

Swimming Pool and Swimming Pool Area Rules

1. The Swimming Pool Area is defined as the fenced area that encloses the swimming pool and the swimming pool deck.
2. The swimming pool area is available only to Eagle’s Pointe property owners, their immediate family, their guests, and their tenants.
3. Those using the swimming pool do so at their own risk. No lifeguard is on duty.
4. The date for opening and for closing the swimming pool area (swimming season) will be determined by the POA Board of Directors on an annual basis.
5. The swimming pool area may be used only during the swimming season, and then only from Dawn to Dusk. The pool is not approved by DHEC for night swimming.
6. The swimming pool area shall not be used for any personal profit or for any commercial purposes unless approved by the POA Board of Directors.
7. Within the swimming pool area, the following rules of conduct shall be followed:

a. Audio equipment shall be used so as not to be an annoyance to others.

b. All trash shall be placed in the receptacles provided.

c. For safety purposes, children under 12 and persons who are non-swimmers must be supervised by a competent swimmer at all times.

d. Diving is prohibited.

e. Removal of pool furniture from the pool area or improper use of the pool furniture is prohibited.

f. The placement of pool furniture in the swimming pool or the baby pool is prohibited.

g. Pool users must not have any communicable disease or be wearing a band-aid or other medical type dressing.

h. Alcoholic beverages may be consumed within the swimming pool area. However, persons under the influence of alcohol or drugs are not permitted within the swimming pool area.

i. Glass containers are strictly prohibited.

j. Incontinent persons or individuals who are not fully potty-trained must wear swimming diapers or tight-fitting waterproof pants while using the pool.

k. Solo swimming is not recommended as there is no Life Guard on duty.

l. Splashing, pushing, running, throwing of objects or any other activity, such as rough or boisterous play that may be harmful to self or others is strictly prohibited.

m. Bicycles, skateboards, scooters, or roller skates are not permitted within the swimming pool area.

n. Pets are prohibited from the swimming pool area.

o. No Smoking in the swimming pool area. Smoking materials must be discarded prior to entering the swimming pool area.in the receptacles provided. **Also, Vaping/use of electronic cigarettes is not allowed.**

p. ~~There should be no spitting or blowing nose in the pool~~ Persons with diarrhea illness or nausea should not enter the pool. Persons with skin, eye, ear, or respiratory infections should not enter the pool. Persons with open lesions or wounds should not enter the pool.

q. No First Aid Kit on Site. A Defibrillator unit is located in the Fitness Center. Life Saving Equipment is located on Fence next to playground.
8. **Grilling in the swimming pool area is not permitted.**

MARKUP #1 ->

MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

Sec. 7 (p. 3): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.

Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01

Statutory Comparison: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

CURRENT WORDING IN DOCUMENT:

n. Pets are prohibited from the swimming pool area. o. No Smoking in the swimming pool area. Smoking materials must be discarded prior to entering the swimming pool area.in the receptacles provided.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals and emotional support animals required as a reasonable accommodation under the Fair Housing Act (42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; HUD Notice FHEO-2020-01).

ISSUE #1