

Brio

Homeowners Association

Brio Community Center Rules and Regulations

Effective July 1, 2017

BRIO COMMUNITY CENTER RULES & REGULATIONS

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I. INTRODUCTION

The Brio Community Center Rules and Regulations of Brio Homeowners Association, a Utah nonprofit corporation (the "Association"), are established by the Board of Directors of the Association under the authority described in the Governing Documents for the Brio Homeowners Association, including, but not limited to, the Articles of Incorporation, Bylaws ("Bylaws") and Declaration of Covenants, Conditions and Restrictions ("Declaration"), and the same may be amended and/or supplemented from time to time. Physical areas addressed in the documents are the Brio Community Center and grounds including but not limited to the Community Center, Pools, Tennis and Pickleball Courts, Event Lawn, and adjoining grounds.

The Brio Community Center (Center) Rules and Regulations purposes are as follows:

- Assist the Association in serving the best interests of the greatest number of members while generally protecting the rights of all members in a fair and impartial manner.
- Preserve and maintain the Center for the well-being, convenience and enjoyment of the members and their guests.
- Compile policies, rules and regulations governing access to and use of the Center; specifically, establish standards for use, restrictions, facility regulations, membership registration procedures, facility rental procedures, and enforcement criteria for Brio.

It must be recognized and understood by all members that it is necessary for representatives of the Association to apply and enforce these Center Rules and Regulations against all members and guests equally and that all members and guests have the right to enjoy the Center subject to the terms of the Governing Documents. Members enjoying the Center must respect the rights of others sharing in the use of the Center. Courtesy and common sense must prevail in the proper utilization of the Center.

The use of the Center is primarily for the enjoyment of the members of the Association. Guests or visitors are only accommodated when such accommodation does not infringe upon the convenience or right of enjoyment of the members. Further, while every effort is made to provide comfortable use of the Center by all members and guests, the Center is not intended to serve the public. While the Association will attempt to accommodate members with special needs, the Association reserves the right to charge fees to those members and guests for special accommodation requests.

A. Authority

Pursuant to Article III, Subsection 3.2 of the Declaration, the Board of Directors may, from time to time, and subject to the provisions of the governing documents, adopt, amend and repeal rules and regulations pertaining to: 1) the management, operation and use of the Areas of Association Responsibility including, but not limited to, any recreational facilities situated upon the Areas of Association; and 2) the health, safety or welfare of the Owners and guests. In the event of any conflict or inconsistency between the provisions of these Rules and Regulations and the Governing Documents, the provisions of the Governing Documents shall prevail. The Association Rules and Regulations shall be enforceable in the same manner and to the same extent as the covenants, conditions and restrictions as set forth in the Governing Documents.

These Center Rules and Regulations, amendments and additions thereto, adopted by the Board of Directors shall be binding upon all members and their respective guests, tenants, invitees, vendors,

and licensees, and upon any other persons having use rights with respect to the Center pursuant to an agreement with the Association.

Section 7.4 of the Declaration provides that the Board of Directors may impose sanctions for violation of these Center Rules (after notice and hearing, if required by the Declaration and/or Bylaws), including without limitation the following:

1. Suspension of the voting rights of a member
2. Imposition of reasonable monetary fines
3. Suspension of a member's right to use the Center

Please refer to the adopted Brio Violation Enforcement Policy for further information related to the violation of the Center Rules.

B. Goals

1. To assure continuity in procedures, which preserve the integrity of the overall community, and not to unduly restrict individual or personal preferences.
2. To explain and further define, if necessary, the more general issues covered in the CC&R's, as they are part of the overall Governing Documents of the Association.
3. The Association Board of Directors may, from time to time, adopt additional, and/or amend existing rules and regulations. Copies of such additions, and/or amendments will be distributed to the membership, and kept on file by the Brio Homeowners Association.

