

RESOLUTION OF
SUGARBERRY PLACE PHASE II HOMEOWNERS' ASSOCIATION, INC.

Regarding Ratification of
Supplemental Deed Policy for the Purpose of Filing
in the County Real Property Records

DATED:, 10, 12, 2021.

STATE OF TEXAS §

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COUNTY OF HARRIS §

I, Renee Foley, the President of SUGARBERRY PLACE PHASE II HOMEOWNERS' ASSOCIATION, INC. (the "Association"), do hereby certify that at a regular meeting of the Board of Directors of the Association held on 10-12, 2021, with a quorum present and remaining throughout, and being duly authorized to transact business, the following resolution for the ratification of the Supplemental Deed Policy for the purposes of filing in this County's Real Property Records, was duly made and approved.

WHEREAS, the Association is a Texas non-profit corporation governed by the Texas Property Code;

WHEREAS, the Supplemental Deed Policy attached hereto as Exhibit "A", is hereby ratified for the purpose of filing in this County's Real Property Records;

IT IS, HEREBY, RESOLVED that SUGARBERRY PLACE PHASE II HOMEOWNERS' ASSOCIATION, INC. adopts this formal resolution for the purpose of filing the aforementioned document in this County's Real Property Records.

Dated: 10-12-2021 Renee Foley

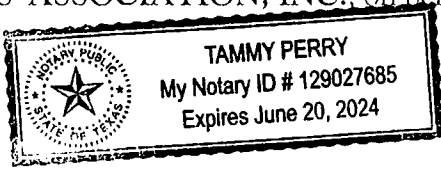
STATE OF TEXAS §

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ACKNOWLEDGMENT

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 12th day of October, 2021, by Renee Foley as President of SUGARBERRY PLACE PHASE II HOMEOWNERS' ASSOCIATION, INC., on behalf of said corporation.



Tammy Perry
Notary Public in and for the State of Texas

RP-2021-604987

EXHIBIT "A"

I. POLICY REGARDING DISPLAY OF CERTAIN RELIGIOUS ITEMS

1. An Owner may display certain religious items on the owner's property subject to the following restrictions:
 - a. Any religious item displayed must be motivated by the owner or resident's sincere religious belief;
 - b. No displayed religious item may:
 - i. Threaten the public health or safety in any manner whatsoever;
 - ii. Violate any Federal, state or local laws, other than a law prohibiting the display of religious speech;
 - iii. Contain language, graphics, or depictions that are patently offensive to a passerby for reasons other than its religious content;
 - iv. Exceeds a length, width, or height of forty-eight inches (48") in any measurable dimension;
 - v. Be installed on property:
 1. Owned or maintained by the property owners' association;
 2. Owned in common by members of the property owners' association;
 3. Which violates any applicable building line, right-of-way, setback, or easement; or
 - vi. Be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.
 - c. The Association reserves the right to remove any item so displayed that, in the judgment of the Association violates one or more of the restrictions included herein. the Association shall be the sole arbiter to determine whether such a violation exists.

II. POLICY REGARDING POOL ENCLOSURES

1. A "swimming pool enclosure" means a fence that: (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.

2. An Owner may install certain a swimming pool enclosure on their property subject to the following restrictions:

- a. All swimming pool enclosures must conforms to applicable state or local safety requirements;
- b. All swimming pool enclosures must be black in color and consists of transparent mesh or clear panels set in metal frames;
- c. No swimming pool enclosures may:
 - i. Threaten the public health or safety in any manner whatsoever;
 - ii. Violate any Federal, state or local laws;
 - iii. Be installed *by an Owner* on property:
 - 1. Owned or maintained by the property owners' association;
 - 2. Owned in common by members of the property owners' association;
- d. Owner must submit an ACC application to the Association **along with all applicable ACC application fee(s)**, prior to the installation of any swimming pool enclosure, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Declaration of Covenants, Conditions and Restrictions and Texas Property Code §§ 202 and 204, *et seq.*
- e. Prior to any such installation, an Owner must submit a detailed plan for the installation of the swimming pool enclosure. Such plan must contain:
 - i. Location of the swimming pool enclosure, including a graphic depiction (i.e. scale drawings) showing color, materials, size, and manufacturer of any such swimming pool enclosure;

3. Any swimming pool enclosure owned, operated, installed or maintained within the Association must comply with all manufacturer's specifications, and all applicable governmental health, safety, and building codes.

III. POLICY REGARDING SECURITY MEASURES

- 1. A "security measure" is defined as a device or system put in place to ensure, protect, or maintain the security of a person or thing, and shall expressly include (1) security cameras; (2) motion detectors; (3) and perimeter fencing.

