



PATRON RULES & REGULATIONS AT MACRD FACILITIES

1195 SE Kemper Way Madras, OR 97741 | ph: 541-475-4253 | macrecdistrict.com

Section 1. Purpose

- 1.1 General Purpose. The primary purpose of Madras Aquatic Center Recreation District (“District”) is to promote long term community vitality and increase healthy lifestyles for individuals, families, and communities. To fulfill this purpose, District operates the Madras Aquatic Center facility (the “MAC”) to provide fun, affordable, and safe aquatic fitness, sport, health, and recreation services. District places great importance on maintaining the MAC in a safe and secure manner to, among other things, retain existing users and attract new users.
- 1.2 Rules and Regulations Purpose. In accordance with ORS 266.410(7)(b), the District Board of Directors (the “Board”), has adopted these rules and regulations (the “Regulations”) to ensure the MAC remains inviting and safe for the community. In addition to these Regulations, the Executive Director is authorized to establish rules and regulations applicable to specific District properties or facilities in any manner that provides for the productive, sustainable, and safe operation and use of District resources. For purposes of these Regulations, the term “Executive Director” means the District’s executive director who has been appointed and designated by the Board as the registered agent of the District.

Section 2. Background and Intent

In addition to the above-stated purposes, this policy is intended to enhance MAC operations and services by fulfilling the following objectives: (a) promote and maintain orderly administration and operation of MAC facilities; (b) maintain the safety of employees, patrons, and the general public; and (c) govern the conduct of MAC patrons while using MAC facilities.

Section 3. Patron Conduct & Expectations

- 3.1 General. Patrons are expected to treat MAC staff, patrons, facilities, and equipment with respect at all times. In accordance with these Regulations, patrons may not disturb or otherwise compromise the comfort, health, peace, and/or safety of other MAC patrons and/or staff.



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- 3.2 Prohibited Conduct. The following conduct is strictly prohibited while on, in, or at any MAC facility: (a) the use of profane, obscene or abusive language; (b) yelling or shouting; (c) fighting, taunting, or making threatening remarks or gestures; (d) behavior which compromises the safety of oneself or another patron(s); (e) mistreatment and/or vandalism to equipment; (f) noncompliance with MAC staff instruction or order; (g) conduct in violation of the Regulations; and/or (h) conduct in violation of any federal, state, or local law.
- 3.3 Harassment. District is committed to providing an environment that is free from harassment, intimidation and/or hostility. To this end, District does not tolerate harassment in any form. For purposes of these Regulations, the term “harassment” includes, but is not limited to, (a) words, signs, offensive jokes, statements, obscene gestures or actions, and/or (b) sexual harassment including unwelcome whistling, staring, or leering.
- 3.4 Photography/Videography. With the exception of locker room and restroom facilities, personal use of photography and videography is permitted in MAC facilities. Personal use includes photos and/or videos of self, friends, and/or family obtained informally. However, a patron desiring to take photos and/or videos while using the MAC facilities must seek explicit consent of other patrons to be included in a photo and/or video. Taking photos and/or videos of other patrons without their explicit permission is strictly prohibited. Photography and/or videography are not permitted during any instructor-led programs, including MAC classes, unless the instructor or Executive Director provide prior written authorization. Patrons taking photos and/or videos must not interrupt or cause a nuisance to others. If MAC staff feel that a patron is abusing this personal-use photo and video policy, the patron will be asked to put their device away and/or leave the MAC facilities.
- 3.5 Clothing. The MAC strives to maintain a clean, safe, and inclusive environment while recognizing personal expression. To this end, patrons are prohibited from wearing attire deemed offensive



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and/or inappropriate, including but not limited to swim attire which is transparent and/or indecently exposes parts of the body. Patrons are required to wear proper swim attire when using the aquatics facility. District management reserves the right to determine whether swim attire is acceptable.