C. Membership

Each owner of a lot/unit shall be a member of the Association, provided, there shall be only one membership per lot/unit. If a lot is owned by more than one person, all co-owners shall share the privileges of such membership, subject to the provisions of the Governing Documents. Members are expected to adhere strictly to the following Code of Conduct:

D. Member Code of Conduct

1. Members must conduct themselves so as not to jeopardize or interfere with the rights and privileges of other members, tenants or guests.
2. Members are responsible for the conduct of their tenants and guests. Tenants and guests will be held to the same standard of conduct as set forth herein for members.
3. Members shall refrain from loud, profane, indecent or abusive language.
4. Members shall not harass or intimidate any other member, occupant, guest, Association vendor, director, officer or committee person.
5. Members shall not compromise the safety of others by their actions.
6. Physical or verbal abuse directed at other members, tenants, guests, Association vendors, directors, officers or committee persons will not be tolerated.

7. No firearms or other weapons are permitted on the Community Center property.
8. Groups of 12 or more are considered a “party”. A party is required to comply with the Center Rental Policy before the group congregates.
9. Members shall be held responsible for any damage to Association property caused by the member and/or their tenants or guests.
10. Members shall not interfere with the management of the association. Any complaints about Community Center operations or use shall be directed to the Lifestyle Director and/or Community Manager. The Lifestyle Director or Community Manager may require that the complaint be submitted in writing before taking action.
11. Members may inform management formally or informally of other member’s conduct. However, such complaints may not be kept anonymous per Nevada law.
12. Members shall obey all safety rules and will be subject to sanctions if unsafe behavior is exhibited.
13. Members are prohibited from profiting financially from their membership by charging occupants or guests for use of the Center without express permission from the Board of Directors. The Association may enter into contracts, from time to time, with members to provide products or services for an approved fee.
14. Any member who conducts him/herself in an unbecoming manner or who breaks a Center Rule or Regulation is subject to disciplinary action.

II. GENERAL GUIDELINES

A. General

1. Neither dogs nor other animals of any kind are permitted in the Center or on Center grounds at any time including community or Lifestyle events with exception of certified service dogs, or in the case of special pet event. Any pet **MUST** be on a leash at all times.
2. The Community Manager and staff have the authority to adjust hours of operations for all facilities, in anticipation of, or resulting from, seasonal, holiday, special events, unusual circumstances, nuisance, injury and/or damage resulting from operations and use.
3. All injuries or accidents occurring in the Center must be reported to the Center staff or the Community Manager.
4. The Center Rules will not necessarily be imposed upon Brio Homeowner Association for those events sponsored or hosted by Brio Homeowner Association nor to the Declarant for those events sponsored or hosted by the Declarant.

5. Proper dress is required in all Center areas in accordance with the following basic guidelines:
 - a. Upper body garments, that cover the entire torso, must be worn in all activities in the Center.
 - b. Footwear must be worn in all activities in the Center.
 - c. Bathing suits are required in the Pool areas. Appropriate dress over bathing suits must be worn in all activities in the Center.
 - d. Bathing suits only may be worn in the Pools.
 - e. Appropriate athletic apparel is required in the Fitness Center, including footwear and clothing.
 - f. Offensive language and/or images are not allowed on clothing at the determination of the Lifestyle Director and/or Community Manager.
6. No skateboards, in-line skates, scooters or bicycles are permitted in or around the Center.
7. The Center and its associated outdoor areas are designated a smoke-free environment with the exception of designated smoking areas during Association or Declarant sponsored events.
8. Individuals, whether ID Fob holders or guests, are not permitted to use the Center amenities for business purposes. This includes, but is not limited to, the Community Center, Pools, Tennis/Pickleball courts, Fitness Center, Movement Studio, Meeting Rooms or Event Lawn. The Association may enter into contracts, from time to time, with individuals or businesses to provide products or services. Please see the Vendor Guidelines section of this document

B. Identification (ID) Fobs and Rules

Only holders of valid ID Fobs are entitled to use the Community Center. Unauthorized use of ID Fobs or use of false information in obtaining ID Fobs will result in confiscation of the ID Fob and imposition of appropriate sanctions. No more than two (2) ID Fobs will be issued per unit at first closing.

