

**AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND RESERVATIONS OF EASEMENTS FOR  
COLONIAL MANOR SQUARE HOME OWNERS ASSOCIATION, INC.**

*NOW THEREFORE*, pursuant to Article VI, Section 6.3 of the Declaration, the Declaration is hereby amended as follows:

**Amendment to Article V, Section 5.3**

Section 5.3.7 is amended to remove “Above ground pools are prohibited” and replaced with “Permanent above ground-pools are prohibited; temporary above-ground pools are permitted between Memorial Day and Labor Day, subject to Section 5.3.11 of the Declaration.”

Section 5.3.11 shall be added to Article V, and reads as follows:

**5.3.11 Above-ground Pools:** During the period from Memorial Day to Labor Day, above-ground pools are permitted, subject to the following:

- a. Above-ground pools may not be erected prior to Memorial Day and must be drained and removed no later than seven (7) days after Labor Day. Off-season storage must not be visible from the street or any neighboring Lots.
- b. Above-ground pool must be placed in the rear yard and be placed a minimum of ten (10) feet from all lot lines and not within any easement.
- c. Above-ground pool shall not be greater than forty-eight (48) inches in height.
- d. Water to fill the above ground pool must be provided by the Owner and may not come from any Common or Limited Common Area sources nor from any municipal emergency devices.
- e. Discharge of water must be done in a controlled manner so as to prevent damage to adjoining Lots, Common and/or Limited Areas, or county-maintained areas including but not limited to storm water and sewage drains. Water must be disposed of in accordance with drainage plans on file with the Butler County Engineer.
- f. Use of the above-ground pool is strictly limited to personal, residential use. Swim lessons or other for-profit activities are prohibited.
- g. No activity deemed to be obnoxious or offensive by reason of sight, sound or odor shall be engaged in or on around any above-ground pool nor shall any Owner, Tenant, guest, or invitee engage in any activities that interfere with the quiet enjoyment, comfort and health of the occupants of adjacent neighboring Lots.
- h. Above-ground pools shall be maintained by the Owner of the Lot in a reasonable manner in accordance with the general standards of maintenance prevailing throughout the property and within county, state, and prevailing health and safety standards.
- i. Owners are responsible for complying with any municipal, county, and state requirements including health, safety, and zoning rules.

- j. Determination of the failure of an Owner to maintain the above-ground pool is at the discretion of the Board and/or any government official.
- k. Owner is solely liable for any and all damage caused, whether directly or proximately, by the use and/or maintenance of the above-ground pool. Owner is solely liable for any and all injuries related, whether directly or proximately, due to by the use and/or maintenance of the above-ground pool.