- 3.6 Interference with Staff. Patrons may not disturb or interfere with MAC staff in the performance of a staff member's duties and responsibilities. Patrons may not engage in conduct that subjects MAC staff to annoyance or alarm. This includes the following: (a) engaging in conversation or behavior that monopolizes or forces the attention of the MAC staff member for an extended period of time on non-MAC related topics; (b) making inappropriate comments and/or sexual advances toward MAC staff; and/or (c) use of abusive or threatening language or gestures. Abuse of staff in any form will result in expulsion and exclusion in accordance with the exclusion policy outlined in Section 8 of these Regulations.
- 3.7 Alcohol/Smoking. Patrons may not possess or consume alcoholic beverages on MAC premises. Glass containers are prohibited. Smoking, vaping, and/or the use of tobacco or marijuana in any form is prohibited at the MAC.
- 3.8. Animals. With the exception of service animals, animals are not permitted in any MAC facility.
- 3.9 Restroom/Locker Facility. District is not responsible for lost or stolen items. Thus, patrons are encouraged to secure personal belongings in a locker. The following rules and regulations apply to the use of restrooms and locker facilities: (a) the use of a cell phone, camera, recording device, and/or other photographic equipment inside a restroom facility, locker room, or changing area is strictly prohibited; (b) lockers must be cleared out at the end of each day unless prior authorization is granted for a longer duration; and (c) the use of scented perfumes or colognes, food, and glass bottles is strictly prohibited.
- 3.10 Advertising. Patrons may not display or advertise without prior written authorization by the Executive Director. Any advertising



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must adhere to the MAC's aesthetic and community values and the MAC's sponsorship and advertising policy. Display of sexually explicit material, as defined by Oregon law, is strictly prohibited. The placement of an advertisement on, in, and/or at the MAC and/or other District property does not constitute District's endorsement of any product, service, organization, opinion, viewpoint, and/or activity. Each advertisement will include a disclaimer, which has received District's prior written approval, indicating that the advertisement is not sponsored by and does not necessarily reflect the views of District; provided, however, this provision does not apply to District sponsored advertisements.

- 3.11 Parking. No person may park a vehicle on MAC property unless the operator or passenger(s) of the vehicle are using the MAC facilities or participating in District-sponsored programs. No vehicle may be parked on MAC property between 10:00pm and 5:30am, except (a) as authorized by the Executive Director (or his or her designee), or (b) during a scheduled District-sponsored program, event, or class. Vehicles left upon MAC property in violation of these Regulations or in violation of Oregon law may be towed in accordance with applicable Oregon law.
- 3.12 Use of District Property. Patrons are expected to demonstrate reasonable care when using MAC property. As such, patrons may not intentionally damage, remove, tamper with, modify, and/or deface MAC property and/or Equipment. For purposes of these Regulations, the term Equipment includes, but is not limited to, all District owned weights, kettlebell sets, dumbbell sets, balls, rackets, bands, treadmills, bikes, rowing machines and benches. All MAC facilities and Equipment should only be used for its intended purpose.

Section 4. Patron Exclusion Policy

- 4.1 General. Subject to Oregon law, the Executive Director (or his or her designee) or a peace officer as defined under ORS 133.005(3) has the authority to exclude a patron who (a) violates any provision these Regulations, and/or (b) engages in illegal activity on, in, or about the MAC premises. A patron who is directed to



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leave the MAC for violation of these Regulations and/or any other MAC policy must leave the MAC facility immediately. Nothing in this policy may be construed to authorize the exclusion of any patron lawfully exercising free speech rights or other rights protected by the Oregon or U.S. Constitution. However, a patron engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law or these Regulations, will be subject to exclusion as provided by this patron exclusion policy.

- 4.2 Initial Violation; Warning. A staff member who observes a patron in violation of these Regulations (or becomes aware of a patron in violation of these Regulations) will give the subject patron a verbal warning to desist from the violation. If the patron fails to desist from the violation, he or she will be asked to leave the MAC premises for the remainder of the day. If he or she refuses to leave the MAC premises, the MAC reserves the right to obtain assistance from the Madras Police Department to remove the patron.
- 4.3 Immediate Exclusion. Subject to applicable law, the Executive Director (or his or her designee) may exclude a patron with no warning for the following conduct: (a) violence of any kind, including but not limited to physical fighting, taunting, or intimidation; (b) intoxication; (c) mistreatment or vandalism of MAC property, including the Equipment; (d) abuse and/or interference with a MAC staff member; and/or (e) any other behavior which threatens the safety and security of MAC staff and/or patrons.
- 4.4 Notice. Written notice will be provided to any patron excluded from MAC property. The notice will include the following information: (a) the provision(s) of the law or Regulations the patron violated; (b) the length of the exclusion (as provided under this exclusion policy); and (c) the patron's right to appeal.
- 4.5 Length of Exclusion. The Board has sole discretion and authority to determine the length of a patron exclusion (the "Exclusion Period"), including discretion to rescind, shorten, or otherwise modify an exclusion. The Exclusion Period may vary depending



