but are not limited to the use of profanity, verbal and physical assault.
  - e) Engages in conduct that is improper or likely to endanger the welfare, safety or reputation of the Amenity Facilities or Staff.

- 2) Management may at any time restrict or suspend any Patron's privileges to use any or all the Amenity Facilities when such action is necessary to protect the health, safety and welfare of other Patrons, or to protect the District's Amenity Facilities from damage.
- 3) The District shall follow the process below in regards to Suspension or Termination of an Adult Patrons privileges:
  - a) First Offense - A First Offense Violation will result in written notice & explanation of the violation being given to Patron and a copy of such notice being filed in the Resident Services Office.
  - b) Second Offense – A Second Offense Violation will result in an Automatic suspension of all amenity privileges for thirty (30) days. Written notice & explanation will be given to Patron and a copy of such notice will be filed in the Resident Services Office.
  - c) Third Offense – A Third Offense Violation will result in a suspension of all amenity privileges until the next Board of Supervisors Meeting. At the Board meeting, a record of all previous offenses will be presented to the Board for recommendation of termination of Patron's privileges for one (1) calendar year (or some shorter amount of time at the Board's discretion). Written notice will be given to Patron as to the Board of Supervisors decision.
- 4) **IMMEDIATE SUSPENSION & REMOVAL:** The Board Chair, District Manager, and authorized Homeowners Association representative have the exclusive right, authority and discretion to suspend any Adult Patron for the use of profanity and failure to follow staff direction for a period of no less than seven (7) days. An incident report will be generated and a copy of such notice will be filed in the Resident Services Office. Upon issue of an immediate suspension, should patron continue to act or perform in an inappropriate manner/behavior, that Adult Patron shall forfeit all amenity privileges until the next Board of Supervisors meeting. Furthermore, District Staff will recommend termination of Adult Patron's privileges for a period of six (6) months.
- 5) Notwithstanding the foregoing, if at any time an Adult Patron is arrested for an act committed, or allegedly committed, while at any District Amenity Facility, that Adult Patron shall have all amenity privileges suspended until the next Board of Supervisors meeting. At the Board meeting, the Board will be presented with the facts surrounding the arrest and a recommendation of termination of Adult Patron's privileges for up to one (1) calendar year (or some shorter amount of time at the Board's discretion). Written notice will be given to Adult Patron as to the Board of Supervisor's decision.
- 6) Utilizing the Amenity Facilities during the suspension period may result in a trespassing citation issued by the Hillsborough County Sheriff's Office.
- 7) **Suspension Effective Date**
  - a) The Effective Date for Amenity Facility privilege suspension will be from the date of the written notice of suspension.
  - b) Weekdays (Monday – Friday) and Weekends (Saturday – Sunday) will be calculated toward the total number of suspension days.
  - c) The Effective Date for the Amenity Facility privilege suspension will be stayed if the party subject to suspension files a notice of appeal of such suspension, in writing, to the District Management Office within 5 business days of the date of the written notice.
- 8) **Appeal Process – Adult Patrons**

- a) Any person has the right to dispute and request an appeal to the District's Board of Supervisors.
- b) A notice of appeal must be submitted in writing to the District Management Office within five (5) business days of the date of the written notice for placement on the next regularly scheduled District meeting agenda.
- c) Such notice of appeal shall outline all facts and support documentation that constitutes the basis of appeal.
- d) The District Management Office must be in receipt of such appeal no fewer than five (5) business days prior to the next regularly scheduled District meeting or such appeal will be heard at the next subsequent scheduled District meeting.
- e) Any person appealing will be governed by the following procedures:
- f) Appellant must be physically present or represented by counsel at meeting in which the appeal will be heard by the Board of Supervisors.
- g) Failure of attendance will result in dismissal of appeal with no resubmission on future District agenda docket.
- h) Appellant's argument & basis for appeal will be limited to five (5) minutes per account unless otherwise expanded by the Board of Supervisors.
- i) The District Board of Supervisors and District Staff may question the appellant on any matter relevant to the appeal.
- j) The District Board of Supervisors and District Staff may present testimony or documentary evidence on any matter, from any source, relevant to the appeal.
- k) Appellant must furnish sufficient copies (8) of any documentation to present to the Board of Supervisors supplementing the argument and basis for the appeal (if applicable).
- l) The District's Board of Supervisors reserves the right to grant or deny any appeal at their sole and absolute discretion.
- m) District action(s) will be resolved by way of successful Board motion.
- n) Upon Board action on an appeal, no subsequent appeal will be given or heard for the same offense.

