

TERRAMAR BEACH COMMUNITY IMPROVEMENT ASSOCIATION
SWIMMING POOL ENCLOSURES POLICY

STATE OF TEXAS §
COUNTY OF GALVESTON §

WHEREAS, the property encumbered by this Swimming Pool Enclosures Policy (the “Policy”) is that property restricted by the Declaration of Covenants, Conditions and Restrictions for **TERRAMAR BEACH COMMUNITY IMPROVEMENT ASSOCIATION** (the “**Association**”), recorded in the Official Public Records of Galveston County, Texas, as same has been or may be amended from time to time (the “Declaration”), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association; and

WHEREAS, pursuant to the Dedicatory Instruments governing the Property, the Association is vested with the authority to adopt policies, rules and/or guidelines; and

WHEREAS, the Board of Directors of the Association (the “Board”) has determined that, in order to provide guidance regarding swimming pool enclosures authorized by Texas Property Code Section 202.022 (the “Code”), it is appropriate for the Association to adopt a Swimming Pool Enclosures Policy for the properties under the jurisdiction of the Association; and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (the “ACC”), means prior written approval by the ACC for the Association; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meaning set forth in the Declaration, unless otherwise specified in this Policy.

NOW THEREFORE, pursuant to the authority granted in the Code, the Board hereby adopts this Policy which shall run with the land and be binding on all Owners and Lots within the Property. The provisions of this Policy are in addition to any other applicable guidelines, rules or policies. In the event of a conflict between the terms of this Policy and any previously adopted guidelines, rules, and/or policies addressing security measures, this Policy will control.

I. DEFINITIONS

For purposes of this Policy, “**Swimming Pool Enclosure**” shall mean a fence that:

1. Surrounds a water feature, including a swimming pool or spa located on a Lot within the Property;
2. Consists of transparent mesh or clear panels set in metal frames;

3. Is not more than six feet (6') in height; and
4. Is designed to not be climbable.

II. SWIMMING POOL ENCLOSURES

A. Approved Swimming Pool Enclosures

The installation of a Swimming Pool Enclosure that is black in color, consists of transparent mesh set in metal frames, is equal to a maximum of five feet maximum (5') in height and no less than four feet minimum (4'), and conforms to all applicable state or local safety requirements ("Approved Swimming Pool Enclosure") is considered pre-approved by the ACC and does not need to be submitted to the ACC for review and approval.

B. Swimming Pool Enclosures Requiring ACC Approval

The installation of a Swimming Pool Enclosure on a Lot, other than an Approved Swimming Pool Enclosure, requires prior written approval from the ACC. Any such Swimming Pool Enclosure is subject to the following parameters:

1. Swimming Pool Enclosures may not exceed five (5') in height, unless otherwise approved by the ACC.
2. Swimming Pool Enclosures shall conform to all applicable state or local safety requirements.
3. Swimming Pool Enclosures may contain frames (a) composed of materials such as, by way of illustration and not limitation, metal, wood, and/or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, white, silver, transparent, or black tones.
4. Swimming Pool Enclosures may contain panels or screens (a) composed of materials such as, by way of illustration and not limitation, transparent mesh, glass, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, clear, white or light blue.

The submission of plans related to a Swimming Pool Enclosure must include a completed application for ACC review, a site plan showing the proposed location of the Swimming Pool Enclosure, the type of Swimming Pool Enclosure to be used, and a copy of the manufacturer's brochures or a sample of material, if applicable. In considering the appearance of a Swimming Pool Enclosure, the ACC may take into account such factors including, but not limited to, the overall size of the pool, the size and configuration of the Lot, the location of the Lot in the Property, the location of the pool and Swimming Pool Enclosure on the Lot and the visibility of the Swimming Pool Enclosure from streets, other Lots, and/or Common Areas.

The installation of a Swimming Pool Enclosure that is not in compliance with this Policy will be considered a violation of the Dedicatory Instruments governing the Property.

FILED AND RECORDED

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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 Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

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