

# TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION

## ASSOCIATION'S POLICIES/GUIDELINES

[Recorded Pursuant to Sections 202.007, 202.010, 202.011, 202.012, 202.018, 202.019, 202.022 and 202.023, Title 11, Texas Property Code, and Section 259.002, Texas Election Code]

TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION (the "Association") is a Texas Non-Profit Corporation and a property owners' association. The undersigned, being the Association's President and a Director of the Association, submits this amended/updated Association Policies and Guidelines on behalf of the Association. This instrument supersedes any prior Association Policies and Guidelines pertaining to the herein described matters filed by the Association. The Association certifies as to the following:

- I. The name of the Subdivision(s) is/are BOCA CHICA, Sections One (1) through Eight (8), inclusive.
- II. The name of the Corporation is TRI-COUNTY POINT PROPERTY OWNERS ASSOCIATION, sometimes referred to herein as the "Association."
- III. The Association has jurisdiction over the Boca Chica Subdivision, Sections One (1) through Eight (8), inclusive. The maps or plats, respectively, are recorded in the Plat Records of Jackson County, Texas, as follows:
  - 1) Section One (1)-- Slide 156-B;
  - 2) Section Two (2)-- Slide 157-A;
  - 3) Section Three (3), Phase One (1)-- Slide 160-B;
  - 4) Section Three (3), Phase Two (2)-- Slides 161-A and 161-B;
  - 5) Section Four (4)-- Slides 162-A and 162-B;
  - 6) Section Five (5)-- Slide 163-B;
  - 7) Section Six (6)-- Slide 170-A;
  - 8) Section Seven (7)-- Slides 169-A and 169-B; and
  - 9) Section Eight (8)-- Slides 171-A and 171-B.
- IV. The "Restrictions" for each Section of Boca Chica Subdivision are recorded in the Deed Records of Jackson County, Texas, as follows:
  - 1) Sections One (1) and Two (2) -- Vol. 618, P. 1035 et. seq. and Vol. 619, P. 451 et. seq.;
  - 2) Section Three (3), Phases One (1) and Two (2), Section Four (4) -- Vol. 627, P. 1018 et. seq.;
  - 3) Section Five (5) -- Vol. 648, P. 208 et. seq.;
  - 4) Section Six (6) -- Vol. 667, P. 820 et. seq.;
  - 5) Section Seven (7) -- Vol. 667, P. 829 et. seq.; and
  - 6) Section Eight (8) -- Vol. 680, P. 1052 et. seq.



V. The Association's current Policies/Guidelines pertaining to the herein described matters are as follows:

A. **Policies/Guidelines regarding Flags and Flag Poles:**

1. Prior to installation of a flagpole, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
2. The following flags may be displayed by an Owner or Resident of an occupied premises: 1) one flag of the United States of America; 2) one flag of the State of Texas; and 3) one official or replica flag of any branch of the United States armed forces.
3. The flag of the United States must be displayed in accordance with *4 USC Sections 5-10*.
4. The flag of the State of Texas must be displayed in accordance with *Chapter 3100, Texas Government Code*.
5. A flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
6. The display of a flag and/or the location and construction of the supporting flagpole must comply with any and all applicable easements and setbacks of record.
7. A displayed flag and the flagpole on which it is flown must be maintained in good condition. Further, any deteriorated flag or deteriorated or structurally unsafe flagpole must be timely repaired, replaced or removed.
8. Only one of each type of flag identified in item "2" above may be displayed at an occupied premises.
9. No flags may be displayed at any unoccupied (i.e., vacant) premises;
10. Any displayed flag may be no larger than 3' x 5' in size, and must be flown from an approved flagpole attached to a dwelling or from an approved freestanding flagpole. A freestanding flagpole may not exceed twenty feet (20') in height. The diameter, design, materials, color and location of any flagpole (whether attached to a dwelling or freestanding) must be approved in advance, and in writing, by the Association's Architectural Control Committee.
11. The intensity of any lights installed to illuminate a flag or flags is subject to approval by the Association so as to avoid a potential nuisance or annoyance to the neighborhood. Further, no flag may be installed or displayed in such a manner as to create excessive noise caused by an external halyard of a flagpole.
12. Unless installed or displayed by the Association, a flag or flags may not be displayed on any property owned or maintained by the Association.

