

DAS REC, NEW BRAUNFELS RECREATION CENTER AUTHORIZATION AND RELEASE FORM

Please read this form carefully and be aware that by registering for and/or participating in a fitness workout, or by registering your minor child for participating in the program(s), (Collectively herein referred to as “programs”) you will be waiving your rights and the rights of your minor child to all claims for injuries you or your minor child might sustain arising out of any of our programs and you will be required to indemnify, hold harmless and defend DAS REC, New Braunfels Recreation Center and the City of New Braunfels from any and all claims arising from the City’s participation in said programs.

KNOW ALL BY THESE PRESENTS:

By signing below as “RELEASOR”, and in consideration of the privilege of participating in any City of New Braunfels Parks Department or City of New Braunfels (collectively, “CITY”) activity or in consideration of renting or using any CITY personal, real, or any other property, I do for myself and my minor child or children, my heirs, executors, representatives, administrators, and assigns, hereby release, indemnify, defend and hold harmless CITY and all of its officers, officials, agents, employees and invitees, in both their public and private capacities, from and against any and all liability, claims, suits, losses, damages and causes of action, including all expenses of litigation and/or settlement for death, injury to, or debt of any person, or of loss of, damage to, or loss of use of any property arising out of or in connection with the above described rental or CITY activity. Such indemnity shall apply whether the claims, suits, losses, damages, causes of action or liability, arise in whole or in part from the consequences of CITY’S own negligence where that negligence is a concurring cause of injury, death, or damage. CITY is responsible for its own sole negligence provided, however, CITY is not responsible for a good faith action or inaction to render assistance in the event of property damage or personal injury.

RELEASOR understands that this waiver of liability and indemnification is intended to be as broad as possible and as inclusive as permitted by the laws of the State of Texas and that if any portions are held invalid, then the balance shall continue in full legal force and effect. It is further understood that execution of this waiver of liability and indemnification will not constitute a waiver by CITY of the defense of governmental immunity, where applicable, or any other lawful defense. RELEASOR signs this waiver and indemnification voluntarily and with full knowledge of its meaning and significance.

In the event of any emergency, I authorize DAS REC, New Braunfels Recreation Center to secure from any licensed hospital, physician and/or medical personnel any treatment deemed reasonable and necessary for my minor child’s immediate care and agree that I will be responsible for payment of any and all medical services rendered.

I have read and fully understand and agree to the above Authorization and Release Form.

Program/Class: **DAS REC, New Braunfels Recreation Center**



DAS REC, NEW BRAUNFELS RECREATION CENTER CODE OF CONDUCT

All members, participants and/or spectators at Das Rec, New Braunfels Recreation Center are expected to demonstrate courtesy and respect, behave in a responsible manner, exercise self-discipline, respect the rights and privileges of other participants, respect the property of others and city property, cooperate and assist city staff in maintaining safety, order and discipline.

All members, participants and/or spectators at Das Rec, New Braunfels Recreation Center must refrain from the following:

- Endangering the health and safety of other members, participants, patrons or staff.
- Disrupting a program or creating a disturbance at a facility.
- Continuous refusal to follow program and/or facility rules and guidelines.
- Use of verbal harassment, profanity, vulgarity, obscenity, or racial slurs.
- Blatant disrespect of staff and program or facility rules and guidelines.
- Damage, vandalism, or theft of private or City facilities, equipment or supplies.
- Possession or use of illegal substances or medication, including the use of alcohol or smoking.
- Inappropriate or offensive attire. Attire must be appropriate, including swimsuits only in the pool area, and shoes, shorts and shirts in other areas of the facility. Attire that is too revealing and clothing which displays obscene or offensive words or pictures is not allowed.
- Weapons such as, but not limited to knives, clubs, brass knuckles or threats of these weapons is prohibited.
- Gang activity including display or possession of symbols, hand signals, soliciting membership, intimidating or threatening and individual, wearing or displaying colors or items of dress, etc.
- Inappropriate display of affection, including but not limited to prolonged kissing and touching of any private area of the body.
- Loitering is not permitted in or outside of Das Rec.
- Cell phone use is not allowed in the locker rooms; please be courteous and refrain from talking on your cell phone while using the wellness floor.
- Supervisory staff has final say on all rule interpretations and may adapt rules if they feel safety is a concern to any patron.