### **SUSPENSION AND TERMINATION OF MINOR PRIVILEGES**

- 1) At the discretion of Amenity Facilities Staff, Minors (*children under the age of eighteen (18)*), who violate the rules and policies may be expelled from the facilities for one (1) day. Upon such expulsion, a written report shall be prepared detailing the name of the child, the prohibited act committed and the date. This report will be mailed to the parents of the child and will be kept on file at the Resident Services Office.
- 2) Any Minor who is expelled from the Amenity Facilities three (3) times in a one year period, shall have their Amenity Facilities privileges suspended for one (1) calendar year from the date of the third offense.
- 3) Notwithstanding the foregoing, at any time a Minor is arrested for an act committed, or allegedly committed, while at any District Amenity Facility, that minor shall have all Amenity Facilities privileges suspended until the next Board of Supervisors meeting. At the Board meeting, the Board will be presented with the facts surrounding the arrest and a recommendation of termination of minor's privileges for up to one (1) calendar year (or

- some shorter amount of time at the Board's discretion). Written notice will be given to known minor's guardian(s) as to the Board of Supervisors decision.
- 4) Utilizing the facilities during the suspension period may result in a trespassing citation issued by the Hillsborough County Sheriff's Office.
  - 5) **Suspension Effective Date**
    - a) The Effective Date for Amenity Facilities privilege suspension will be from the date of the written notice of suspension.
    - b) Weekdays (Monday – Friday) and Weekends (Saturday – Sundays) will be calculated toward the total number of suspension days.
    - c) The Effective Date for the Amenity Facilities privilege suspension will be stayed if the party subject to suspension files a notice of appeal of such suspension, in writing, to the District Management Office within 5 business days of the date of the written notice.
  - 6) **Appeal Process – Minor Patrons**
    - a) Any Minor has the right to dispute and request an appeal to the District's Board of Supervisors.
    - b) A notice of appeal must be submitted in writing to the District Management Office within five (5) business days of the date of the written notice for placement on the next regularly scheduled District meeting agenda.
    - c) Such notice of appeal shall outline all facts and support documentation that constitutes the basis of appeal.
    - d) The District Management Office must be in receipt of such appeal no fewer than five (5) business days prior to the next regularly scheduled District meeting or such appeal will be heard at the next subsequent scheduled District meeting.
    - e) Any Minor appealing will be governed by the following procedures:
    - f) Minor Appellant and at least one parent or guardian must be physically present or represented by counsel at meeting in which the appeal will be heard by the Board of Supervisors.
    - g) Failure of attendance will result in dismissal of appeal with no resubmission on future District agenda docket.
    - h) Appellant's argument & basis for appeal will be limited to five (5) minutes per account unless otherwise expanded by the Board of Supervisors.
    - i) The District Board of Supervisors and District Staff may question the appellant on any matter relevant to the appeal.
    - j) The District Board of Supervisors and District Staff may present testimony or documentary evidence on any matter, from any source, relevant to the appeal.
    - k) Appellant must furnish sufficient copies (8) of any documentation to present to the Board of Supervisors supplementing the argument and basis for the appeal (if applicable).
    - l) The District's Board of Supervisors reserves the right to grant or deny any appeal at their sole and absolute discretion.
    - m) District action(s) will be resolved by way of successful Board motion.
    - n) Upon Board action on an appeal, no subsequent appeal will be given or heard for the same offense.

