

# **DREAMLAND VILLA RETIREMENT COMMUNITY**

## **Rules and Regulations**

**As adopted by the DVRC Board of Directors through December 11, 2017**

### **Introduction**

The Dreamland Villa Retirement Community Board of Directors has adopted the following Rules and Regulations pertaining to usage of the Common Areas. These Rules and Regulations may, from time to time, be modified, added to or deleted as determined necessary by the Board of Directors. If any conflict exists between the provisions of the Restrictions, the Articles, the Bylaws, or any amendments thereto, and these Rules and Regulations, the provisions of the Restrictions, Articles or By-Laws shall prevail.

The Board recognizes that, from time to time, a violation of the established Rules and Regulations, the Articles, the Bylaws or the Restrictions (collectively “Community Documents”) may occur and that a reasonable fine and penalty structure is necessary in such cases to encourage compliance. The Board’s goal is to achieve compliance and not to punish. To this end, the Board reserves the right to waive some or all of the fines and penalties once compliance is achieved.

### **Definitions**

**Articles** – Shall mean the Articles of Incorporation of the Dreamland Villa Retirement Community, Inc. which have been filed in the Office of the Corporation Commission of the State of Arizona, as said Articles may be amended from time to time.

**Board** – Shall mean the Board of Directors of the Corporation

**Bylaws** – Shall mean the Bylaws of the Corporation, as such Bylaws may be amended from time to time.

**Common Area** – Shall mean all real property owned by the Corporation for the common use and enjoyment of the Owners, including, but not limited to all of the Properties, except the land specifically designated as a “Lot” and intended solely for Single Family Residential Use and improvements thereon, on the plat of record and all recorded amendments thereto, except streets dedicated to the public and accepted by a governmental agency. The Common Area shall also include all recreational facilities, if any, swimming pools, pumps, trees, pavements, streets, pipes wires, conduits, and other public utility lines, except as otherwise set forth herein.

**Common Expenses** – Shall be (1) all expenses of administration of the Corporation and of the maintenance, operation, management, improvement, repair and replacement of Common Area and any portions of the Properties required to be maintained, improved, repaired or replaced by Corporation; (2) all expenses declared or contemplated to be Common Expenses as provided by the Restrictions, the Articles, Bylaws or Rules of the Corporation (as the same may be duly adopted and amended from time to time) or applicable statutes or regulations; and, (3) subject to the provisions hereof, all valid charges, assessments or taxes against the Property as a whole.

**Community Documents** – Shall mean the Restrictions, Articles, Bylaws and Rules, including amendments thereto from time to time.

**Corporation** – Shall mean and refer to the Dreamland Villa Retirement Community, an Arizona nonprofit corporation, its successors and assigns.

**Restrictions** – Shall mean the First Amended Declaration of Restrictions for each relevant Section, as they may be amended from time to time, except where the context indicates otherwise.

**Guest (Day Guest)** – This term will be used for the purpose of defining those visitors who reside outside the boundaries of Dreamland Villa but in the greater Phoenix Metropolitan area and are here to spend a day or less with a DVRC member. (Example –friend or relative from elsewhere in Mesa or perhaps a neighboring city is visiting a DVRC member for the day).

**Guest (Houseguest/Out of Town Guest/Overnight guest)** – These terms are used to define a friend or relative of a DVRC member who lives outside the Dreamland area and usually from a more remote location. Such a visit requires overnight accommodations whether in the home of a DVRC member, some other local home or in a motel or hotel or similar business established to provide overnight accommodations.

**Lot** – Shall mean and refer to any separate parcel of real property shown upon the recorded subdivision plat of the Properties, with the exception of the Common Area as identified above.

**Member** – Shall mean and refer to membership in the Dreamland Villa Retirement Community. All Occupants of a dwelling unit shall have an individual membership in Dreamland Villa Retirement Community or no occupant of that household may be a member except as provided for by special variance. Each individual member shall pay annual fees.

**Occupant** – Shall mean a person or persons, including an Owner or renter, who resides in and who is in rightful possession of a Lot. By way of illustration and not of limitation, an Occupant is one who regularly receives mail at a Lot, is counted for the purpose of paying fees to the Corporation, and who considers a Lot as one of his or her primary residences. A guest is not an occupant.

**Owner** – Shall mean and refer to the record owner, whether one or more persons or entities, of equitable or beneficial title (or legal title if same has merged) of any Lot which is a part of the Properties, but excluding those having such interest merely as security for the performance of an obligation.

**Properties or Property**– Shall mean and refer to that certain real property defined in Article I of the respective Declarations.

**Rules** – Shall mean the rules and regulations adopted by the Board pursuant to the Declarations, as may be amended from time to time.