**B. Policies/Guidelines regarding Solar Panels and/or Solar Energy Devices:**

1. Prior to installation of any solar panel or any other solar energy device, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
2. A solar panel and/or any other solar energy device is not allowed if it threatens the public health or safety and/or if it violates any Federal, State or local law.
3. Any approved solar panel and/or any other approved solar energy device must be installed on the roof of the home or of another structure allowed under the Restrictions or, alternatively, in a fenced yard or patio owned and maintained by the property owner.
4. The following solar panels and/or other solar energy devices are prohibited:
  - a. if installed on the roof of the home: (i) it extends higher than or beyond the roofline; (ii) it is located in an area other than an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Association; (iii) it does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; and/or (iv) it has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
  - b. if installed in a fenced yard or patio, it is taller than the fence line;
  - c. if as installed, it voids material warranties;
  - d. if it was installed without the property owner first receiving the advance written approval of the Association's Architectural Control Committee; and/or
  - e. if the Association or its Architectural Control Committee determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities (*note*: for the purpose of making a determination under this sub-paragraph "e," the written approval of the proposed placement of the device by all property owners of adjoining property constitutes *prima facie* evidence that such a condition does not exist).
5. Unless installed by the Association, a solar panel and/or any other solar energy device may not be installed on any property owned or maintained by the Association.

**C. Policies/Guidelines regarding Storm, Solar and/or Energy Efficient Roof Shingles (i.e., roof shingles designed primarily to be wind and hail resistant, provide heating and cooling efficiencies greater than those provided by customary composite shingles, and/or provide solar generation capabilities):**

1. Prior to installation of storm, solar and/or energy efficient roof shingles, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.

2. When installed, any such shingles must: (a) resemble the shingles used or otherwise authorized for use on property in the Subdivision; and (b) are more durable than and are of equal or superior quality to shingles used or otherwise authorized for use on property in the Subdivision.
3. When installed, any such shingles must match the aesthetics of the property surrounding the owner's property.

**D. Policies/Guidelines regarding Rain Barrels and/or Rainwater Harvesting Systems:**

1. Prior to installation of a rain barrel(s) and/or rainwater harvesting system, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
2. A rain barrel(s) and/or rainwater harvesting system is not allowed if: (i) it is located between the front of the property owner's home and an adjoining or adjacent street; (ii) the barrel(s) or system is of a color other than a color consistent with the color scheme of the property owner's home; and/or (iii) the barrel(s) or system displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured.
3. The Association may regulate the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if: (a) the regulation (or restriction) does not prohibit the economic installation of the device or appurtenance on the property owner's property; and (b) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.
4. Unless installed by the Association, a rain barrel(s) and/or rainwater harvesting system may not be installed on any property owned or maintained by the Association.

**E. Policies/Guidelines regarding Solid-Waste Composting of Vegetation, Efficient Irrigation Systems (Including Underground Drip or Other Drip Systems) and Drought-Resistant Landscaping or Water-Conserving Natural Turf:**

1. Prior to installation of a composting device, irrigation system and/or drought-resistant landscaping or water conserving natural turf, the advance written approval of the Association's Architectural Control Committee is required.
2. The Association may regulate the requirements, including size, type, shielding, and materials, for or the location of a composting device that does not prohibit the economic installation of the device on the property owner's property where there is reasonably sufficient area to install the device;
3. A composting device is not allowed if it is located in or on property: (i) owned by the property owners' association; (ii) owned in common by the members of the property owners' association; or (iii) in an area other than the fenced yard or patio of a property owner.

4. The Association may regulate the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes;
5. The Association may regulate the installation or use of gravel, rocks, or cacti;
6. The Association may regulate yard and landscape maintenance that does not restrict or prohibit turf or landscaping design that promotes water conservation;
7. The Association may require an owner to submit a detailed description or a plan for the installation of drought-resistant landscaping or water-conserving natural turf for review and approval by the property owners' association to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision.

**F. Policies/Guidelines regarding Display or Affixing of Religious Items:**

These Policies/Guidelines relate to a property owner or resident displaying or affixing on the owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief. To the extent allowed by the U. S. Constitution and the Texas Constitution, the display or affixing of the following religious item(s) on the owner's or resident's property or dwelling is/are prohibited: (1) any religious item(s) that threaten(s) the public health or safety; (2) any religious item(s) which violate(s) a law other than a law prohibiting the display of religious speech; (3) any religious item(s) which contain(s) language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content; (4) any religious item(s) installed on property: (A) owned or maintained by the property owners' association; or (B) owned in common by members of the property owners' association; (5) any religious item(s) which violate(s) any applicable building line, right-of-way, setback, or easement; and (6) any religious item(s) attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

