



*Dyana Limon-Mercado*

Dyana Limon-Mercado, County Clerk  
Travis County, Texas

Jan 25, 2024 08:10 AM Fee: \$53.00

**2024008053**

\*Electronically Recorded\*

**NOTICE OF DEDICATORY INSTRUMENTS**

*For Circle C Ranch, a Subdivision in Travis County, Texas and Hays County, Texas*

**Declaration of Covenants, Conditions and Restrictions:** Recorded at Volume 10585, Page 0110, Real Property Records, Travis County, Texas, and all jointers, supplements, and amendments thereto

**Association:** Circle C Homeowners Association, Inc.

**Subdivision Name:** Circle C

Pursuant to Texas Property Code §202.006, the Association gives notice that all property subject to the Declaration referenced above is also subject to the following dedicatory instrument: Circle C Aquatics Pool Standards, Policies, and Rules, attached hereto.

This dedicatory instrument supersedes and replaces previous versions of the Aquatics Pool Standards, Policies, and Rules. It is complete, correct, and current as of the date of this Notice, but may be amended from time to time.

A current copy of the dedicatory instrument can be obtained from the Association's managing agent, Karen Hibpshman, 7817 La Crosse Ave., Austin, Texas 78739 or the successor managing agent shown in the most recent management certificate recorded in the County property records.

EXECUTED this 24<sup>th</sup> day of January, 2024.

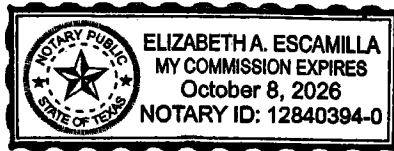
CIRCLE C HOMEOWNERS ASSOCIATION, INC.

By: *Patrice Arnold*  
Patrice Arnold, attorney in fact

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 24<sup>th</sup> day of January, 2024, by Patrice Arnold, attorney in fact for Circle C Homeowners Association, Inc., on behalf of said corporation.



*Elizabeth A. Escamilla*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**AFTER RECORDING RETURN TO:**  
Niemann & Heyer, LLP  
122 Colorado St., Suite 313  
Austin, Texas 78701



## POOL STANDARDS, POLICIES, AND RULES



***All persons entering the Aquatics Facilities agree to abide by these rules.***

### 1) Usage and Conduct at Facilities

- a) Every person within the Aquatics Facilities must follow any and all Lifeguard and Aquatics Staff instructions.
- b) No profanity or excessive public displays of affection.
- c) Fighting, pushing, rough play and foul language are prohibited.
- d) Flips, back jumps, splash jumps, shoulder rides, and body throws are prohibited.
- e) Any actions that are disruptive to other patrons, residents, staff, lifeguards, or guests are prohibited.
- f) No Diving. Feet first entries only; facing forward.
- g) No running, skipping, or speed walking on the pool deck.
- h) Proper swim attire is required, at all times, for all swimmers.
- i) All persons age 13 and younger must be accompanied by an adult age 18 or older that can swim.
- j) All weak and non-swimming children must be within arm's reach of a parent or guardian at all times. Parents or guardians must be in the water with weak or non-swimming children. Swimming ability will be determined at the discretion of the Aquatics staff.
- k) Children under 3 years of age, or not yet potty trained, must wear a swim diaper at all times.
- l) The Wade Pool at the Swim Center is to be used by children ages 6 and younger only.
- m) Only children 5 years of age and under are permitted in opposite-gender restrooms. This restriction does not apply to children, of any age, with special needs or disabilities.
- n) Changing diapers within 6 feet of any pool, splash pad, or water feature is prohibited.
- o) Use of any pool, splash pad, or water feature when ill with a contagious disease or diarrhea is prohibited.
- p) Boogie boards, surfboards, motorized toys/devices, and hard sports balls are not permitted on the pool deck or in the pool water.
- q) "Mermaid Tails" or any other device that binds the feet or legs together are not permitted.
- r) Equipment such as snorkels, swim fins/flippers, or pull buoys are allowed only if used properly and may be limited to lap swimming purposes only. Children's use of this equipment requires proper supervision by a parent or guardian.
- s) Only Coast Guard-Approved flotation devices are permitted inside the Aquatics Facilities. All other flotation devices must be approved by Management upon entry. No flotation devices are permitted on any slide.
- t) Excessive Breath Holding or hyperventilation games or activities are not permitted.
- u) All patrons must clear the pool for 30 minutes following lightning or thunder and follow all staff instructions.
- v) Bikes, roller blades, roller skates, scooters, skateboards, hover-boards, and other similar items are not permitted within the Aquatics Facilities. Skateboarding / Rollerblading is not permitted on any Circle C HOA property.
- w) Piñatas and water balloons are not permitted on any Circle C HOA property. Furniture, tables, chairs, tents, and shade structures are not permitted inside any Aquatics Facility.
- x) Upon request by a lifeguard or other Aquatics staff, any person within the Aquatics Facilities shall identify themselves by producing their Pool Tag, or, if the person entered the facility without Pool Tag, by providing their name as it appears in the Circle C Aquatics registration records. If the person is a guest of a resident, the guest is required to provide both their name as it appears on their Guest Registration Form on file and provide the name of, and point out, their Circle C resident host.