**Single Family** – Shall mean a group of one or more persons each related to the other by blood, marriage or legal adoption, or a group of not more than two (2) persons not so related, who maintain a common household in a dwelling.

**Single Family Residence** – Shall mean a building used as a residence for a single family, including any appurtenant garage or carport.

**Single Family Residential Use** – Shall mean the occupancy or use of a Single Family Residence in conformity with the higher standards set forth in the Declaration or the requirements imposed by applicable zoning laws or other State, County or municipal rules and regulations.

**Social Member** – Shall mean a caregiver, boarder, or household help of a DVRC member in good standing and whose annual fees have also been paid.

## **COMMON AREA RULES AND REGULATIONS**

### **A. General:**

1. Only members and their guests are permitted use of DVRC facilities, with the exception of those facilities open to the public and as noted in the policy “Activities”.
2. Use of Kee card controlled Corporation facilities is restricted to members and their guests, except as noted in the policy “Activities”.
3. Guests will be allowed use of Corporation facilities provided they are accompanied and signed in by the host member.
4. A Day Guest who is accompanied by a member will be allowed use of the Corporation facilities for the day of his/her visit. It is not intended that such guests will be permitted unrestricted use of Corporation facilities and such guests will

limit such use to no more than twice in any given calendar month, regardless of whose guest he or she is. It is the host member's responsibility to ensure that their guests do not violate this rule.

5. A Houseguest or Out of Town Guest who is accompanied by a member will be allowed use of the Corporation facilities for the days of his/her visit up to 30 consecutive days. It is not intended that such guests will be permitted unrestricted use of Corporation facilities. It is the member's responsibility to ensure that their guests do not violate this rule.
6. Smoking is not allowed in any Corporation facility.
7. The use of illegal drugs is prohibited in or on any Common Area.
8. Sexual harassment, any deliberate act that interferes with another's use of the Common Area, and/or harassment of other individuals of any nature or form, the use of offensive or profane language, and/or the conducting of one's self in an offensive, suggestive or rude manner while on or in any Common Area, is strictly prohibited.
9. The use of all DVRC facilities for any purpose or activity, with the exception of facilities assigned to DVRC or activities for use on a continuing basis, must be approved in advance by the DVRC Business Office or Board.

**B. Swimming Pools and Hot Tubs/Spas (collectively "Pools"):**

1. Only members and their guests are permitted to use the Pool facilities. It is the member's responsibility to instruct their guests on the Pool rules and to accompany them to and remain with them while at a Pool.
2. All persons using the Pool facilities **must** shower before entering pools. Only water-soluble sunscreen may be used and must be applied at least 45 to 60 minutes before entering the Pool area. **NO OILS.**
3. Children that are not toilet trained are not permitted in Pools. Children (up to age 16) must be accompanied by a member at least 18 years of age or older. Children may only use toys in the Pools that cannot be sucked into the vacuum system and clog the filters and valves. The hours that children (up to age 16) may use the Pools are:

Read Hall Complex Pools –	10:00 am to 1:00 pm only
Farnsworth Hall Complex Pools –	11:00 am to 1:00 pm and 5:00 pm to 6:00 pm
4. Running, diving, or horseplay is not permitted. The use of small inflatable items and noodles may be used provided they do not interfere with other swimmers.
5. Only standard swimwear is allowed.
6. Persons with open cuts, sores, rashes or wearing adhesive bandages are not permitted in the Pools.
7. Eating and drinking are only allowed in Pool areas in designated areas behind the painted Pool deck lines. Each person is responsible for depositing all trash and cans in trash containers. **Absolutely no glass containers** are permitted in Pool areas."
8. Smoking in Pool areas, dressing rooms and showers is not permitted.
9. Individuals under the age of 18 are not permitted to use the hot tubs (spas).
10. All adult three wheeled bicycles (tricycles), scooters and unlicensed bicycles parked within a Pool area must be walked through the access gate and taken directly to the bicycle racks provided.
11. No portion of any Pool equipment may be used for anything other than the intended purpose. By way of clarification and not of limitation, no person shall be permitted to use the metal railings and ladders in Pools for any purpose other

than for the entry or exit from the related Pool. (This includes, but is not limited to a prohibition on using the metal railings and ladders for exercise purposes.) Moreover, no person shall situate himself or herself in a Pool so as to impede or interfere with anyone entering or exiting a Pool from an intended entry or exit point.

12. Animals, except for service dogs, are not allowed in the pool area at any time.
13. Pools Opening and Closing Times:

Farnsworth Hall

Opening Time – 7:30 a.m.

Closing Time – 10:00 p.m. (1)

Read Hall

Opening Time – 7:30 a.m.

Closing Time – 10:00 p.m.

