

## GENERAL RULES - BRIARGROVE PARK SWIMMING POOL

The Board of Directors (the "Board") of Briargrove Park Property Owners, Inc. (the "Association") has formulated these General Rules and the attached Rules of Conduct and Release and Waiver (collectively, the "BGP Pool Rules") of the Briargrove Park Swimming Pool (the "BGP Pool") for the benefit of all Pool members. Issues regarding these General Rules must be discussed with the Board, not the BGP Pool manager.

### PART I – MEMBERSHIP; FEES

Membership Requirements: All persons wishing to use the BGP Pool must be current in the payment of the Association Annual fee or other charges assessed under the current deed restrictions against the BGP or BC property owner's, tenant's or resident's property. A Briargrove Park ("BGP") or Briar Court ("BC") property owner, resident or tenant who wishes to use the BGP Pool must complete and submit a Pool Membership Application and sign a copy of the BGP Pool Rules and Release and Waiver. Any non-resident must pay the current non-resident fee.

Fees: The BGP Pool membership is for the BGP Pool season, generally from June to September.

BGP/BC Residents' Membership: The BGP Pool membership of a BGP or BC property owner or resident will be extended to such Pool Member's grandparents, parents, grandchildren and adult children who do not live in BGP or BC when accompanied by the Pool Member.

### PART II – POOL ENTRY PROCEDURE

Upon arrival members must use their Key FOB to open the gate and check in with the lifeguard. No Pool Member may loan his/her pool key FOB to a person who is not a Pool Member.

### PART III – POOL HOURS; MANAGEMENT; RULES OF CONDUCT

Hours: The regular BGP Pool hours are posted at the BGP Pool entrance gate.

Management: Pool management will designate special hours for competitive activities. The BGP Pool management and its lifeguard staff are responsible for maintaining the safety of the swimmers and spectators and maintaining order within the BGP Pool and adjacent fenced area and are authorized to enforce the rules as needed, in their discretion.

Rules of Conduct: The BGP Pool Rules of Conduct are attached as Exhibit "A" and made a part of the BGP Pool Rules for all purposes.

### PART IV – BABY POOL

**The "Baby Pool" has NO LIFEGUARDS** and persons in the Baby Pool and Baby Pool area enter and **SWIM AT THEIR OWN RISK**. The person(s) accompanying children in the Baby Pool is (are) fully responsible for such children's safety. BGP Pool management and BGP are not responsible for guarding or protecting the Baby Pool and its users.

### PART V – NO LIABILITY; DAMAGE; INDEMNITY

**Indemnity: A Pool Member is solely responsible for the safety and well being of the Pool Member and his/her family members, guests and invitees using the BGP Pool Facilities. In consideration of the use of the BGP Pool Facilities, by signing these BGP Pool General Rules the Pool Member expressly agrees to defend, indemnify and hold harmless BGP and its officers, directors, agents and employees against the consequences, claims, injury, causes of action and/or liability arising in connection with the Pool Member's use and/or his/her family members', guests' and invitees' use of the BGP Pool Facilities, including but not limited to, such parties' negligence, gross negligence and willful and malicious conduct, regardless of whether such negligence, gross negligence and willful and malicious conduct was the sole, proximate or producing cause or the joint and concurrent proximate or producing cause of the consequences, claims, injury and liability to persons or property sustained as a result of the Pool Member's use and/or the Pool Member's guests' use of the BGP Pool Facilities.**

Venue; Attorneys' Fees: Should it become necessary for the Association or the Pool Member to institute any action to enforce the provisions of these General Rules, such action shall be instituted in the courts of competent jurisdiction of Harris County, Texas and shall be construed under the provisions of the laws of the State of Texas. The prevailing party may recover all costs of suit and all reasonable attorneys' fees incurred in connection with any such action.

**PART VI - ADULT SWIM TIME**

Times for adult swim will be available and booked on reserve my court.

**PART VII - SWIMMING LESSONS**

The BGP Pool lifeguards may give lessons during regular pool hours to Pool Members only. Swim coaches or other individuals may give lessons during regular pool hours to Pool Members provided such coaches or instructors carry adequate liability insurance.

**PART VIII - LOST AND FOUND**

Lost and found items will be kept until the end of BGP Pool season, at which time they will be disposed of. Please check with the BGP Pool manager for items that are lost or found.

**PART IX – PRIVATE POOL PARTIES**

Pool Parties: Pool parties will be scheduled with the pool management company during pool hours [www.taepools.com](http://www.taepools.com)

**PART X – VIOLATION OF BGP POOL RULES**

**The Pool Member and all household members listed on the Pool Member's Application Form and their guests must comply, and the Pool Member's by his/her signature below hereby agrees to comply and be responsible for such household members' and their guests' compliance with BGP Pool Rules set forth in this Agreement. FAILURE TO ABIDE BY ANY BGP POOL RULE, INCLUDING RULES OF CONDUCT, AND/OR DISOBEDIANCE OF INSTRUCTIONS BY LIFEGUARDS OR THE BGP POOL MANAGER MAY RESULT IN EXPULSION FROM THE BGP POOL FACILITIES, SUSPENSION OF THE BGP POOL USE PRIVILEGES AND/OR REVOCATION OF BGP POOL MEMBERSHIP AND THE RIGHT TO FUTURE USE OF THE BGP POOL FACILITIES.**

