

# **Zocalo Clubhouse, Pool and Fitness Center Rules**

*Updated May, 2017*

## **INTRODUCTION**

To ensure the safe and pleasant use of Zocalo's facilities for everyone concerned, the following statement of policy, rules and regulations is adopted by the Zocalo Homeowners Association Board of Directors ("Board") under the authority of Zocalo's governing documents ("Governing Documents") and shall apply to all users. The facilities are owned, operated and maintained by and for the ***exclusive use of Zocalo Homeowners/Residents and tenants of Rincon.....*** **Guests are welcome *only if accompanied in person by a Zocalo Homeowner/Resident or Rincon tenant with a valid access card. It is not permitted to send family members or guest without the homeowner or tenant of record being present.***

The term "Homeowner" shall mean any person holding a Membership in the Zocalo Homeowners' Association ("Association") and Membership shall mean a membership in the Association, along with the rights granted to the Owners and Declarant to participate in the Association pursuant to Zocalo's Governing Documents. "Resident" shall mean each owner, tenant or lessee *actually residing* in the unit. Rincon tenant shall mean tenant of record actually residing in the unit.

This is a "living document" that is intended to be regularly amended as the Board deems necessary. Rights and obligations of Homeowners and Residents with respect to Association facilities are ultimately authorized by Zocalo's Governing Documents, which shall control in the event of a conflict with these Rules.

## **AUTHORITY**

Zocalo's Governing Documents grant the Board the authority to make and enforce such policies, rules and regulations as the Board deems reasonable and appropriate, including, without limitation, the ability to restrict the use of the Association Facilities. Such policies, rules and regulations are adopted at the sole discretion of the Board. These rules and any amendments and additions thereto adopted by the Board shall be binding upon all Zocalo Homeowners and Residents and Rincon tenants, and their respective guests, tenants, and invitees, and upon any other persons having use rights with respect to the Association facilities. The Board may also impose sanctions for violation of these Rules, including, without limitation, the suspension of rights of Homeowners/Residents/Rincon tenants to use any of the Association's facilities.

## **STATEMENT OF RESPONSIBILITY**

Homeowners/Residents will be held responsible for any trespassing, vandalism, damage or accidents incurred by themselves, their children, family and/or guests in or around the facilities.

Responsible Homeowners or tenants will be billed for any damages incurred. **Individuals not accompanied in person by a Homeowner or a Resident will be considered trespassers.**

## **AMENDMENTS**

The Board may amend these rules at any time.

## **ANIMALS**

No animals are permitted at any time in any of the facilities (except for authorized disability assisted purposes).

## **OTHER**

- ***Under no circumstances is anyone permitted to climb the walls to enter the facilities. Access is by key card or fob only.***
- Please be aware that the Board has authorized Management and the Clubhouse and Recreation Committee to enforce the above rules at all times. Homeowners/Residents are also permitted to “police” our own facilities.
- *In an effort to provide security for our community, Homeowners/Residents and Rincon tenants should be prepared to present ID, if requested.*
- **Violation of the rules may result in the assessment of a fine or denial of access to the facilities.**

## **PRIVATE USE OF FACILITIES**

The Board and Committees may use the Clubhouse for meetings and shall have priority over all other meetings. Notices of **Board** meetings will be posted on the bulletin board. **Please contact Erik Garcia at 505-699-3288 to schedule a meeting.**

All private events must be booked at least three weeks in advance so that Homeowners/Residents may be notified.