## GENERAL FACILITY PROVISIONS

- 1) The Board reserves the right to amend, modify, or delete, in part or in their entirety, these Policies when necessary, at a duly-noticed Board meeting, and will provide copies of revised Policies, upon request of the District Manager.
- 2) Children under eight (8) years of age must be accompanied by a parent or adult Patron aged eighteen (18) or older.
- 3) Dogs and all other pets (with the exception of Service Animals) are not permitted at the District property, except where specifically designated by the District. Where Service Animals are permitted on the District property, they must be leashed. Patrons are responsible for picking up after all pets as a courtesy to residents and in accordance with the law.
- 4) Alcoholic beverages shall not be served or sold, nor permitted to be consumed on the Amenity Facilities premises unless at Central Park which is a designated "Wet Zone" and at pre-approved private parties at designated Amenity Facilities listed in this policy manual. Alcoholic beverages may also be served at District pre-approved special events.
- 5) Vehicles must be parked in designated areas. Vehicles should not be parked on grass lawns, or in any way which blocks the normal flow of traffic.
- 6) Fireworks of any kind are not permitted anywhere on the Amenity Facilities or adjacent areas.
- 7) Only District employees, authorized contractors and staff are allowed in the service areas of the Amenity Facilities.
- 8) The Board of Supervisors (as an entity) and the District Manager, Homeowners Association representative and its staff shall have full authority to enforce these policies.
- 9) Smoking is not permitted anywhere in the Amenity Facilities.
- 10) Guests must be accompanied by a Patron while using the Amenities.
- 11) Disregard for any Amenity Facilities policies may result in expulsion from the facility and/or loss of Amenity Facilities privileges in accordance with the policies set forth herein.
- 12) Patrons shall treat all staff members with courtesy and respect.
- 13) Golf carts, motorcycles, off-road vehicles (including ATV's), and motorized scooters are prohibited on all property owned, maintained, and operated by the District or at any of the Amenity Facilities within the District unless they are owned by the District.
- 14) Skateboarding is not allowed on any District property. This includes but is not limited to: the Amenity Facilities, and sidewalks surrounding these areas.
- 15) Commercial advertisements shall not be posted or circulated in the Amenity Facilities. Petitions, posters or promotional material shall not be originated, solicited, circulated or posted on Amenity Facilities property unless approved in writing by the District Manager.
- 16) The Amenity Facilities shall not be used for commercial purposes without written permission from the District Manager. The term "commercial purposes" shall mean those activities which involve, in any way, the provision of goods or services for compensation.
- 17) Firearms or any other weapons are not permitted in any of the Amenity Facilities.



- 18) The District Manager reserves the right to authorize all programs and activities, including the number of participants, equipment and supplies usage, facility reservations, etc., at all Amenity Facilities. The District Manager also has the right to authorize management-sponsored events and programs to better serve the Patrons, and to reserve any Amenity Facility for said events (if the schedule permits) and to collect revenue for those services provided. This includes, but is not limited to, various athletic events and programs, and children's programs, social events, etc. Should the District be entitled to any of these revenues based on its established rental or usage fees, the District Manager will be required to compensate the District accordingly.
- 19) Loitering (the offense of standing idly or prowling in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity) is not permitted at any Amenity Facility.
- 20) All Patrons shall abide by and comply with any and all federal, state and local laws and ordinances while present at or utilizing the Amenity Facilities, and shall ensure that any minor for whom they are responsible also complies with the same.
- 21) Various areas of all Amenity Facilities are under twenty-four (24) hour video surveillance.
- 22) Outdoor grilling is prohibited at all Amenity Facilities unless at a District pre-approved special event.

#### **GENERAL AMENITY FACILITY USAGE POLICY**

All Patrons using the Amenity Facilities are expected to conduct themselves in a responsible, courteous and safe manner, in compliance with all policies of the District governing the Amenity Facilities. Violation of the District's Policies and/or misuse or destruction of Amenity Facility equipment may result in the suspension or termination of District Amenity Facility privileges with respect to the offending Patron. The District may pursue further legal action and restitution in regards to destruction of Amenity Facility property or equipment.

- 1) ***Hours:*** The District Amenity Facilities are available for use by Patrons during normal operating hours to be established and posted by the District.
- 2) ***Emergencies:*** After contacting 911 if required, all emergencies and injuries must be reported to the office of the District Manager (813) 933-5571.

**Persons using the Amenity Facilities do so at their own risk.**

#### **POLICIES FOR ALL PARKS AND PLAYGROUNDS**

- 1) Parks and playgrounds are available on a first come first serve basis.
- 2) Parks and playgrounds are for recreational use only by Patrons. Organized assemblies are not permitted.
- 3) Children under the age of eight (8) must be accompanied by an adult Patron.
- 4) No grills of any kind are permitted.

- 5) The use of fireworks is prohibited.
- 6) No roughhousing at the parks and playgrounds.
- 7) No skateboarding allowed anywhere in the parks and playgrounds.
- 8) No rollerblading allowed in the parks and playgrounds; blades must be off in the same areas as bikes are walked.
- 9) No foot propelled or motorized scooters allowed within the parks and playgrounds. Motorized scooters must be walked or parked outside the main traffic area.
- 10) Patrons using the parks and playgrounds must clean up all food, beverages and miscellaneous trash brought to the playground. Glass containers are prohibited.
- 11) The use of profanity or disruptive behavior is absolutely prohibited.
- 12) Alcoholic beverages are not permitted on the parks or playgrounds except as specifically authorized by District.
- 13) Inflatable equipment, such a bounce houses, is not permitted at the parks or playgrounds.
- 14) Parks and playgrounds hours are as posted. If not posted then hours are from dawn to dusk, Monday thru Sunday.

