

WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT
FOR USE OF ASSOCIATION AMENITIES

In consideration for receiving permission by **Falcon Hills Homeowners and Recreation Association, Inc.** (hereinafter "Association") to BE ON PREMISES at the Association's Pool and any other common areas (hereinafter the "Activity or Activities"),

I, on behalf of myself and any minor child/children for whom I have the capacity to contract, hereby acknowledge and agree to the following:

1. I understand the hazards of the novel coronavirus ("COVID-19") and am familiar with the Centers for Disease Control and Prevention ("CDC") guidelines regarding COVID-19. I acknowledge and understand that that the circumstances regarding COVID-19 are changing from day to day and that, accordingly, the CDC guidelines are regularly modified and updated, and I accept full responsibility for familiarizing myself with the most recent updates.
2. Notwithstanding the risks associated with COVID-19, which I readily acknowledge, I hereby willingly choose to participate in the Activities. **I have also read, and will abide by, the attached Covid-19 Guidance – Public Swimming Pools issued by the Georgia Department of Public Health, including any amendments or updates to said guidelines.**
3. I acknowledge and fully assume the risk of illness or death related to COVID-19 arising from my being on the premises and participating in the Activities and hereby RELEASE, WAIVE, DISCHARGE, AND COVENANT NOT TO SUE (on behalf of myself and any minor children form whom I have the capacity contract) the Association, its officers, directors, agents, employees and assigns (the "RELEASEES") from any liability related to COVID-19 which might occur as a result my being on the premises and participating in the Activities.
4. I shall indemnify, defend and hold harmless the RELEASEES from and against any and all claims, demands, suits, judgments, losses or expenses of any nature whatsoever (including, without limitation, attorneys' fees, costs and disbursements, whether of in-house or outside counsel and whether or not an action is brought, on appeal or otherwise), arising from or out of, or relating to, directly or indirectly, the infection of COVID-19 or any other illness or injury.
5. It is my express intent that this Waiver and Hold Harmless Agreement shall bind any assigns and representatives, and shall be deemed as a RELEASE, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE the above-named RELEASEES. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Georgia.
I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE ANY RIGHT TO A JURY TRIAL OF ANY DISPUTE ARISING IN CONNECTION WITH THIS AGREEMENT. I ACKNOWLEDGE THAT THIS WAIVER WAS EXPRESSLY NEGOTIATED AND IS A MATERIAL INDUCEMENT THE PERMISSION GRANTED BY RELEASEES TO BE ON PREMISES AND PARTICIPATE IN THE ACTIVITIES.

IN SIGNING THIS AGREEMENT, I ACKNOWLEDGE AND REPRESENT THAT I have read the foregoing Wavier of Liability and Hold Harmless Agreement, understand it and sign it voluntarily as my own free act and deed; no oral representations, statements, or inducements, apart from the foregoing written agreement, have been made; I am at least eighteen (18) years of age and fully competent; and I execute this Agreement for full, adequate and complete consideration fully intending to be bound by same.

IN WITNESS WHEREOF, I have signed under seal on this __ day of _____, 2020.

SIGNATURE: _____ PRINT NAME: _____

ADDRESS: _____

NAMES OF MINOR CHILD(REN): _____



COVID-19 Guidance – Public Swimming Pools

On May 12, 2020, Governor Kemp issued Executive Order 05.12.20.02, “Reviving a Healthy Georgia,” which allows public swimming pools to be reopened. The Georgia Department of Public Health and local county health departments regulate public swimming pools in Georgia, including the following:

1. Public pools regulated under Title 31, Chapter 45 of the Georgia Code and Chapter 511-3-5 of the Rules of the Department of Public Health (including municipal, school, hotel, and motel pools, any pool to which access is granted in exchange for payment of a daily fee, special purpose pools, spas, and recreational water parks);
2. Pools operating under County Ordinances, including subdivision, apartment and country club pools; and
3. Public pools as defined in the State’s mandatory International Swimming Pool and Spa Code.

Under the Governor’s Order, recreational water parks that operate single waterslides and similar non-mechanical attractions at municipal, county, state, or community-operated pools will be allowed to reopen, consistent with Safety Fire Commissioner Rule 120-3-27-.43. However, recreational water parks that are operators of water amusement rides as defined in Code section 25-15-51(1) and Safety Fire Commissioner Rule 120-3-27-.02(54) must remain closed.