2. An Owner may install certain a security measure on their property subject to the following restrictions:
- a. All security measures must conforms to applicable state or local safety requirements;
 - b. No security measures may:
 - i. Threaten the public health or safety in any manner whatsoever;
 - ii. Violate any Federal, state or local laws;
 - iii. Be installed **by an Owner** on property they do not own, including property:
 - 1. Owned or maintained by the property owners' association;
 - 2. Owned in common by members of the property owners' association;
 - 3. Which violates any applicable building line, right-of-way, setback, or easement
 - c. Owner must submit an ACC application to the Association **along with all applicable ACC application fee(s)**, prior to the installation of any security measure, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Declaration of Covenants, Conditions and Restrictions and Texas Property Code §§ 202 and 204, *et seq.*
 - d. Prior to any such installation, an Owner must submit a detailed plan for the installation of the security measure. Such plan must contain:
 - i. Location of the security measure, including a graphic depiction (i.e. scale drawings) showing color, materials, size, and manufacturer of any such security measure;
3. Any security measure owned, operated, installed or maintained within the Association must comply with all manufacturer's specifications, and all applicable governmental health, safety, and building codes.
4. No security camera may be placed in any location which will violate any other owner's reasonable expectation of privacy.
5. No fence may be installed which does not otherwise confirm with all applicable governing documents of the Association with regards to size, placement, appearance, and materials.
6. Perimeter fencing which is installed closer to the street than the foundation of the home ("front yard fencing") must adhere to the following additional restrictions:

- (a) Front yard fencing may not be installed in violation of any applicable building line, right-of-way, setback, or easement, unless the edge of the foundation closest to the street is located at the building line, in which case the front yard fencing may be installed no more than five (5) feet in front of the building line;
- (b) Front yard fencing must be constructed of "wrought iron" (i.e. wrought iron style, usually constructed of mild steel or aluminum, in either black or brown), or wood;
- (c) No front yard fence shall be erected to a height greater than three feet (3') above the finished lot grade;
- (d) Front yard fencing may not include or incorporate wire, mesh or chain-link;
- (e) The solid (i.e. opaque) surface area of the front yard fence shall not exceed fifty percent (50%) of the total area of the fence, with no massing of solid material in widths greater than six (6) inches, except for corners or posts.
- (f) No front yard fence shall be constructed on a corner lot that does not afford proper visual clearance approved by ACC for traffic approaching the intersection in either direction. Proper visual clearance shall be maintained for a distance of not less than thirty (30) feet on each street.
- (g) Gates integral to front yard fencing may not be constructed of chain link or wire. Gates should be built from the same material as the fence to which it is attached.

IV. POLICY REGARDING STANDBY ELECTRIC GENERATORS

I: Right Of Installation And Use

1. Pursuant to Texas Property Code § 202.019 *et seq.*, Owners have been given the limited right to own, operate, install and maintain a permanently installed standby electric generator ("Generator"), which is defined as a device that converts mechanical energy to electrical energy and is:
 - a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
 - b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
 - c. connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
 - d. rated for a generating capacity of not less than seven kilowatts.

2. Owner must submit an ACC application to the Association **along with all applicable ACC application fee(s)**, prior to the installation, maintenance or use of any such generator, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Declaration of Covenants, Conditions and Restrictions and Texas Property Code §§ 202 and 204, *et seq.*
3. Prior to any such installation, an Owner must submit a detailed plan for the installation of such Generator. Such plan must contain:
 - a. Location of the Generator, including a graphic depiction (i.e. scale drawings) showing location, number, size, make and manufacturer of any such Generator;
 - b. An electrical diagram showing the proposed installation method of the Generator;
 - c. A fuel line diagram identifying the type of fuel used, and showing the proposed installation method for the Generator.

II: Installation And Operation Regulations

4. **General Regulations:** Any Generator owned, operated, installed or maintained within the Association must comply with all manufacturer's specifications, and all applicable governmental health, safety, electrical, and building codes.
5. **Professional Installation Required:** Any Owner seeking to operate, install or maintain a Generator within the Association must utilize licensed contractors to install any and all electrical, plumbing, and fuel line connections.
 - a. Any and all electrical connections to any Generator must be installed in accordance with all applicable governmental health, safety, electrical and building codes.
 - b. Any and all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections to any Generator must be installed in accordance with all applicable governmental health, safety, electrical, plumbing and applicable building codes.
 - c. Any and all liquefied petroleum gas fuel line connections to any Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, plumbing and applicable building codes.
6. **Maintenance:** For any and all Generators located within the Association, all such Generators and their respective electrical lines and fuel lines must be maintained in good condition at all times.

- a. Any and all non-integral standby electric generator fuel tanks for any Generator must be installed and maintained in compliance with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
- b. The Association requires that the Owner of any Generator immediately, replace, or remove any deteriorated or unsafe component of a standby electric generator, including electrical or fuel lines.

7. **Screening:** All Generators within the Association must be screened from view if:

- a. The Generator is visible from the street faced by the dwelling;
- b. The Generator is 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. The Generator is 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.

8. **Testing:** The Owner of any Generator within the Association must perform periodic tests of the Generator in accordance with the recommendations of the National Fire Protection Association, pursuant to NFPA 110: Standard for Emergency and Standby Power Systems.

9. **Use Prohibition:** No Owner may utilize any Generator to 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.

10. **Location:**

- a. No owner may install a Generator on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements.
- b. No owner may install a Generator on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.

RP-2021-604987
Pages 8
10/20/2021 11:27 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$42.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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