### **FISHING AND POND POLICIES**

Fishing is allowed from ponds in the District, provided such use complies with applicable laws and regulations. Ponds may be accessed through authorized access points only. The District operates under a catch and release policy for all fish caught in the ponds. A majority of the ponds serve as storm water management purposes. The purpose of these bodies of water is to help facilitate the District's natural water system for storm water runoff. Fish should not be kept or consumed.

- 1) Fishing is only permitted from dawn until dusk in District owned ponds.
- 2) The District operates under a catch and release policy. Removal of fish for personal keep or consumption is not authorized.
- 3) Spear fishing or the use of Spear Guns, Bow & Arrows, and Firearms are not permitted as acceptable methods to fish.
- 4) Cast Netting is prohibited.
- 5) Removal of hooks and lures from fish should be performed in a manner that gives the fish the best chance of survival. De-Hookers or needle-nose pliers need to be carried by authorized users at all times.
- 6) Circle Hooks are recommended for all live bait fishing.
- 7) In events where dangerous wildlife is "caught" by hook or lure, the line(s) should be cut at a safe distance so as to avoid possible bodily injury and harm.
- 8) The use of traps is strictly prohibited.
- 9) The use of profanity or disruptive behavior will not be tolerated.
- 10) All trash or debris must be disposed of in the appropriate receptacles. The philosophy of "If you bring it with you, you must take it with you when you leave" is employed.
- 11) Fish are not to be moved from one pond to another.
- 12) Stocking of any of the lakes or ponds is prohibited.

- 13) Fishing is only authorized to the extent allowed pursuant to all applicable laws, regulations and licensing requirements. Any monetary penalties or fees incurred by the District as a result of an individual's failure to acquire required permits or licenses will be the liability of the individual determined to be in violation.
- 14) **General Polices:**
  - a) Swimming is prohibited in all ponds on District property.
  - b) No watercrafts of any kind are allowed in any of the ponds on District property.
  - c) Parking along the county right of way or on any grassed area near the ponds is prohibited.
  - d) Violation of this policy will result in the immediate reporting to local law enforcement authorities.
  - e) There is a 20 foot District owned buffer surrounding each pond, residents may fish in the 20 foot buffer during the hours of dawn to dusk. Respect for adjacent resident homes must be maintained.
  - f) Homeowners whose lot abuts the pond are responsible for mowing, weeding and trash removal to the water's edge.

### **NATURAL BUFFER AREAS POLICY STATEMENT**

The following is the policy statement of the District as it regards the natural tree protection, wetland and upland buffer areas that are scattered in large numbers throughout the Community. The policy statement is to be interpreted consistently with the laws and regulations of other governmental entities, including Hillsborough County, and Southwest Florida Water Management District (SWFWMD). To the extent anything herein conflicts with any applicable law or regulation, such law or regulation shall control.

There is no trespassing allowed in all designated wetland conservation and/or mitigation areas located on District property. Trespassers will be reported to the local authorities.

The natural areas are not intended to be maintained. These areas are to be left untouched to allow for nature to take its normal course. Vegetation that dies including, but not limited to, trees are left to fulfill their role in nature's process.

Trees, within or immediately adjacent to these areas, that have died and appear to pose a threat of falling and damaging an abutting property owner's property may be addressed by the abutting property owner after securing permission to remedy the situation from the District and all required permits from all authorities having jurisdiction including Hillsborough County, and SWFWMD. Such abutting property owner must initially contact the District for permission to address the removal or remediation of the threatening situation and shall then be responsible for any needed permitting or review by Hillsborough County, and SWFWMD. Permitted trimming and/or removal, where warranted, shall be done at the expense of the abutting property owner. The goal is to minimize disturbance to these areas.

In the event that a tree does fall onto another's property, that property owner has the right to cut back or limb the tree as necessary to their individual property line. The rest of the tree is to be left as is. This also pertains to normal maintenance, which allows an owner to trim back any

encroaching vegetation to their property line. No one is allowed to encroach into the natural areas for any reason, including maintenance and placement of personal property of any kind.

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