To reduce the risk of spreading COVID-19 at public swimming pools, the Department has developed the mitigation measures contained in this guidance document. These mitigation measures are based on Executive Order 05.12.20.02 and the Centers for Disease Control and Prevention’s [guidance on operating and managing public pools, hot tubs, and water playgrounds during the pandemic](#).

Facility Mitigation Measures to Reduce Exposure Risks among Swimmers and Patrons

The following measures are strongly recommended for all operators of public swimming pools:

- Employ cleaning and disinfection measures to reduce patron exposure.
 - [Clean and disinfect](#) frequently touched surfaces at least daily and shared objects each time they are used. For example:
 - Handrails, slides, and structures for climbing or playing
 - Lounge chairs, tabletops, pool noodles, kickboards, and drinking fountains
 - Door handles and surfaces of restrooms, handwashing stations, diaper-changing stations, and showers
 - Limit locker room use when possible; design facility plans addressing access and egress.
 - Require patrons to spray showers with a provided cleaning spray after use.
 - Require workers to clean and sanitize bathroom and shower areas regularly throughout the opening hours in addition to the regular cleaning schedule.

- Consult with the company or engineer that designed the public pool to decide which [List N disinfectants approved by the U.S. Environmental Protection Agency](#) (EPA) are best for your facility.
 - Set up a system so that furniture (for example, lounge chairs) that needs to be cleaned and disinfected is kept separate from already cleaned and disinfected furniture.
 - Label containers for used equipment that has not yet been cleaned and disinfected and containers for cleaned and disinfected equipment.
 - Launder towels and clothing according to the manufacturer's instructions. Use the warmest appropriate water temperature and dry items completely.
 - Protect shared furniture, equipment, towels, and clothing that have been cleaned and disinfected from becoming contaminated before use.
 - Ensure [safe and correct use](#) and storage of disinfectants, including storing products securely away from children.
- Maintain water quality parameters to ensure water sanitation.
 - Be aware of maintaining all water quality parameters within ideal operating ranges; ensure disinfectant and pH levels are monitored accordingly to ensure proper disinfection.
 - Test water quality parameters in accordance with state or local rules and regulations.
 - Review mechanical ventilation service records and operation and follow tips as appropriate.
 - Ensure that ventilation systems of indoor spaces operate properly.
 - Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods. However, do not open windows and doors if doing so poses a safety risk to staff, patrons, or swimmers.
 - Review water systems and maintain procedures for the facility.
 - [Take steps](#) to ensure that all water systems (for example, drinking fountains, decorative fountains, hot tubs) are safe to use after a prolonged facility shutdown to minimize the risk of [Legionnaires' disease](#) and other diseases associated with water.
 - Modify the layout of the facility to promote social distancing.
 - Change deck layouts to ensure that in the standing and seating areas, individuals can remain at least 6 feet apart from those they don't live with.
 - Ensure that the layout will not impede the four foot of unstructured decking required around the pool perimeter for emergency rescue.
 - Introduce physical barriers and guides to prohibit gathering.
 - Provide physical cues or guides (for example, lane lines in the water or chairs and tables on the deck) and visual cues (for example, tape on the decks, floors, or sidewalks) and signs to ensure that staff, patrons, and swimmers stay at least 6 feet apart from those they don't live with, both in and out of the water.