1. In order to monitor and maintain Fob policy compliance, ID Fobs must be presented when requested by Brio staff.
2. ID Fob will be replaced for \$25.00. No more than 2 ID Fobs will be issued to a unit. If a unit is sold, the new unit owner will be charged for replacement of the original unit owner ID fobs.

C. Renter ID Fobs:

1. Per 3.5.g of the BRIO CC&Rs, members may lease their unit/lot but **must be for a minimum of twelve (12) months**. Any member who leases or otherwise transfer's occupancy of his or her lot/unit is not entitled to receive or retain an ID Fob. Immediate written notice of the transfer of occupancy must be given to the Association and the member must surrender to the Association his/her previously issued ID Fob(s). The right of the lessee(s) to receive the ID Fob(s) allocable to the subject lot depends on the following:

- a. The member (lessor) must be current in assessments and in good standing with the Association (i.e., not suspended by the Board of Directors).
- b. The lessee must deliver to the Association a copy of his/her signed lease agreement.
- c. The member (lessor) must have surrendered his/her ID Fob(s) to the Association.
- d. Lessees are required to fill out and sign the Brio Tenant Form, pay a \$50.00 one time transfer fee and sign a form stating they have read and understand the Association Facility Rules and Regulations.

III. FACILITY GUIDELINES

A. Access Control Policy

1. All users of the Center must present their ID Fob when requested by Brio staff.

B. General Center Rules and Guidelines

1. The Center is open 5:00 a.m. - 10:00 p.m. daily. Holiday hours and Staff hours may change and will be posted at the Center.
2. Food, tobacco products and glass containers or glassware are not allowed in the Center. Water or sports drinks in covered or closed plastic containers are permitted.
3. Groups of 12 or more are considered a “party”. A party is required to comply with the Center Rental Policy before the group congregates. However, should a member wish to reserve an area of the Center, they may do so per the Center Rental policies.
4. A resident may reserve an area of the Community Center per the rental policies of the Center
5. An adult ID Fob holder (age 18 or older) must accompany persons under the age of 12 at all times.

C. Outdoor and Indoor Pool Rules and Guidelines

1. The Outdoor Pool is open 5:00 a.m. to 10:00 p.m. during seasonal timeframes established by the Board of Directors. Holiday hours may change and will be posted at the Center.
2. The Indoor Pool is open 5:00 a.m. to 10:00 p.m. daily. Holiday hours may change and will be posted at the Center.
3. The Pools are for member use only, limited to ID Fob holders and their guests.

Management reserves the right to deny use of the pool area to anyone at any time.

4. Food, tobacco products, and glass containers or glassware are not allowed in the Pool areas. Water or sports drinks in covered or closed plastic containers are permitted.
5. Groups of 12 or more are considered a “party”. A party is required to comply with the Center Rental Policy before the group congregates. However, should a member wish to reserve an area of the Center, they may do so per the Center Rental policies.
6. No running or rough play will be tolerated.
7. The lap lanes are for lap swimmers only, when present.
8. Any floatation aides must be attached to the body. The only free-floating objects permitted in the Pool are noodles. No rafts, chairs, etc.
9. Pool gates must not be propped open at any time.
10. No diving is allowed; maximum depth of the pool is 5 feet. Diving head-first into a shallow pool may cause permanent or life-threatening injuries.
11. An adult ID Fob holder (age 18 or older) must accompany persons under the age of 12 at all times. Children under the age of 5 years are prohibited in the spa.
12. For purposes of maintaining a healthy swimming environment, incontinent persons of all ages are required to wear approved swim diapers at all times while in the pools or spa. Swim diapers must be non-disposable, rubber or cloth material, and have elastic at the waist and legs. **The typical Pampers or Huggies swim diapers do not provide adequate protection and are not permitted.**
13. Persons determined in the sole discretion of Management to either be intoxicated under the influence of illegal drugs may be denied access to any or all of the Center facilities as determined by Management acting in its absolute discretion.
14. No service animals are permitted in Pool areas
15. Nudity or improper swim attire is not permitted, specifically:
 - a. Thong bottoms
 - b. Shear, knitted or see-through tops (including t-shirts and tank tops that are not sun protecting by design)
16. Pool furniture may not be placed in the pool.
17. Pool Loungers or chairs may not be reserved by placing towels on them.
18. All persons using the Pools do so at their own risk, no lifeguards are present at the pool.
19. Please shower before entering the pool.

