

# **Heritage Hill Country Association, Inc.**

## **Pool & Spa Policy**

**July 17, 2018**

The swimming pool and spa are for the exclusive use of HERITAGE HILL COUNTRY HOMEOWNERS, TENANTS and their INVITED GUESTS. The Homeowner is defined as the Owner of Record, or their spouse, for the property according to Article I, Section 13, of the DCC&R's, who has not delegated their right of use to a Tenant. Tenants are defined as renters who reside at the owner's lot or parcel, provided the Owner of Record waives their use in writing according to Article VI, Section 2, of the DCC&R's. Guests are defined as other users.

Owners of Record are liable for all actions of owner, owner's co-residents, guest, tenants, and guest of tenants. Owners of Record are responsible for advising tenants and guests of the Pool & Spa Rules.

**UNAUTHORIZED PERSONS ENTERING THE FENCED POOL/SPA AREA WILL BE CONSIDERED TRESPASSING.**

**POOL HOURS 6:00am to 10:00pm**

**NO LIFEGUARD IS ON DUTY.** Use of the pool and spa are at the user's risk. The Association is not responsible for injuries, losses and claim of danger or death that occurs in the pool, spa or fenced area.

### **General Rules**

NOTE: \* State of Texas Rules

‡ Centers for Disease Control and Prevention Recommendation

1. **NO MORE THAN FOUR (4) GUESTS PER HOUSEHOLD ARE ALLOWED AT ANY TIME IN THE FENCED POOL/SPA AREA.** *(The use of other households for the purpose of increasing the number of guests is not allowed.)*
2. **THE HOST HOMEOWNER OR TENANT MUST BE PRESENT AND ACCOMPANY THEIR GUESTS AT ALL TIMES WHILE IN THE FENCED POOL/SPA AREA.**
3. \* No glass containers are allowed in the fenced pool/spa area.
4. \* No food or beverages are allowed in the pool water or spa water.
5. \* No pets are allowed in the fenced pool/spa area, except service animals.
6. \*The gates to the pool/spa area are to remain closed and locked at all times and are not to be propped open or otherwise left unsecured. Do not open the gates to allow unsupervised children or unaccompanied guests to enter the pool/spa area. All users entering the fenced pool/spa area must enter using their own FOB.
7. \* No diving or jumping allowed; do not dive or jump from the spa apron, ledge or side of the pool.

8. \* Do not use the spa if the water temperature is above 104 degrees. Be sure to check the water temperature before use.
9. Maximum spa capacity – 8
10. Maximum pool capacity – 20
11. No smoking or use of tobacco products including e-cigarettes are allowed in or within 25 feet of the fenced pool/spa area.
12. Guest in the fenced pool/spa area must sign-in the daily logbook upon entering the fenced pool/spa area.
13. Children under 16 must be accompanied by an adult and under close adult supervision while in the fenced pool/spa area.
14. Children under 14 are not permitted in the spa.
15. Only swimsuits (proper swim attire, made specifically for swim/water usage) are allowed in the pool or spa.
16. No large capacity coolers (except small, tote-type cooler bags) are allowed in the fenced pool/spa area.
17. Incontinent individuals including non-potty-trained children must wear swim diapers.
18. If you suffer from diabetes, high or low blood pressure, or heart conditions, you are advised not use the spa without prior medical consultation or permission.
19. ‡ Individuals who have experienced diarrhea within the previous 14 days are not allowed in the pool or spa.
20. ‡ Individuals with open sores or wounds are not allowed in the pool or spa.
21. Please keep the area clean. Pool/spa area users must properly dispose of all trash.
22. No running allowed in the fenced pool/spa area.
23. No horseplay allowed in pool, spa and fenced pool/spa area.
24. No loud music or unreasonable noise allowed at any time.
25. Improper conduct and/or inappropriate language causing undue disturbance is prohibited.
26. Do not use or place electrical or battery-powered devices within 15 feet of the pool or spa.
27. Do not use the pool or spa during severe weather conditions, such as electrical storms.
28. No commercial activities are allowed.
29. No private functions are allowed.
30. The pool and spa area is under 24-hour video surveillance.

## **Pool and Spa Gate FOB Policy**

1. Only **ONE** pool and spa gate FOB will be issued per residence.
2. All pool and spa gate FOB's will be issued in accordance with the owner's and tenant's rights as defined in the DCC&R's Article VI, Rights to Common Areas.
3. FOB's may not be used by anyone other than the person(s) to whom they were assigned; **no lending of FOBs is allowed.**
4. In the event the pool and spa gate FOB is lost, report the loss to the office so the lost FOB can be removed from the system and a new FOB issued.
5. There will be a \$10.00 replacement fee for all lost pool and spa gate FOBs.
6. All pool and spa gate FOB's shall be returned to the office when the resident (owner or tenant) moves from Heritage Hill Country.
7. If the pool and spa gate FOB is not returned to the office, the departing resident will be subject to a \$10.00 replacement fee and the assigned FOB will be removed from the system.
8. The resident (owner or tenant) assigned the pool and spa gate FOB is liable for all actions of owner, owner's co-residents, guests, tenants, and guests of tenants. The resident (owner or tenant) is also responsible for advising tenants and guests of the pool and spa rules.

## **Pool and Spa Rules Violations Enforcement**

In the event of willful rules violations, the Board of Directors has the authority under the Declaration of Covenants, Conditions and Rules (Article VI, Section 1, subsections (a) and (c)) to enforce fines and usage suspensions.

- The Board of Directors may require written, signed complaints of rule violations at its discretion.
- Trespassers may be reported to the police, in addition to enforcement action authorized by the governing documents.
- **FINING.** For violations of the pool and spa rules, an agent of the association, including property manager, attorney, or board member, may automatically levy fines for violations absent vote of the board. Otherwise, fines shall be levied in accordance with this schedule absent board resolution:
  1. **First Notice:** \$100 fine (assuming violation is not of a curable nature. Uncurable violations include those that are not of an ongoing nature, involve conditions that otherwise cannot be remedied by affirmative action, and those that pose a threat to public health or safety. The following is a non-exhaustive list of uncurable violations: more than the allowable number of guests, host homeowner or tenant not present, lending of FOBs, glass container use, pets in the pool area, horseplay, diving or

jumping into the pool, running, use after hours, and other such violations.) For any violation of a curable nature, a certified mail notice will be sent warning of fines and providing opportunity to cure, and subsequent violation will result in a \$100 fine, with increasing fines per this schedule for further violations.

2. Second Notice: \$125 fine (daily or one-time).
3. Third Notice: \$150 fine (daily or one-time).
4. Fourth Notice: \$200 (daily or one-time).
5. Fifth Notice: \$250 fine (daily or one-time).
6. Subsequent Notices: \$250 fine (daily or one-time).

Each day of the violation may be considered a separate violation. The Board of Directors may deviate from this standard fining procedure, electing to levy a lesser or greater fine at any time, or omitting or adding one or more courtesy notices, in its sole discretion, provided that at minimum all state requirements are satisfied.

- **SUSPENSION OF USAGE RIGHTS.** For violations of the pool and spa rules for which a fine is levied, usage rights for all residents of the unit causing the violation shall **automatically** be suspended for two weeks absent board resolution otherwise. An agent of the association may automatically notify the resident(s) of usage rights suspension without further action by the board, unless the board resolves otherwise. The board may by resolution waive the suspension, shorten it, or lengthen it.