

OMEGA BAY IMPROVEMENT COMMITTEE, INC.

NUISANCE, OUTBUILDINGS, LEASING AND SHORT TERM RENTAL RULES AND REGULATIONS

THE STATE OF TEXAS

X

X KNOWN ALL MEN BY THESE PRESENTS:

COUNTY OF GALVESTON

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WHEREAS, Omega Bay Improvement Committee, Inc. (the "Association") is authorized to administer the Association and provide for the health, safety and welfare of the members and property and specifically for the enforcement of the use restrictions as described in the Amendment to Deed Restrictions for Omega Bay as filed in the Real Property Records of Galveston County, Texas on May 28, 1976 under Clerk's File Number 76720 (the "Declaration"); and,

WHEREAS, Section 14 of the Declaration sets forth said premises shall not be used for ay purpose whatsoever which is an annoyance or nuisance to the other lot owners in said Subdivision, and the placing, allowing or keeping of anything, or the commission of any act, which is an annoyance or nuisance to the owners of the other lots is expressly prohibited; and,

WHEREAS, it is within the discretionary authority of the Board of Directors concerning enforcement of a restrictive covenant is presumed reasonable pursuant to Texas Property Code Section 202, the Board of Directors for the Association adopts and applies the Nuisance provision; and,

WHEREAS, the Texas Property Code sets forth in Section 204.010 (6) that the Board of Directors of the Association has the power to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision. Additionally, the Texas Property Code was amended in 2021 in Section 209.016 to expressly set forth that the Association may adopt and enforce restrictions regarding a lease or rental applicant and information related thereto; and,

WHEREAS, the Association, through its Board of Directors, desires to adopt this Nuisance, Outbuildings, Leasing and Short Term Rental Rules and Regulations as to short term rentals and compliance as well as outbuilding size and requirements to ensure the safety, health, happiness and enjoyment of the Owners and in furtherance of a plan to provide for the congenial occupation of the Lots or homes and facilitate the community as a first class, safe, healthy, happy, quiet and restful residential community and as authorized to standardize the policies and procedures;

NOW THEREFORE, BE IT RESOLVED THAT: the following Nuisance, Outbuildings, Leasing and Short Term Rental Rules and Regulations is hereby adopted by a motion, second of the motion and approval of the members of the Board of Directors at a regularly scheduled board meeting with notice to owners as provided for in Texas state law:

IT IS ADOPTED, that any short term rentals of any residences on any Lot are detrimental to the safety, health and happiness of the community in that any such short term rental tenants are not vetted as to their background or the use of the residence or premises on any Lot, do not have a stake in the community or the quiet enjoyment of any of the respective owners or long term tenants of properties within the community and it is necessary to ensure the uniformity of structures placed or constructed on any Lot or home.

IT IS FURTHER ADOPTED, that a Lot or home may be leased for single family purposes only and any lease as provided for in these Rules shall not include any use of the Lot or home for hotel, motel or transient purposes or use by individuals who do not utilize such Lot or home as a bonafide primary or secondary residence, which for purposes of these Nuisance Rules and Regulations is defined as a period

of less than one hundred eighty (180) days. The use of any Lot or home for short term rentals, hotel, motel or transient purposes is strictly prohibited. Hotel, motel, or transient use of a hotel or motel shall also include as further evidence of its use by the payment of a hotel or motel tax to any governmental entity. No Owner shall be permitted to lease less than the entire Lot or home. Every lease shall be in writing and the Tenant shall be bound by and subject to all of the obligations of the Owner under the Declaration and these Rules and Regulations, as may be hereafter amended. The Owner entering into any such lease shall not be relieved from any such obligations.

IT IS FURTHER ADOPTED, that the Association will provide only one notice to cease and desist any rental of a Lot or home for short term rentals. The notice will be sent as required by Texas Property Code Section 209.006, via certified mail, advising the owner of their right to request a hearing with the Board of Directors. A fee for preparing the certified letter will be billed to the owner. The cease and desist demand letter will state that damages per night as permitted by the Texas Property Code may be assessed to the owners account if the violation continues after the expiration of the cure period provided for by state law.

IT IS FURTHER ADOPTED, that the Owner shall provide to the Association the contact information, including the name, mailing address, phone number and email address for each person who will reside at a property in the subdivision under a lease. Also to be provided is the commencement date and term of the lease.

IT IS FURTHER ADOPTED, the Owner is further required to update and register upon any change in the person who is renting the Lot or home or upon any change in ownership of the Lot or home.

IT IS FURTHER ADOPTED, that uniformity of appearance of outbuildings is necessary to preserve the aesthetics and property values in the community. Therefore, all outbuildings must be of the same materials and colors as that of the main residential structure on the premises. Such outbuildings shall be no larger than twenty four (24) feet wide, twenty two (22) feet long and not more than eleven (11) feet in height as measured at the eave and may never be more than a single story in height.

These Nuisance, Outbuilding, Leasing and Short Term Rental Rules and Regulations is adopted by at least a majority vote of the Board of Directors and is effective and operational upon its recording in the Real Property Records of Galveston County, Texas.

SIGNED this 14th day of APRIL, 2022.

OMEGA BAY IMPROVEMENT
COMMITTEE, INC.

By: Danny Barnes

DANNY BARNES, PRESIDENT

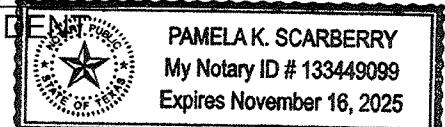
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THE STATE OF TEXAS

COUNTY OF GALVESTON



THIS INSTRUMENT was acknowledged before me on this the 14 day of April, 2022 by the said DANNY BARNES, PRESIDENT of OMEGA BAY IMPROVEMENT COMMITTEE, INC., a Texas non-profit corporation, on behalf of said corporation.

Pete Kline
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FILED AND RECORDED

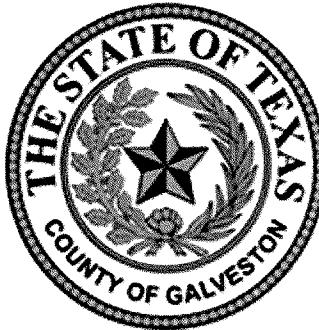
Instrument Number: **2022033333**

Recording Fee: **30.00**

Number Of Pages: **3**

Filing and Recording Date: **05/17/2022 11:11AM**

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*