20. No personal loud music or amplified sound is permitted in the Pool Areas. Headphones must be used at all times.
21. The Community Center does not provide towels
22. Please do not remove emergency pool equipment (life preserver, net, etc.) unless there is an emergency.

D. Fitness Center and Movement Studio Rules and Guidelines

1. Fitness Center includes the Exercise Room and Movement Studio.
2. The Fitness Center is open 5:00 a.m. to 10:00 p.m. daily.
3. The Fitness Center is for private use only, limited to ID Fob holders and their guests.
4. Persons under 12 years of age are not allowed in the Fitness Center. An adult ID Fob holder (age 18 or older), must supervise persons between the ages of 12 and 15 years of age.
5. Infant carriers, strollers, etc. are NOT permitted. Due to safety and liability, no infants, toddlers, or young children are permitted in the Fitness Center while parents are working out.
6. Only proper workout attire and closed-toed athletic footwear is permitted. Bare feet, sandals, street clothes, and any attire with metal or plastic adornments are not permitted. Shirts must be worn at all times that fully cover the torso.
7. There is a thirty-minute use limit on all equipment, except when no others are waiting.
8. Cell phone use is not permitted in the Fitness Center.
9. All equipment must be wiped down after use. Users must provide their own personal towels
10. All weights must be kept in the weight room and re-racked by user. No outside weights or other equipment may be stored in the Fitness Center.
11. Do not drop weights on the floor.
12. Any moveable equipment must be returned to its regular location upon completion of use.
13. No radios or other listening devices other than portable devices with headsets may be used.
14. Food, tobacco products and glass containers or glassware are not allowed in the Fitness Center. Water or sports drinks in covered or closed plastic containers are permitted.
15. Use of the lockers is on a first-come, first-serve basis. Persons may only use a locker while they are on the premises; management may remove items left in lockers overnight.

16. Persons using the Fitness Center and its equipment do so at their own risk; and should consult with their physician prior to engaging in any fitness program.
17. The Movement Studio Guidelines are intended to promote low to medium impact exercise, aerobic dance, and stretching group programs. Therefore, due to the nature of these programs, preference is given to group lessons and group instructional programs. ID Fob holders may use this facility in a self-directed manner only when group programs are not scheduled. ID Fob holders may not conduct group exercise classes that are not approved by the Lifestyle Director.

E. Tennis & Pickleball Courts Rules and Guidelines

1. Tennis & Pickleball Courts are open 7:00 a.m. to 9:00 p.m. daily.
2. The Tennis & Pickleball courts are only available to use by ID Fob holders and their Guests with the exception of classes, camps, or events organized by the Lifestyle Director.
3. Only proper tennis or Pickleball attire and closed-toed athletic footwear is permitted. Shirts must be worn at all times that fully cover the torso.
4. Food, tobacco products and glass containers or glassware are not allowed in the Tennis and Pickleball courts. Water or sports drinks in covered or closed plastic containers are permitted.
5. No skateboards, in-line skates, scooters or bicycles are permitted in the Tennis and Pickleball courts.
6. Management reserves the right to suspend play or close the Tennis and Pickleball courts, at anytime, for maintenance and/or any other reason deemed to be in the best interest of the community.
7. The Tennis and Pickleball courts are available on a first come, first served basis. There are no reservations of courts.
8. There is a one hour time limit on use of a court, except when no one is waiting.
9. Private instruction may be provided at the Courts. Please contact the Lifestyle Director to register an instructor or if you have any questions.