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on the severity and circumstances of the subject violation. Notwithstanding the generality of the immediately preceding sentence, the Exclusion Period issued under these Regulations will be as follows:

- 4.5.1 Thirty days for an exclusion based on a violation not covered by Section 4.5.2 or Section 4.5.3 of this Section 4.5.
- 4.5.2 Sixty days if the basis for the exclusion is (a) violence of any kind, including but not limited to physical fighting, taunting, or intimidation, (b) intoxication, (c) mistreatment or vandalism of MAC property, including the Equipment, (d) abuse and/or interference with a staff member, or (d) if the patron to be excluded has been excluded from any MAC property at any time within one year before the date of the present exclusion.
- 4.5.3 Ninety days if the basis for the exclusion is (a) a felony, (b) a sex offense as defined by state law, (c) behavior which threatens the safety and security of MAC staff and/or patrons, or (d) if the patron to be excluded has been excluded from MAC property on two or more occasions within one year before the date of the present exclusion.
- 4.6 Access During Exclusion Period. Subject to the discretion of the Board to rescind, shorten, or otherwise modify an exclusion order, an exclusion from the MAC premises suspends or revokes the excluded patron's access and/or use of all MAC facilities entirely. The excluded patron may access the MAC (a) upon the conclusion of the Exclusion Period, and (b) only upon reinstatement by the Board in accordance with this exclusion policy. **A person who enters or remains unlawfully in or upon MAC property may subject the person to exclusion or prosecution for criminal trespass in the second degree pursuant to ORS 164.245.**
- 4.7 Appeal. A patron who desires to appeal an exclusion order, pursuant to these Regulations, may do so within ten (10) days of the date of exclusion by written notice to the Board. The appeal must set forth the reason(s) that the exclusion is invalid or



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improper and must request an official review by the Board. The appeal will be heard at the next regular meeting of the Board. The excluded patron is encouraged to attend the meeting to provide evidence or information the patron would like the Board to consider. The excluded patron may also submit oral and/or written testimony at the meeting. If the excluded patron is unable to attend the meeting, he or she may submit written testimony for the Board to consider. The Board will decide by a majority vote whether to uphold the exclusion order or reinstate/restore the excluded patron's MAC access. The excluded patron will receive written notice of the Board's determination promptly after the meeting. The Board's decision on any given exclusion will not set any precedent nor bind future decisions of the Board.

- 4.8 Reinstatement. It is the responsibility of the excluded patron to apply for reinstatement of MAC access and privileges. As such, reinstatement is not automatically available at the end of the Exclusion Period. The excluded patron must notify the Executive Director that he or she plans to attend the next regularly scheduled Board meeting to request reinstatement of his or her MAC privileges. This request may be made only after the Exclusion Period is complete. The Board will decide by a majority vote to lift the exclusion if the patron is able to demonstrate that his or her future behavior will not (a) violate these Regulations, (b) be a threat to the ability of the MAC to operate in a safe manner, and/or (c) prevent staff and other patrons from using the MAC services and facilities for their intended use. The exclusion will remain in effect until this vote is taken. The Board will instruct the Executive Director to contact the patron making such an appeal by letter and inform him or her of the decision of the Board.
- 4.9 Enforcement. The Executive Director (or his or her designee) and/or any peace officer as defined under ORS 133.005(3) is vested with authority to enforce this exclusion policy for purposes of enforcing the Regulations, as deemed necessary by the Executive Director or peace officer.



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Section 5. Application

- 5.1 These Regulations apply to patron conduct on all District property, including all MAC facilities. These Regulations will be incorporated by reference into any contract between District and any third-party. To the extent these Regulations conflict with any federal, state, and/or local laws, regulations, and/or ordinances, District will comply with the applicable federal, state, and/or local laws, regulations, and/or ordinances. When the Board is exercising any consent, approval, determination, and/or similar discretionary action under these Regulations, the standard will be the Board's sole discretion. Should any word, sentence, paragraph, clause or phrase of these Regulations be adjudged or held to be void or unconstitutional, the same will not affect the validity of the remaining portions of these Regulations, which will remain in full force and effect.

Section 6. Authority

- 6.1 The Board has the authority to implement, administer, and manage all aspects of the Regulations, including, without limitation, the authority to (a) interpret these Regulations, and (b) decide all questions concerning the Regulations.