**G. Policies/Guidelines regarding Standby Electric Generators**

These Policies/Guidelines relate to a property owner building or installing a standby electric generator: (1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen; (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (4) rated for a generating capacity of not less than seven kilowatts. A standby electric generator must: **a**) be installed and maintained in compliance with: (A) the manufacturer's specifications; and (B) applicable governmental health, safety, electrical, and building codes; **b**) be installed so that all electrical, plumbing, and fuel line connections are installed only by licensed contractors; **c**) be installed in accordance with applicable governmental health, safety, electrical, and building codes; **d**) be installed so that all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections to be installed in accordance with applicable governmental health, safety, electrical, and building codes; **e**) be installed so that all liquefied petroleum gas fuel line connections are installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes; **f**) be installed so that nonintegral standby electric generator fuel tanks are installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes; **g**) be maintained in good condition, including, but not limited to, its electrical lines and fuel lines; **h**) be maintained in a manner requiring immediate repair, replacement, or removal of any deteriorated or unsafe component of a standby electric generator, including electrical or fuel lines; **i**) be screened if the standby electric generator is: (A)

visible from the street faced by the dwelling; (B) located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association; or (C) located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners' association; **j**) have reasonable set times, consistent with the manufacturer's recommendations, for the periodic testing of such standby electric generator; **k**) not generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence; **l**) be located in a location in the back yard approved by the Association; **m**) not be located on property: (A) owned or maintained by the property owners' association; or (B) owned in common by the property owners' association members. The Association shall reasonably apply and enforce these Policies/Guidelines, which may not: (1) increase the cost of installing the standby electric generator by more than 10 percent; or (2) increase the cost of installing and connecting the electrical and fuel lines for the standby electric generator by more than 20 percent. The Association may not withhold approval if the proposed installation meets or exceeds the above requirements. The information required to be submitted to the Association as part of the application for the installation of a standby electric generator may not be greater or more detailed than the application for any other improvement.

#### **H. Policies/Guidelines regarding Back Yard Swimming Pool Enclosures**

These Policies/Guidelines relate to a property owner installing on the property owner's property a swimming pool enclosure that conforms to applicable state or local safety requirements, which enclosure: (1) surrounds a water feature, including a swimming pool or spa; (2) consists of transparent mesh or clear panels set in metal frames; (3) is not more than six feet in height; and (4) is designed to not be climbable. Regarding the appearance of such an enclosure, the Association approves only a swimming pool enclosure that is black in color and consists of transparent mesh set in metal frames.

#### **I. Policies/Guidelines regarding Security Measures**

These Policies/Guidelines relate to a property owner building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence (enclosing any portion of a Lot). The Association regulates the type of fencing that a property owner may install. The following security measures are prohibited: (1) the installation of a security camera by a property owner in a place other than the property owner's private property; (2) any perimeter fence(s) which violate(s) any applicable building line, right-of-way/easement or setback; and (3) any type, dimension, material, exterior color, construction method or location of perimeter fence(s) not approved in advance and in writing by the Association's Architectural Control Committee ("ACC"). Further, the Association may regulate the placement of security measures so as to maintain the aesthetics of the community. Although a perimeter fence may not encroach on, upon or over building lines, rights-of-way/easements (e.g., street rights-of-way/easements) and/or setback lines, the Association may consider alternative security measures such as: a request to install a flush mounted wrought iron or aluminum gate enclosing a covered front porch; a request to install aesthetic burglar bars on the interior of windows; or a request to fence in an area behind the building line or behind a setback line (such as an recessed courtyard area) utilizing an ACC approved location and type of fence.

#### **J. Policies/Guidelines regarding Political Signs:**

1. A property owner may display on the owner's property (i.e., Lot) one or more signs advertising a political candidate or ballot item for an election only on or after the 90th day before the date of the election to which the sign relates until the 10th day after that election date.

2. Any such political sign must be ground-mounted, and a property owner(s) may display on his and/or her Lot only one sign for each candidate or ballot item.
3. Prohibited political signs include any sign that: (1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; (2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; (3) includes the painting of architectural surfaces; (4) threatens the public health or safety; (5) is larger than four feet by six feet; (6) violates a law; (7) contains language, graphics, or any display that would be offensive to the ordinary person; or (8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.
4. The Association may remove, or cause to be removed, a sign displayed in violation of the foregoing Policy for Political Signs.

**(Certification, Signature and Acknowledgment are Contained on Page 8 Hereof)**