F. Gathering and Meeting Rooms and Event Lawn Rules and Guidelines

1. The Gathering and Meeting Rooms are open from 8:00 a.m. to 10:00 p.m. daily. The Event lawn is available for use between 8:00 a.m. and 10:00 p.m. daily.
2. These areas are available for use by ID Fob holders and their guests of the Association.

3. Use is on a first come, first serve basis. No reservation of the Room is permitted except according to the Rental policies of the Association
4. All users must wear Center appropriate clothing. No bathing suits are permitted.
5. An adult ID Fob holder (age 18 or older) must accompany persons under the age of 12 at all times.
6. Food, tobacco products and glass containers or glassware are not allowed in these areas. Water or sports drinks in covered or closed plastic containers are permitted.

IV. VENDOR POLICY

All persons providing services to Members and guests at the Center, must be an approved vendor with the Brio Community Association.

A. Individual Instructor or Service Provider

1. Must be certified in the type of instruction or service
2. Provide a Certificate of Insurance with minimal limits as follows:
 - a. Workers Compensation - Statutory Limits
 - b. Auto Liability (owned/non-owned): \$250,000/\$500,000 Bodily Injury
 - c. Commercial General Liability (CGL):
 - \$500,000 Occurrence
 - \$500,000 Personal Injury
 - \$500,000 Products/Operation
 - \$500,000 General Aggregate
3. Payment of \$5 per individual visit with a maximum of \$400 per year. The Board of Directors permits Association management to waive fees for use on a case by case basis.

B. Group Instructor or Service Provider

1. Must be certified in the type of instruction or service
2. Provide a Certificate of Insurance with minimal limits as follows:
 - a. Workers Compensation - Statutory Limits
 - b. Auto Liability (owned/non-owned): \$250,000/\$500,000 Bodily Injury
 - c. Commercial General Liability (CGL):
 - \$500,000 Occurrence
 - \$500,000 Personal Injury
 - \$500,000 Products/Operation
 - \$500,000 General Aggregate

3. Payment of \$20 per group session with a maximum of \$800 per year. The Board of Directors permits Association management to waive fees for use on a case by case basis.

C. Rental Vendor

1. All vendors providing services for Association approved rentals must be either pre-approved by Association staff or interviewed and accepted in writing by Association staff prior to inclusion on the Rental Agreement.
2. Be licensed as a business with the City of Washington and the State of Utah.
3. Provide a Certificate of Insurance with minimal limits as follows:
 - a. Workers Compensation - Statutory Limits
 - b. Auto Liability (owned/non-owned): \$250,000/\$500,000 Bodily Injury
 - c. Commercial General Liability (CGL):
 - \$500,000 Occurrence
 - \$500,000 Personal Injury
 - \$500,000 Products/Operation
 - \$500,000 General Aggregate

V. MEMBER ACKNOWLEDGEMENT

This is not necessarily an exhaustive list of all policies, procedures, and rules associated with the Association Facilities. While this is intended to be an accurate reflection of all procedures, management reserves the right to revise any policies, rules, schedules, etc. as circumstances change (e.g., emergencies, change in personnel, workload, community issues, etc.) I have read, understand and will adhere to the policies and procedures above, which have been established for the Aviano Community. I understand that failure to follow these policies and procedures listed above will jeopardize my privileges to use the facility and programs.

I have received a copy of Brio Community Center Rules and Regulations.

Member/Tenant Signature: _____

Date: _____

Print Name: _____