SUSPENSIONS

Individuals who chose to disobey the code of conduct or behave unacceptably may be subject to the following types of discipline: conference with supervisory personnel, conference with supervisory personnel and parent or legal guardian for minors, seven-day suspension, 30-day suspension, suspension for the year, or other amount of time determined by Das Rec, New Braunfels Recreation Center supervisory personnel.

Program and/or membership fees will not be refunded for any person removed from a program, league or facility due to violation of the code of conduct. Some programs and/or leagues may have stricter or more detailed behavior policies.

Das Rec, New Braunfels Recreation Center supervisory personnel reserves the right to contact law enforcement at any time in cases of misbehavior. In extreme cases of misbehavior Das Rec, New Braunfels Recreation Center supervisory personnel may issue a criminal trespassing warning.

DAS REC, NEW BRAUNFELS RECREATION CENTER MEMBERSHIP PAID MONTHLY THRU AUTO-RENEW

By selecting the **DEBIT/CREDIT CARD AUTHORIZATION** or the **AUTOMATIC PRE-AUTHORIZED DEBITS (ACH DEBITS)** at the time of registration I **ACKNOWLEDGE THE FOLLOWING:**

I hereby authorize the City of New Braunfels to charge my valid checking/savings account or credit card or debit card on the 1st of each month for payment of my DAS REC, New Braunfels Recreation Center Auto-Renew membership. A \$35.00 processing fee will be assessed for all returned checks.

I ACKNOWLEDGE THE FOLLOWING:

I will inform DAS REC, New Braunfels Recreation Center staff in writing of any changes in my billing or contact information should changes occur.

I understand that nothing contained in this Authorization shall serve to reduce my obligation to pay for my membership and this Authorization shall remain in full force and effect until I submit a membership cancellation form. If DAS REC, New Braunfels Recreation Center receives my membership cancellation form 30 days prior to the date that payment is due, Auto-Renew will terminate and my card will not be charged again. If I submit my membership cancellation form AFTER the payment due date, my account will be billed for the following month. Membership privileges will terminate the first day of the month following the last month I have paid for. Members will have access to the facility through the last day of the month they cancel.

If the City of New Braunfels is unable to process my payment due to no fault of the City, I will be responsible for an alternate payment arrangement. I will pay the balance due and update debit or credit card information within seven (7) days of being notified that the City was unable to process my payment. I understand that I will not have access to the facility until I've paid the balance due in full and my payment has been processed.

I understand that I must submit a completed membership cancellation form if I wish to cancel my membership. Membership cancellation forms can be obtained at the DAS REC, New Braunfels Recreation Center. Cancellations will not be accepted verbally or by means other than a completed membership cancellation form submitted to DAS REC, New Braunfels Recreation Center.

ANNUAL PAID-IN-FULL MEMBERSHIP OPT-OUT AND REFUND POLICY

Annual Paid-in-Full Membership 30 Day Opt-Out Period Policy

Annual – Paid-in-Full Pass Holders have 30 days from the date of purchase to request an Annual Membership refund without incurring an administrative processing fee. Requests must be submitted in writing using the applicable form. One month, based on the monthly membership rate will be deducted from the amount originally paid. Payments made by credit card must be refunded in person to the same card type. If the original payment was made by cash or check, you will receive a refund check in 2-4 weeks. No cash refunds will be given

Annual Paid-in-Full Membership Refund Policy

Annual Paid-in-Full Membership Passes may be refunded at a prorated amount, based on the number of months that have elapsed since the membership was purchased and calculated at the membership rate. An administrative processing fee of \$25.00 will be assessed on all annual membership refunds after the initial 30 days. No refunds will be given on expired annual memberships, or for unused time passed in the membership period prior to the date the refund request is received. Payments made by credit card must be refunded in person to the same card type. If the original payment was made by cash or check, you will receive a refund check in 2-4 weeks. No cash refunds will be given.