- y) Swim Instruction, coaching, therapy, or other services, regardless of whether the person is receiving compensation, is prohibited. Any person rendering services such as this must make prior arrangements with the Aquatics Director to rent lane space, provided space is available, and provide insurance information in the same manner as all other outside programs. This restriction does not apply to Resident's teaching swim lessons to registered members of the same household.

## **2) Water Slide Rules (Swim Center Wade Pool)**

- a) Riders must obey lifeguard instructions at all times.
- b) No diving! Shallow water!
- c) Riders must wait for the lifeguard's start signal before entering the water slide.
- d) Slide must be ridden feet first in a sitting position. No kneeling while going down the slide. Absolutely no one may slide down the slide head first.
- e) Eyeglasses must be securely affixed to riders with straps on headbands.
- f) Swim wear with exposed zippers, buckles, rivets, or metal ornamentations is not permitted.
- g) Keep all legs, arms, and hands inside slide at all times.
- h) Do not run, dive, stand, kneel, rotate, or stop inside the slide.
- i) No crawling up the slide.
- j) Only one rider on each waterslide at one time. Single riders only!
- k) At the end of the slide, obey all instructions by the lifeguard and exit the slide landing area quickly.
- l) Anyone using the slide must be 6 years old or younger.
- m) The water depth of the pool at the end of the slide is 1ft 8in.
- n) Failure to abide by these rules may result in injury to you and others.
- o) These rules are set by the slide manufacturer and cannot be altered by the Board or the Aquatics Facility staff.

## **3) Water Slide Rules (Community Center Pool)**

- a) Riders must obey lifeguard instructions at all times.
- b) Riders must wait for the lifeguard's start signal before entering the water slide.
- c) Slide must be ridden feet first lying on back or in a sitting position (sit up to go slower, lie down to go faster).
- d) Eyeglasses must be securely affixed to riders with straps on headbands.
- e) Swim wear with exposed zippers, buckles, rivets, or metal ornamentations is not permitted.
- f) Keep all legs, arms, and hands inside slide at all times.
- g) Do not run, dive, stand, kneel, rotate or stop inside the slide.
- h) Only one rider on the waterslide at one time. Single riders only!
- i) Never form chains.
- j) At the end of the slide, obey all instructions by the lifeguard and exit the catch pool quickly to the stairs on the right.
- k) For safety reasons, pregnant women and persons with heart conditions or back or musculoskeletal problems are not permitted to ride this slide.
- l) Maximum weight of rider is 300 lbs.
- m) You must be a minimum of 48" tall to ride the waterslide.
- n) The water depth of the catch pool is 3ft 6in.
- o) This slide is 99ft long and requires climbing multiple steps to get to the top. The ride takes about 25 seconds and goes through gentle curves and turns.
- p) These rules are set by the slide manufacturer and cannot be altered by the Board or the Aquatics Facility staff.

**4) Prohibited Items**

- a) Smoking, vaping, or smokeless tobacco use is not permitted in the Aquatics Facilities, or within 15 feet of any building or fence line. This includes Electronic Cigarettes (E-cigs) and vaporizers.
- b) Glass containers are not permitted anywhere within the Aquatics Facilities.
- c) Alcohol, of any kind, is prohibited. Intoxicated individuals and anyone found with alcohol will be ejected from the facility immediately. Coolers and bags may be checked at any time by Aquatics Staff.
- d) Animals are prohibited, with the exception of service animals. No animals may enter the water at any time.
- e) Firearms, knives, or weapons of any type are not allowed in the Aquatics Facilities.
- f) Patrons are not permitted to bring any lifeguard equipment, apparel, or related items into the Aquatics Facilities. This includes, but is not limited to, rescue tubes, rescue buoys, rescue equipment, whistles, rescue boards, and any other item commonly used by lifeguards. The use of such equipment and clothing is restricted to authorized personnel only.