### **Clubhouse:**

The Clubhouse lounge and catering kitchen may be used by Zocalo Homeowners/Residents. A nonrefundable cleaning deposit of \$100.00 must be paid prior to any private event. The Homeowner/Resident must be present during the entire period of any private event. Homeowners/Residents are responsible for any damages incurred during the event and will be billed accordingly for repair. The facility may not be used to conduct a profit making business. A Homeowner/Resident may not use the facility on more than one day in a given month. Noise shall be kept at a reasonable level out of consideration for our neighbors. The facilities must be vacated no later than 10:00 p.m. on weekdays and 12:00 a.m. (midnight) on weekends. **Please contact Erik Garcia at 505-699-3288 for use of the Clubhouse.**

### **Pool:**

The pool may be used by Zocalo Homeowners for private events on a first come first served basis between 6 p.m. and 8 p.m. A deposit of \$150.00 must be paid prior to any private event. Please abide by maximums allowed of 36 people in the pool and 7 people in the hot tub. Private events for children may be held during the day any time between 12:00 p.m. (noon) and 6:00 p.m. Homeowners/Residents may have use of the pool during private events.

Food and beverages may be served under the covered area, provided only plastic or paper is used. NO GLASS.

Noise shall be kept at a reasonable level out of consideration for our neighbors. The Homeowner/Resident/Rincon tenant must be present for the entire period of any private event. The Homeowner/Resident/Rincon tenant is responsible for any damages incurred during private events and will be billed accordingly for repairs. Homeowners/Residents/Rincon tenants are responsible for clean-up and will be billed for any necessary follow-up cleaning if not done properly. If the facility is cleaned properly, the deposit will be returned to the Homeowner/Resident/Rincon tenant.

The pool may not be used to conduct profit making business.

**Please contact Erik Garcia at 505-699-3288 to schedule private pool events.**

**IMPORTANT: Zocalo does not condone the consumption of alcohol at any of our facilities.** Anyone consuming alcohol assumes sole responsibility for any liability that may arise in connection with the service or consumption of alcohol.

### **POOL/HOT TUB AREA AND FITNESS CENTER RULES**

**1. Use of the Pool, Hot Tub and/or Fitness Center/Equipment is AT THE USER'S YOUR OWN RISK. Homeowners/Residents/Rincon tenants and guests assume all responsibility for their actions.**

#### **2. Hours of Operation**

7 days a week from 5:00 a.m. to 11:00 p.m.

#### **3. Food and Beverages**

Food and beverages are permitted, provided only plastic or paper is used. NO GLASS. Food and drink may not be consumed **in** the pool.

**Zocalo does not condone the consumption of alcohol at the pool.** Anyone consuming alcohol assumes sole responsibility for any liability that may arise in connection with the service or consumption of alcohol.

#### **4. Children and Guests**

***All guests of any age must be accompanied in person by a Homeowner/Resident.***

No more than four guests per household may accompany a Homeowner/Resident at one time. Children under 14, including Residents, must *also* be accompanied by an adult Homeowner/Resident at all times. Residents under the age of 18 may not have guests unless they are accompanied by a resident adult.

#### **5. Pool/Hot Tub Area**

**Use of the swimming pool/hot tub area is AT THE USER'S OWN RISK. NO Lifeguards are on duty.**

##### **A. Capacity**

- Maximum of 36 people in the pool at one time.
- Maximum of 7 people in the hot tub at one time.

## **B. General Use**

- The swimming pool is part of the Association facilities, and only Homeowners/Residents/Rincon tenants with valid access cards and guests that are accompanied **in person** by a Homeowner/Resident/Rincon tenant may use the swimming pool.
- If you use the hot tub, you must put the cover back on when finished.
- Use common sense while using the facilities.
- Any person failing to abide by the policy or safety rules as stated herein and/or as posted will be asked to leave the swimming pool area.

## **C. Inclement Weather**

For safety reasons, during rain, thunder, and lightning storms, all persons must leave the pool immediately. During rain, thunder, lightning, or other inclement weather conditions, Management may clear and close the swimming pool area until such inclement conditions pass. However, neither the Association nor its Management are responsible for monitoring weather conditions, and each person in the pool area has the responsibility to immediately exit the pool area if lightning or thunder occurs.

## **D. Children**

- Infants and children who are not toilet trained must wear clean swim diapers while in the pool.
- Children under 14 years of age are not allowed in the pool or pool area without Homeowner/Resident/Rincon tenant adult supervision. Residents under the age of 18 may not have guests unless they are accompanied by a resident adult.
- Children fewer than 42 inches in height are not permitted in the swimming pool, unless a parent or guardian is in the swimming pool with the child.
- Children under 5 years are not permitted in the hot tub at any time.