(1) Closing time for the Farnsworth Hall pool/spa area shall be changed when evening temperatures are consistently below 70 degrees. Early pool closure time of 6 p.m. is to keep the pool water warmer for day time use. The 10 p.m. closing time hours will be reinstated when the air temperatures are consistently above 70 degrees.

**There are no lifeguards on duty. To swim alone is dangerous. Swim at your own risk and enjoy yourself, but please be considerate of other people.**

**C. Nature Walk:**

The power easement property, also known as the Nature Walk, which is located between Colby and Decatur Streets and from Higley Road through the 6000 block of Colby and Decatur Streets is part of the Common Area. The Board of Directors has adopted the following Rules and Regulations with the intent to maintain the Nature Walk in its most natural state as is reasonably possible while giving consideration to accessibility, hazards, cost of maintenance, the members desire to protect the land from other usage and to permit use of the Nature Walk for the purpose of enjoying the vegetation and wildlife.

1. All trees, shrubs, cacti, etc., planted on the Nature Walk must be native or common to the southwest and must be able to survive on their own without any care (drought resistant).
2. Vegetation on the Nature Walk, with the exception of normal cleanup and maintenance, is not to be removed without the prior written approval of the Board.
3. Individuals using the Nature Walk to walk pets are responsible for cleaning up and disposing of any and all droppings left by the pets. All pets walked on the Nature Walk must be on a leash.
4. Only member vehicles or vehicles authorized by the Corporation may be driven on the Nature Walk. For the purpose of this rule, the term member shall be additionally defined as an Owner whose Lot borders the Nature Walk.

(4.a) The driving speed on the Nature Walk shall be “walking pace”, defined as not to exceed three (3) miles per hour.

(4.b) Members desiring access for permitted storage of vehicles or trailers on their Lot will be required to pay a refundable key deposit of fifty (\$50.00) dollars. When the key is returned the deposit will be refunded no later than the next regularly scheduled check-writing day. Deposits for keys that are lost will be forfeited and a one hundred (\$100.00) dollar refundable deposit will be required before a replacement key is issued. Keys may not be duplicated or loaned to another individual or member. All members issued a key will be required to sign a key issuance agreement. Any member issued a key is required to return the key when their Lot is sold and/or ownership is transferred to another person(s) or entity.

(4.c) This rule applies to members who are Lot owners of record as of November 11, 2008. Subsequent Lot Owners will not be granted vehicle or trailer access to their Lot by way of the Nature Walk.

5. The driving of any vehicle on the Nature Walk, except as provided for in Section 4, above, is strictly prohibited; however, electric carts, wheelchairs, bicycles and walkers are permitted, provided they are operated/used in a safe and prudent manner.
6. The Corporation has the sole authority to place, at appropriate locations, signage informing users of the Nature Walk of some or all of these Rules and Regulations.
7. The Corporation may do whatever is necessary to maintain the appearance and functionality of the Nature Walk, while giving special consideration to maintaining the natural foliage and habitat of and for wildlife.
8. No structures of any kind, including sheds or fences, are allowed on the Nature Walk.
9. With prior Written Board approval landscaping is permitted on the Nature Walk, provided such landscaping does not discourage or inhibit individuals from walking on the Nature Walk. Extending yards on to the Nature Walk by installing curbing, edging, and/or fences, etc., is prohibited.
10. The dumping of yard trash, building materials, etc., on the Nature Walk is strictly prohibited.
11. Water run off systems from Lots adjacent to the Nature Walk are to be constructed in such a manner so as not to cause erosion, a safety hazard or harm to foliage or wildlife habitats on the Nature Walk. Wastewater runoff of any kind onto the Nature Walk is strictly prohibited.
12. The parking of any vehicle, trailer or boat of any kind or nature on the Nature Walk is strictly prohibited.

**D. Enforcement:**

1. All complaints shall be promptly reviewed to determine if a violation does or does not exist. Violators of Common Area Rules and Regulations will be sent written notification informing them of the violation and informing them that continued violations will result in disciplinary action by the Board.
2. Violation of any of the Common Area Rules and Regulations will subject the offending/responsible member(s) to all penalties/remedies available to the Corporation, at law or in equity. Any member in the Corporation who violates any Rule or Regulation and/or who causes the Corporation to incur any costs, including legal fees, regardless of whether a lawsuit is filed, is deemed to have violated these Rules, and shall have his/her membership privileges suspended or revoked at the sole and absolute discretion of the Board.
3. Due to the potential serious consequences arising from violation of Pool Rules, the Board reserves the right to immediately revoke the Pool privileges of a violating member pending a hearing before the Board, in addition to any and all rights and remedies available to the Corporation. Members are responsible for their guests. In addition to a permanent revocation of a guest's privileges, the Corporation reserves the right to simultaneously revoke a member's Pool privileges pending a hearing as a result of the actions of a member's guest and to take any other action against a member as a result of the guest's actions.