POOL MEMBER:

Signature: \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_  
Date

Printed Name: \_\_\_\_\_

**EXHIBIT "A"**  
**BGP POOL - RULES OF CONDUCT**

1. Lifeguards:
  - a. Instructions from the lifeguards are to be obeyed.
  - b. Respond to the lifeguards' whistle signals as follows: ONE (1) SHORT whistle, look at lifeguard; ONE (1) LONG whistle, clear the pool.
  - c. No conversation with the lifeguards who are on the lifeguard stand is permitted.
2. **BABY POOL: Use of the BABY POOL and BABY POOL AREA are at the USER'S OWN RISK. THERE ARE NO LIFEGUARDS IN THE BABY POOL AREA.**
3. Children: Children under 14 years of age and younger must be accompanied by an adult at least 18 years of age. A swim test may be administered by a lifeguard for children between the ages of 14 and 17 years of age when not accompanied by an adult.
4. Apparel: ONLY recognized bathing apparel (not street clothes or shoes) may be worn in the BGP Pool.
5. Glass: Glass and glass containers are NOT permitted within the BGP Pool or BGP Pool fenced area.
6. No Alcohol/Illegal Drugs: No alcoholic beverages, illegal substances or weapons may be used, consumed, served or otherwise provided at any time within the BGP Pool and BGP Pool fenced area or the BGP playground, restrooms, tennis courts gated area, BGP Clubhouse Facilities and grounds adjacent to such facilities, and/or subdivision parking areas (the "BGP Facilities and Areas"). Persons under the influence of alcohol or drugs are not allowed within the BGP Facilities and Areas.
7. No Smoking: All BGP Facilities and Areas are non-smoking. No smoking, other tobacco use and gum chewing are permitted within the BGP Facilities and Areas.
8. Infants: Children or infants who are NOT POTTY TRAINED must wear swim diapers while in the BGP Pool. Regular diapers are NOT allowed.
9. No Animals: NO animals, except service animals, are allowed within the BGP Pool fenced area.
10. Swim Equipment: Scuba gear, tubes, water wings and play equipment are allowed in the BGP Pool only at the BGP Pool management's discretion.
11. Diving: No more than ONE person is allowed on the diving board at the same time. The next diver must be on the deck. All dives must be regulation dives with spring and entry directly in front of the board. Swimming in the diving area is NOT permitted while diving is taking place. Hanging by feet or hands from the diving board is NOT permitted.
12. No Running: Running on or near the BGP Pool deck is NOT permitted.
13. Behavior: Aggressive behavior, (splashing, dunking, noodle slapping, etc.), obnoxious behavior (spitting, spouting water, nose blowing, etc.), profane language and inappropriate behavior are NOT permitted in the BGP Pool Facilities and the other BGP Facilities and Areas.
14. Vehicles: Except for wheelchairs, baby carriages and strollers, no wheeled vehicles (bicycles, tricycles, skateboards, roller blades, etc.) or motorized vehicles are allowed within the BGP Pool fenced area. Irresponsible operation of any motor vehicle in the Association subdivision parking lot is prohibited.
15. Pool Closure: The BGP Pool may be closed during inclement weather at the BGP Pool management's discretion. During such weather, the entire BGP Pool fenced area must be cleared. Guidelines for inclement weather will be posted by the BGP Pool management.

**EXHIBIT "B"**  
**BGP POOL - PRIVATE POOL PARTY PROCEDURES**

1. The private pool party host ("Party Host") shall contact Texas Aquatic Enterprises. (Pool Management Co.) [www.taepools.com](http://www.taepools.com) to schedule a private pool party ("Private Party") at the Briargrove Park swimming pool (the "BGP Pool").
2. Pool Membership Required: The Party Host must have a current BGP Pool membership.
3. Pool Party Guidelines -All parties are booked through the pool management company. Go to the website [www.taepools.com](http://www.taepools.com) for guidelines  
  
The Pool Members scheduling the private pool party must be in attendance at all times during the party.
4. Fees: All pool party fees are paid directly to Texas Aquatic Enterprises .
5. Dates and Hours:
  - a. Private Parties may take place only during regular BGP Pool hours.
  - b. No Private Party may take place during swim team practice (unless the Private Party is only in the Baby Pool area).
  - c. Private Parties will not take place on the days that the BGP Pool is normally closed for maintenance.
  - d. Private Parties will not be allowed on Holiday weekends.
  - e. Private Parties will not take place on dates prior to Memorial Day Weekend or after Labor Day Weekend. Private Parties will not take place on weekdays after school resumes in August.
6. Size: Any group of more than five (5) guests will be considered a Private Party, whether or not the gathering is called a party, and must be scheduled in advance in accordance with these Private Pool Party Procedures.
7. Duration: Private Parties shall have a 2-hour minimum.
8. Extra Lifeguards: TAE shall determine, in its sole discretion, whether the Private Parties will require any extra lifeguard(s) in addition to the other regularly scheduled lifeguards on duty during the Private Party. The ratio is one (1) lifeguard for every twenty-five (25) people inside the BGP Pool fenced area (whether swimming or not). The Party Host will be charged the cost of any extra lifeguard(s).
9. Cancellation Policy: All of this is between the pool member and TAE.
10. Inclement Weather Cancellation: All of this is between the pool member and TAE.