## **E. Behavior**

- Swim and exercise at your own risk. **No staff or lifeguards on duty.**
- No Smoking in the pool area.
- Please shower before entering the pool. Use only waterproof sunscreen; no other oils or lotions.
- Swimsuits must be worn (no street or casual clothes in the pool).
- Adults who are incontinent must wear waterproof pants or adult diapers.
- Rescue rings and rescue hooks are for **EMERGENCY USE ONLY**. They are not to be used as toys or in place of adult supervision for children.
- Radios, TVs, Tapes/CD/MP3 players and other sound devices may be used with earphones only.
- Pool furniture may not be removed from the proper area.
- No diving, running, pushing, or horseplay is allowed in the pool.
- No large pool toys are permitted. That includes floats and other large toys.
- Voices must be kept at a conversational level. No shouting, screaming, foul language or offensive behavior or boisterous conduct is permitted.
- **In an emergency, call 911.**

## **6. Use of Fitness Center and Equipment.**

**Homeowners/Residents and guests assume all responsibility for their actions and understand that use of the Fitness Center is AT THEIR OWN RISK.**

### **A. General Use of Fitness Center**

- No smoking in Fitness Center.
- Regular use of the Fitness Center is intended for Homeowners/Residents only. Bringing the same guest(s) on a weekly basis to the Fitness Center is not permitted.
- Appropriate exercise clothing, including tops and shoes must be worn.
- Put all used water bottles and cups in the garbage receptacle.
- If you are the last to leave, turn all lights and fans off—both in the Fitness Center and the bathrooms. Lights and fans are often left on, so let's do our share in conserving energy and turn them off.
- Homeowners/Residents must abide by all established rules at all times when using the Fitness Center.
- If a Homeowner/Resident ignores a rule(s) once, he/she will receive a letter of notice. After a second violation, the same Homeowner/Resident will be suspended from use the Fitness Center for thirty (30) days. After a third violation, the same Homeowner/Resident will be suspended from use of the Fitness Center for ninety (90) days. If violations continue, Homeowners/Residents may be permanently suspended from use of the Fitness Center.

### **B. Use of Equipment**

- Children under the age of 18 are not permitted to use the equipment without the direct supervision of an adult Homeowner/Resident or Rincon tenant.
- No one may occupy a single piece of equipment for more than 30 minutes at a time if someone is waiting for that equipment.
- Please wipe down each piece of equipment after use.
- **DO NOT MOVE EQUIPMENT THAT IS INTENDED TO BE STATIONARY. IF YOU MOVE EQUIPMENT FROM ITS ORIGINAL LOCATION, YOU WILL BE HELD LIABLE FOR ANY DAMAGE TO THE EQUIPMENT, CARPET, ETC.**
- Homeowners/Residents/Rincon Tenants must observe “out of order” signs on equipment. Please DO NOT use equipment if it has an “out of order” sign on it. In some cases, certain equipment may remain operable, even when there is an “out of order” sign on it. In those cases, we are likely waiting to replace a part, and use before replacement may damage equipment. If a Homeowner/Resident uses equipment with an “out of order” sign on it, he/she will be held liable for any damage.

**If you are aware that any equipment is not functioning properly, please contact Erik Garcia at 505-699-3288 to arrange for repair/service.**

### **C. Courtesy**

If another Homeowner/Resident is in the Fitness Center before you, please **be courteous** and ask whether they mind if you turn on fans, T.V., raise the shades, etc. Since there is often more than one Homeowner/Resident using the Fitness Center at the same time, the most logical and fair policy is “first come, first served.”

## **7. Closure**

The Board has the authority to close the facilities at any time due to inclement weather, damaged equipment, contaminated water or for any health or safety reasons.

**As a member of the Homeowners Association, if you see anything that does not seem right or is in violation of these rules, please contact Erik Garcia at 505-699-3288.**