- Monitor communal or shared spaces for social distancing.
- Stagger use of communal spaces (for example, in the water or breakroom), if possible, and [clean and disinfect](#) frequently touched surfaces regularly (based on daily usage but at least once during hours of operation and before opening). Clean and disinfect shared objects each time they are used.
 - Discourage people from sharing items that are difficult to clean, sanitize, or disinfect or that are meant to come in contact with the face (for example, goggles, nose clips, and snorkels).
 - Discourage people from sharing items such as food, equipment, toys, and supplies with those they don't live with.
 - Ensure adequate equipment for patrons and swimmers, such as kick boards and pool noodles, to minimize sharing to the extent possible, or limiting use of equipment by one group of users at a time and cleaning and disinfecting between use.
- Seek approval of alterations or modification of the aquatic features.
 - Consult the company or engineer that designed the public pool before altering an aquatic feature (for example, slides and structures designed for climbing or playing).
 - Inform the local health authority of any planned alteration to equipment or aquatic features.
- Prepare food concession areas for service.
 - Ensure areas designated for dining encourage social distancing; design seating areas to ensure six (6) feet of separation.
 - Food Service Establishments must comply with the existing guidance published by the department.
- Establish contacts for patrons and staff members.
 - Assign monitoring responsibility to an appropriate staff member, such as a trained operator or assigned assistant.
 - Use lifeguards for water safety only, ensuring that lifeguards who are actively lifeguarding are not also expected to monitor handwashing, use of cloth face coverings, or social distancing of others.
 - Designate a COVID-19 Point of Contact staff member to be responsible for responding to COVID-19 concerns. All staff should know who this person is and how to contact him or her.
 - Limit public pool use to only staff, patrons, and swimmers who live in the local area, if feasible.
- Assess communication systems and put methods in place.
 - Have staff, patrons, and swimmers self-report if they have [symptoms](#) of COVID-19.
 - Have staff report a positive test for COVID-19, or if they were exposed to someone with COVID-19 within the last 14 days.
 - Broadcast [regular announcements about how to stop the spread on PA system](#).

- Include messages about behaviors that prevent the spread of COVID-19 in contacts with individual patrons or households, in emails, on facility websites (for example, posting online [videos](#)), through facility's [social media accounts](#), and on entrance tickets, and via homeowners association websites and email.
- Utilize contactless forms of patron check-in; suspend use of wristbands and handstamps.
- Discontinue organized events or classes.
 - Due to social distancing requirements, limits on gatherings, and spectator safety considerations, all organized sport competitions should be postponed.
 - **Consult with your local jurisdiction**, sport governing or certifying body for requirements or recommendations to determine if events, such as aquatic fitness classes, swim lessons and swim team practice can commence while maintaining the requirements and intent of this guidance. However, swim meets, celebrations, and party bookings should not occur at this time.

How to Prepare for When a Staff Member or a Patron Becomes Ill or Gets Sick

To prepare for when someone gets sick, operators of public swimming pools should establish plans for the following:

- Isolating and requesting appropriate transportation for those who are sick to their home or a healthcare provider.
 - Immediately separating staff, patrons, or swimmers with COVID-19 [symptoms](#) (such as cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell).
 - Establishing procedures for contacting emergency personnel or a family member to transport anyone who is sick to their home or to a healthcare provider.
- Notifying public health officials if someone is sick.
 - Immediately notifying designated Point of Contact, who will contact [local public health officials](#).
 - Public health will inform those who have had [close contact](#) with a person diagnosed with COVID-19 to stay home, [self-monitor for symptoms](#), and follow [CDC guidance](#) if symptoms develop.
- Cleaning and disinfecting an area used by an ill person.
 - Closing off areas used by a sick person and not using the areas until after cleaning and disinfecting them.
 - Waiting more than 24 hours before cleaning and disinfecting these areas.
 - Ensuring [safe and correct](#) use and storage of [EPA-approved List N disinfectants](#), including storing products securely away from children.

Statewide Mitigation Measures for Non-Critical Infrastructure

The following requirements are found in Executive Order 05.12.20.02 and are applicable to all businesses and organizations that are not considered Critical Infrastructure, including public swimming pools:

- Screen and evaluate workers who exhibit signs of illness, such as a fever over 100.4°F, cough, shortness of breath or difficulty breathing, chills, muscle pain, sore throat, or new loss of taste or smell. *While it is strongly recommended that each facility have an infrared thermometer on hand to screen employees, it is not required. Employees may screen themselves with their own thermometers and do their own [symptom checking](#) prior to coming to work. Consider using the screening methods in CDC's [General Business FAQs](#).*
- Require workers who exhibit signs of illness to not report to work or to seek medical attention. *An employee with known or suspected COVID-19 must follow CDC guidelines to self-isolate for at least for at least ten days after symptom onset and end isolation only after symptoms have shown progressive improvement and the employee has been fever-free for three consecutive days without medication before returning to work. Employers should consider implementing sick leave (time off) policies and practices for staff that are flexible and non-punitive. Employers should also consider developing return-to-work policies aligned with CDC's [criteria to discontinue home isolation](#).*
- Require hand washing or sanitation by workers at appropriate places within the location. *Use proper hand hygiene and respiratory etiquette. Encourage all staff, patrons, and swimmers to [wash their hands](#) often and cover their coughs and sneezes. Provide adequate supplies to support proper hygiene. Supplies include soap, hand sanitizer with at least 60 percent alcohol, if feasible (for adults and older children who can safely use hand sanitizer), paper towels, tissues, and no-touch trash cans.*
- Prohibit gatherings during hours of operation. *No more than ten people may be present at a single location if six feet of distance cannot be maintained between each person. However, public swimming pools are strongly encouraged to ensure that people who do not live together maintain social distancing even in groups smaller than ten people.*
- Permit workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where Social Distancing is attainable.
- Implement teleworking as practicable.
- Implement staggered shifts as practicable. *Stagger or rotate shifts to limit the number of staff members present at the public pool at the same time.*
- Deliver intangible services remotely as practicable.
- Discourage workers from using other workers' phones, desks, offices, or other tools and equipment (*such as pens, pencils, etc.*).

