



*Laura Richard*  
Laura Richard, County Clerk  
Fort Bend County Texas  
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**COVINGTON WOODS COMMUNITY ASSOCIATION, INC.  
SWIMMING POOL ENCLOSURE POLICY**

STATE OF TEXAS                   §  
   §  
   §  
COUNTY OF FORT BEND       §

WHEREAS, Covington Woods Community Association, Inc. (hereinafter the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of Covington Woods (hereinafter the "Subdivision), a subdivision in Fort Bend County, Texas (referred to collectively as "Declarations"); and

WHEREAS, the Swimming Pool Enclosure Policy is applicable to Association and the Subdivision; and

WHEREAS, all terms used in this Policy that are defined in Chapter 202 of the Texas Property Code shall have the same meaning as defined in said statute;

WHEREAS, Section 202.022 of the Texas Property Code was added, effective September 1, 2021, to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool enclosures;

WHEREAS, to the extent that this Policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy controls over such provision. To the extent that any existing governing document or dedicatory instrument does not conflict with this Policy, such provision shall remain in full force and effect; and

WHEREAS, this Dedicatory Instrument constitutes a Restrictive Covenant as that term is defined by the Texas Property Code §202.001, and the Association shall have and may exercise discretionary authority with respect to this Restrictive Covenant;

NOW, THEREFORE, in consideration of the foregoing and in compliance with the Texas Property Code, the Board of Directors of the Association ("Board") hereby approves, adopts and imposes on the Association and the Subdivision the following:

Pursuant to Section 202.022 of the Texas Property Code, a property owner may install and maintain a swimming pool enclosure on his/her property to the extent it satisfies the criteria in Paragraph 1 below, and complies with the regulations established and set forth in Paragraphs 2 through 6 thereafter.

1. **"Swimming Pool Enclosure" shall be defined as 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 to not be climable.**
2. **All Swimming Pool Enclosures must conform to any and all applicable state and local safety requirements.**
3. **No Owner may install a Swimming Pool Enclosure prior to submitting a fully-completed written application to, and receiving written approval from, the ACC.**
4. **All Swimming Pool Enclosures in the Subdivision must be constructed in such a manner as to 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 ACC on a case-by-case basis as long as it is in harmony with the surrounding structures and compatible with the architectural design and appearance of the subdivision.**
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 is deemed unsafe must be immediately replace and/or repaired (and only after submitted to and receiving prior written approval from the ACC as to the new Swimming Pool Enclosure).**

**This Policy is effective upon the later of either the date of recording in the Public Records of Real Property of Fort Bend County, Texas, or September 1, 2021, and supersedes, to the extent applicable, any policy for swimming pool enclosures which may have previously been in effect. Except as affected by Section 202.022 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instrument of the Association shall remain in full force and effect.**

