

VILLAGE OF BISCAYNE BAY HOMEOWNERS ASSOCIATION, INC.
SWIMMING POOL SAFETY FENCE POLICY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, Village of Biscayne Bay Homeowners Association, Inc. a Texas nonprofit corporation (the “Association”) is the governing entity for Village of Biscayne Bay, a Subdivision in Brazoria County, Texas (the “Subdivision”); and

WHEREAS, the Association is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration for the Subdivision; and

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

WHEREAS, Section 202.022 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool safety fences; 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 pertaining to approval of improvements prior to installation; and

WHEREAS, this Dedicatory Instrument represents 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 Restrictive Covenants; and

WHEREAS, this Swimming Pool Safety Fence Policy is applicable to the Subdivision and Association; and

WHEREAS, this Policy does not address complete pool enclosures which require application to and approval of the ARC; and

WHEREAS, the Board of Directors of the Association (the “Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the Subdivision, and to provide clear and definitive guidance regarding the use and installation of swimming pool safety fences, it is appropriate for the Association to adopt a policy regarding the installation and use of swimming pool safety fences.

NOW, THEREFORE, in light of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision and the Association the following *Swimming Pool Safety Fence Policy*:

1. Pursuant to Section 202.022 of the Texas Property Code, a property owner or resident may install and maintain a swimming pool safety fence on their property to the extent it satisfies the criteria in paragraph two below and complies with the regulations set forth in paragraphs three through seven below.
2. "Swimming Pool Safety Fence" 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 (6) feet in height; and
 - d.) Is designed not to be climbable.
3. All Swimming Pool Safety Fences must conform to applicable state and local safety requirements.
4. No owner or resident may install a Swimming Pool Safety Fence prior to submitting a written application to and receiving approval from the ARC.
5. All Swimming Pool Safety Fences in the Subdivision must completely surround the relevant water feature to the extent practicable.
6. All Swimming Pool Safety Fences 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 Safety Fences may be considered by the ARC on a case by case basis if in harmony with surrounding structures and compatible with the architectural design, aesthetics, and appearance of the Subdivision.
7. All Swimming Pool Safety Fences, including components, must be maintained in a state of good repair. Any Swimming Pool Safety Fence or any component that deteriorates, becomes rusted, discolored, or torn, or that appears to be unsafe, must be immediately repaired.

This Policy is effective upon recordation in the Public Records of Brazoria County, Texas. Except as affected by Section 202.022 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

CERTIFICATION

I, the undersigned, being the President of the Village of Biscayne Bay Homeowners Association, Inc. hereby certify that the foregoing Policy was adopted by at least a majority of the Village of Biscayne Bay Homeowners Association, Inc.'s Board of Directors at a properly noticed, open Board meeting, at which a quorum of the Board was present.

Approved and adopted by the Board of Directors on the 28th day of June 2022.

DocuSigned by:
Jennifer Doest

Jennifer Doest, President of Village of Biscayne Bay Homeowners Association, Inc.

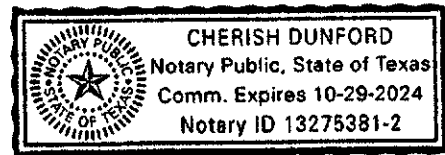
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Before me, the undersigned authority, on this day personally appeared Jennifer Doest, President of Village of Biscayne Bay Homeowners Association, Inc. a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 28th day of June 2022.

Cherish Dunford

Notary Public, State of Texas



AFTER RECORDING, RETURN TO:

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6548 GREATWOOD PKWY.

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FILED and RECORDED

Instrument Number: 2022041629

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



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

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cclerk-yadira