**5) Pool Access**

- a) Residents in good standing with the Circle C HOA (current on dues and no uncured violations) are able to register for Pool Tags.
- b) Residents must complete a Pool Tag Registration Form and provide proof of residency to be issued Pool Tags. This form must be completed in full, including a valid email address and emergency contact. A digital photo must be taken, and kept on file, for all residents ages 5 and up. Photos must be updated with new photos for residents at ages 10, 15, and 20.
- c) Proof of Residency must be provided, and updated as required, for all members of the household.
- d) Residents who are leasing their home to tenants must fill out an Amenities Release Form in order to allow their tenants permission to use the aquatics facilities. Resident homeowners who submit an Amenities Release Form are surrendering their rights to use the Aquatics Facilities to their tenants and will not have access to the Aquatics Facilities. Tenants will be granted pool access only after the homeowner submits the Amenities Release Form and the Tenants complete the Pool Tag Registration Form. If a homeowner is no longer in good standing with the HOA, the tenant's access will also be terminated.
- e) All guests of residents, non-swimming and swimming, will be subject to applicable guest policies and fees and must complete a Guest Registration Form prior to entry.
- f) All Residents, regardless of age, entering the facility for recreational swimming or lap swimming will need to swipe their Pool Tags to enter.
- g) All in-house program participants entering the facility (Residents or Non-Residents) will need to check in at the front desk for their specific program at the time of entry. Front desk staff will be tracking attendance for in-house programs. Examples of in-house programs include Masters, Select Swim Team, Circle C Group and Private Lessons, Clinics, Water Aerobics, and other programs offered by Circle C Aquatics. Residents entering the facility for program use will not swipe their Pool Tags, but rather only check in with the front desk attendant.
- h) All external program participants entering the facility will need to check in at the front desk providing only the name of the program that they are attending. Examples of external programs include High School Swim Teams, Outside Training Program participants, and other external programs that are not operated by Circle C Aquatics.

**6) Denied Entry, Ejection, and Suspension**

- a) Entry to the Aquatics Facilities may be denied to any resident, guest of resident, or program participant based on weather, pool closure, capacity limits, safety concerns, or special programming events as determined by Aquatics staff.
- b) Violations of any rules, regulations, policies, or codes of conduct may result in ejection from the Aquatics Facility for the day without refund or credit. Such determination shall be made by the Aquatics Director or any Aquatics Management Staff Member.

- c) Continued violations of any rules, regulations, policies, or codes of conduct, or any violations of safety specific rules will result in suspension from the Aquatics Facilities. A determination by the Aquatics Director or Aquatics Management Staff Member will result in an immediate suspension and referral to the Circle C HOA Board of Directors. The suspension will be for a minimum thirty (30) day period of time and can be effective immediately. Residents may request a hearing with the Board of Directors to appeal their suspension.

#### **7) Pool Closures / Weather Policies**

- a) There will be 10-minute pool breaks (Adult Swim) every hour.
- b) If the pool becomes overcrowded, or unsafe, a Safety Break will be called. All recreational swim areas will close during the Safety Break. The pool will reopen when safe to do so.
- c) Entrance to the facility will be closed when the pool reaches Safety Capacity. Safety Capacity will be determined at the discretion of Aquatics Management Staff. Program participants will be allowed entry during a Safety Capacity closure.
- d) The pools will be closed in the event of any mechanical failure or pool water contamination.
- e) The pools will be closed for at least 30 minutes after any thunder or lightning.
- f) The pools will be closed in the event that rain diminishes visibility of the bottom of the pool.
- g) The pools will be closed if high winds create an unsafe environment.
- h) The pools will be closed if the outside temperature or wind chill is at 32 degrees or below or if the pool water is at 70 degrees or below.
- i) The wade pool will be closed if the water and/or air temperature is at 78 degrees or below.

