

## **OMEGA BAY IMPROVEMENT COMMUNITY, INC.**

## **SWIMMING POOL ENCLOSURE POLICY**

STATE OF TEXAS  
COUNTY OF GALVESTON

WHEREAS, Omega Bay Improvement Community, Inc. (the "Association"), is the Association for all sections of Omega Bay, according to the maps or plats thereof, recorded in Map Records of Galveston County, Texas, along with any amendments and re-plats thereto, (the "Community"); and,

WHEREAS, the Board of Directors of the Association is authorized to administer the affairs of the Association and provide for the health, safety and welfare of the members and property within the Association and this Swimming Pool Enclosure Policy is applicable to the Community and Association; and.

WHEREAS, all terms used herein that are further defined in Chapter 202 of the Texas Property Code shall have the meaning as defined in the statute; and,

WHEREAS Section 202.022 of the Texas Property Code was amended to establish the right of property owners to install and maintain certain types of pool enclosures; and,

WHEREAS, if this policy conflicts with any existing governing document or dedicatory instrument of the Association or Community, this policy controls by virtue of such contrary provision being pre-empted by State law; and,

WHEREAS, to the extent any existing governing document or dedicatory instrument does not conflict with this policy or Section 202.022 of the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; and.

WHEREAS, this document constitutes Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants:

NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Community and the Association the following policies, rules, and regulations:

Pursuant to Section 202.022 of the Texas Property Code, a property owner may install and maintain a swimming pool enclosure on their property to the extent it satisfies the terms in paragraph one below and complies with the regulations set forth in paragraphs two through six below.

1. Swimming Pool Enclosure shall mean a fence that:
  - a. surrounds a water feature, including a swimming pool or spa;
  - b. consists of transparent mesh or clear panels set in metal frames;
  - c. is not more than six feet in height; and
  - d. is designed to not be climbable.
2. All Swimming Pool Enclosures must conform to applicable state and local safety requirements.
3. No Owner may install a Swimming Pool Enclosure prior to submitting a written application to, and receiving written approval from, the Association.
4. All Swimming Pool Enclosures in the Community must completely surround the relevant water feature.
5. All Swimming Pool Enclosures must consist of black transparent mesh set in black metal frames, or clear panels set in black metal frames. However, alternative materials and styles of Swimming Pool Enclosures may be considered by the Association on a case by case basis if it is in harmony with surrounding structures and compatible with the architectural design and appearance of the Community
6. All Swimming Pool Enclosures, and all Swimming Pool Enclosure components, must be maintained in a state of good repair. Any Swimming Pool Enclosure, and/or any component of any Swimming Pool Enclosure, that deteriorates, becomes rusted, becomes discolored, and/or becomes unsafe, must be immediately replaced and/or repaired.
7. All swimming pool enclosures are in addition to and do not disturb existing use restrictions that govern perimeter fencing of the property that are described and have other requirements separate and apart from these provisions for swimming pool enclosures.

## CERTIFICATION

"I, the undersigned, President of Omega Bay Improvement Community A, Inc., hereby certify that the foregoing was adopted by at least a majority of Omega Bay Improvement Community, Inc.'s Board of Directors, at a properly noticed, open board meeting, at which a quorum of the board was present."

By: Daniel C Barnes  
DANIEL C. BARNES, PRESIDENT

## ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF GALVESTON

THIS INSTRUMENT was acknowledged before me by the said DANIEL C. BARNES, PRESIDENT of OMEGA BAY IMPROVEMENT COMMUNITY, INC., a Texas non-profit corporation, on behalf of said corporation.

Given under my hand and seal of office this the 26<sup>th</sup> day of August,  
2021.

Taylor Kelley  
Notary Public State of Texas