- Prohibit handshaking and unnecessary person-to-person contact in the workplace.
- For retailers and service providers, provide for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternate point of sale is permitted under Georgia law.
- For retailers and service providers, open sales registers must be at least six feet apart.
- Point of sale equipment should be frequently cleaned and sanitized. *Registers and point of sale machines should be cleaned and sanitized between uses by different employees.*
- If practicable, provide personal protective equipment as available and appropriate to the function and location of the worker within the business location. *Encourage the [proper use of cloth face coverings](#) as feasible. Face coverings are **most** essential at times when physical distancing is difficult. Advise those wearing face coverings to not wear them in the water. Cloth face coverings can be difficult to breathe through when they're wet.*
- If practicable, provide disinfectant and sanitation products for workers to clean their workspace, equipment, and tools.
- If practicable, increase physical space between workers' worksites to at least six feet. *Where possible, stagger workstations to avoid workers standing next to each other. Where six feet of separation is not possible, consider spacing options that include other mitigation efforts, such as cloth face coverings and increased frequency of cleaning and sanitizing surfaces.*
- Post a sign on the front of the facility stating that individuals who have a fever or other symptoms of COVID-19 shall not enter. *According to current CDC guidance, symptoms of COVID-19 may include cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell.*
- Enhance sanitation as appropriate. *A list of approved disinfectants from the Environmental Protection Agency that are shown to be effective against SARS-CoV-2, the virus that causes COVID-19, can be found here: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>. An alternative disinfectant can be used: 1/3 cup of unscented bleach added to 1 gallon of water. Do not mix bleach with other cleaning and disinfection products together because this can cause fumes that are very dangerous to breathe in. Schedule time for disinfection.*
- Disinfect common surfaces regularly. *Clean and disinfect restrooms regularly, check restrooms based on the frequency of use, and ensure adequate supply of soap and paper towels is available. Clean and disinfect frequently touched surfaces based on daily usage but at least once during hours of operation and before opening. General CDC guidance on cleaning and disinfecting can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>.*

- Hold all meetings and conferences virtually, as practicable. *Provide staff training on all safety protocols and new procedures. Conduct training virtually or ensure that [social distancing](#) is maintained during in-person training.*
- Place notices that encourage hand hygiene at the entrance to the pool and in other areas where they are likely to be seen.
- Enforce Social Distancing of non-cohabitating persons while present on the public swimming pool's leased or owned property. *Ensure that non-cohabitating patrons and swimmers maintain 6 feet of separation on the pool decks and in the water.*
- Increase physical space between workers and patrons. *Exceptions to the social distancing guidance include: anyone rescuing a distressed swimmer, providing first aid, or performing cardiopulmonary resuscitation, with or without an automated external defibrillator; and individuals in the process of evacuating a public pool or entire facility due to an emergency.*
- Frequently disinfect Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature capture devices if in use.
- If the public swimming pool engages volunteers or has members of the public participate in activities, prohibit volunteering or participation in activities for persons diagnosed with COVID-19, having exhibited symptoms of COVID-19, or having had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days.

Resources

Considerations for Public Pools, Hot Tubs, and Water Playgrounds During COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html>

State of Georgia Executive Order 04.23.20.02, Reviving a Healthy Georgia,

<https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders>.

<https://www.cdc.gov/coronavirus/2019-ncov/prepare/cleaning-disinfection.html>.

Cleaning and Disinfecting for Reopening,

<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>.

Guidance for Building Water Systems,

<https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>.

Parks and Recreational Facilities

<https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/index.html>