#### **8) Pool Tags**

- a) All Residents, regardless of age, will be issued a Circle C Aquatics Pool Tag after completing registration requirements. Only residents ages 5 and up will require a digital photo on file with their account. The first Pool Tag received by the resident is provided by the HOA at no cost. Residents must purchase replacement Pool Tags if needed.
- b) Photos must be updated for residents at ages 10, 15, and 20.
- c) Replacement Pool Tags are the responsibility of the resident and may require a replacement fee.
- d) Replacement Pool Tags due to general wear and tear, and/or other misuse by the resident, are the responsibility of the resident and may require a replacement fee. If the Pool Tag is invalid due to a Circle C staff error, the Pool Tag may be replaced at no charge to the resident.
- e) Residents are required to use their Pool Tag to gain entry to the Circle C aquatics facilities. Pool Tags should be scanned at the Front Desk, or other area designated by the staff, on each visit.
- f) Each resident will be allowed no more than three (3) entries without their Pool Tag. Upon the fourth entry without a Pool Tag, the resident must obtain a replacement Pool Tag, and may be charged a replacement fee, or will be denied access to the facilities.

#### **9) Non-Resident Guests**

- a) When conditions allow, Circle C residents are permitted six (6) guests per resident household per day.
- b) A Guest Pass must be purchased/used for each non-resident guest entry, regardless of age, and whether or not the guest will be swimming.
- c) Grandparents, parents, children, and grandchildren of Circle C residents may enter without purchasing/using a Guest Pass; however, they do still count towards the maximum of six (6) non-resident guests per day.
- d) All non-resident guests are required to complete a Guest Registration Form online prior to entry.
- e) If the guest is a minor (under the age of 18), a parent/guardian of the guest must fill out the online Guest Registration Form on their behalf.

- f) Guests must check-in by name with the front desk staff upon entry.
- g) Guests must be accompanied by a household member of their Circle C resident host at all times.
- h) All guests ages thirteen (13) and younger must be accompanied by an adult age eighteen (18) or older, that can swim, at all times.
- i) All guests entering any Circle C Aquatics facility must abide by all Pool Standards, Policies and Rules listed in this document. Any guest who violates the Pool Standards, Policies and Rules at any time may be asked to leave the facility without a refund or credit. Circle C resident host households are responsible for the actions of their non-resident guests.
- j) Guests are not permitted to provide any type of service, instruction, coaching, or therapy while at the Aquatics Facilities.
- k) Guest Pass prices are determined by the aquatics staff and approved by the Circle C HOA Board of Directors. Discounts may be offered when Guest Passes are purchased at in larger quantities at Guest Pass Pack rates. Guest Pass Packs do not have an expiration date and are non-refundable and non-transferable.
- l) If a closure occurs for the remainder of the day due to weather or a biohazard incident in the water, Guest Passes may be refunded if the incident occurs less than one (1) hour from the time of initial check-in. Time of check-in is determined by the time at which the Guest Pass was purchased/used. A Guest Pass refund will only be issued in the form of a complimentary Guest Pass for a visit on a future date. If a Guest Pass Pack was used for the guest's entry, credit will be issued back to the Guest Pack.

#### **10) Personal Property**

- a) Circle C HOA is not responsible for personal property, valuables, or lost or stolen items.
- b) Lost and found items will be kept in a designated area and will be cleaned out on a weekly basis. Items still in the lost and found at the time of removal will be donated to charity or otherwise disposed of. Circle C HOA is not responsible for personal items left in the Lost and Found.

#### **11) Food and Beverages**

- a) Food and drink may be brought into the Aquatics Facilities, however, no food deliveries will be allowed.
- b) All coolers and bags entering the Aquatics Facilities are subject to search by Aquatics staff.
- c) No alcohol or glass containers of any kind will be allowed. Possession of alcohol while inside the facility will be grounds for immediate ejection from the facility.
- d) Chewing gum is not allowed in the pool or on the pool deck space.
- e) All food and beverages must remain at least 6 feet away from all pools, splash pads, and water features. Lap swimmers are permitted to keep a water bottle on the pool edge of their lap lane.

#### **12) Area Reservations and Rentals of Facilities**

- a) Residents may request an Area Reservation or a Facility Rental of the Aquatics Facilities. Prices are determined on an annual basis by the Aquatics Director. Cancellation and/or transfer fees may apply to any changes or cancellation of your event. A Credit Card on file is required with all requests to cover any damages that may be incurred during the reservation or rental.
- b) All Area Reservations and Facility Rentals are subject to staff availability, pre-approved schedule, and at the discretion of the Aquatics Director.

#### **13) Hours of Operation**

- a) The hours of operation of the Aquatics Facilities shall be determined based upon staff availability and resources, budget restrictions and demand on facilities. General hours and dates of operation are set by the Circle C Board of Directors, subject to adjustment by the Aquatics Director as needed.

- b) Hours are subject to change. Facility entry is not permitted within 15 minutes of scheduled facility closing time.

#### **14) Lap Swimming**

- a) Lap lanes are for lap swimming only. Recreational swimming, floating, lounging, etc. is not permitted in the lap lanes. Patrons should not swim across lanes to access different areas of the pool.
- b) Swimmers must share lanes with other lap swimmers and proper lap swimming etiquette must be used at all times. Lap swimmers are not allowed to turn away or discourage others from swimming in lap lanes so long as all swimmers abide by the rules.
- c) The number of lanes available for lap swimming is determined by the Aquatics staff and based upon demand, program usage, and staffing availability. Lap lanes may not be reserved by individual swimmers outside of set Lap Lane Reservation times.
- d) Certain hours of operation may be designated as "Lap Swim Only" at the Swim Center Facility. These hours are determined by the Aquatics Director according to demand on facilities.
- e) During the times of Lap Swim Only, only residents, guests of residents, and participants in aquatics programming are allowed inside the Swim Center Facility. Persons wishing to swim during "Lap Swim Only" times must be able to swim laps, unassisted, within a single lane without stopping. During designated Lap Swim Only times, non-swimming children anywhere within the Aquatics Facility must be actively supervised by a non-swimming adult.
- f) No floatation devices are allowed in the Lap Lanes with the exception of kick boards and pull buoys.

#### **15) Swim Center Plaza Park**

- a) The Park at the Swim Center is open to Circle C Residents in good standing with the HOA.
- b) When the gate between the Swim Center and the Park is open, the Park is a part of the Aquatics Facility. All rules, regulations, policies, animal restrictions and guest fees apply to the Park during this time.
- c) When the gate between the Swim Center and the Park is closed, the Park is open to Residents through the parking lot gate.
- d) The Park may not be reserved as part of an Area Reservation or Facility Rental.

#### **16) Aquatics Programming**

- a) The Aquatics staff will be responsible for organizing and facilitating any programming that may occur at the Aquatics Facilities.
- b) As determined by the needs of the program, a monetary cost may be required of all participants.
- c) As determined by Aquatics staff and approved by the Board of Directors, a program may be opened to non-residents at an increased price.
- d) As determined by class needs and approval of the Aquatics Director, equipment such as, but not limited to, float bars, water weights, scuba tanks, regulators, buoyancy control devices, and exercise balls may be used.
- e) Registration for Aquatics Programming can be completed at the Front Desk.
- f) Pricing and policies may differ slightly for each program.

#### **17) Implied Consent to Use Images**

- a) As a patron of the Circle C Aquatics Facilities, it is possible that any resident or guest will be photographed or may appear in a video recording for promotional purposes. These images may appear in our printed publications, fliers, brochures, in the media, on video, on our website, and in photo displays or other locations where photos and video may be posted.

- b) Circle C HOA assumes that all participants and their families consent to the use of their images in promotional materials. If you do not want you or your family's images used in promotional materials for the HOA, you must send written notification to [info@circlecranch.info](mailto:info@circlecranch.info). Be sure to include your name, street address, as well as the name(s) and age(s) of any persons for whom you are withdrawing consent. You must have legal guardianship rights for any additional persons for whom you are withdrawing.

**18) Merchandise**

- a) The Aquatics Facilities may choose to offer merchandise for sale to patrons. Any applicable sales taxes will be added to the total amount. Products are sold as-is and no returns will be accepted on any opened items.

**19) Purchases and Refunds**

- a) Payment for merchandise, programs, or other aquatics fees is accepted in the form of check or credit card.
- b) If a refund is requested as a credit to the patron's internal Circle C Amenities account, the refund amount, minus a processing fee, will be made available for future purchases.
- c) When a refund is requested to a credit card, a processing fee will be deducted from the total amount to be refunded.
- d) When a refund is requested for a check, a processing fee will be deducted from the total amount to be refunded. A minimum of 4 weeks should be allowed for processing of the check. The refund check will be mailed directly to the address listed on the recipient's Circle C Amenities account. It is the responsibility of the recipient to ensure that Circle C Aquatics has current and up-to-date information.
- e) Each patron in the Circle C Aquatics database may keep a credit on their internal account.

**20) Circle C HOA Board of Directors**

- a) All rules and policies contained within this document have been reviewed and approved by the Circle C HOA Board of Directors, and may be changed at any time by the Board of Directors.