



**SOUTHWYCK, SECTION I, COMMUNITY ASSOCIATION, INC.
POLICY REGARDING REGULATION OF STANDBY ELECTRIC GENERATORS**

GENERAL

The SOUTHWYCK, SECTION I, COMMUNITY ASSOCIATION, INC., is a Texas non-profit corporation located in Brazoria County, Texas. The Board of Directors is charged with administering and enforcing those certain covenants, conditions, and restrictions contained in that certain Declaration of Covenants, Conditions, and Restrictions recorded August 16, 1985 under Clerk's File No. 1985028540 of the Real Property of Brazoria County, Texas. These rules are made and adopted pursuant to the authority granted by the Declarations, the By-Laws, and pursuant to the authority granted to the Board of Directors in Article III of the Bylaws.

The following Policy is effective September 1, 2015, and is applicable to all Owner(s).

Chapter 202 of the TEXAS PROPERTY CODE was recently amended to add Section 202.019, which requires the Association to allow standby electric generators and authorizes the Association to regulate such items; and

The Board of Directors of the Association desires to regulate standby electric generators by establishing regulations and guidelines relating to such items in compliance with Chapter 202 of the TEXAS PROPERTY CODE and pursuant to the authority granted to the Board of Directors by the provisions of the Declaration; and

This Dedicatory Instrument consist of Restrictive Covenants as defined by TEXAS PROPERTY CODE §202.001, et. seq, and the Association shall may exercise discretionary authority with respect to these Restrictive Covenants; and

Tto the extent the regulations contained herein conflict with any previously existing Rules, Regulations or Architectural Guidelines of Community Association, Inc., the regulations contained herein control;

Therefore, pursuant to the foregoing and as evidenced by the Certification hereto, the Association hereby adopts the following regulations:

Standby Electric Generators (SEG) are permitted to the extent required by § 202.019 of the TEXAS PROPERTY CODE, subject to the following regulations, which shall be reasonably applied and enforced:

- 1) The owner shall first apply to and receive written approval from the Association prior to installation of any SEG permitted by 202.019 that will be located outside

of the main residential structure on the Property, in the same manner as all other submissions for approval or improvements to property.

- 2) The SEG must be installed and maintained in compliance with manufacture's specifications and applicable governmental health, safety, electrical and building codes.
- 3) All electrical, plumbing, and fuel line connections for the SEG shall be installed only by licensed contractors and all electrical connections must installed in accordance with applicable governmental health, safety, electrical and building codes.
- 4) All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for the SEG shall be installed in accordance with applicable governmental health, safety, electrical and building codes.
- 5) All liquid petroleum gas fuel line connections shall be 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.
- 6) All nonintegral standby electric generator fuel tanks for the SEG shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
- 7) The SEG, its electrical and fuel lines shall all be maintained in good condition.
- 8) If a component of an SEG, including electrical or fuel lines, is deteriorated or unsafe then that component shall be repaired, replaced or removed as appropriate.
- 9) The SEG shall be screened in accordance with plans submitted to and approved by the Association, if it 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.
- 10) The SEG shall be periodically tested in accordance with the manufacturer recommendations.

- 11) The SEG shall not be used to generate all or substantially all of the electrical power to the 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.
- 12) The SEG shall be located in a location submitted to and approved by the Association.
- 13) The SEG shall not be located on property owned or maintained by the property owners association or owned in common by the property owners association.
- 14) The location required by the Association for a SEG may not increase the cost of installing the SEG by more than 10% or increase the cost of installing and connecting the electrical and fuel lines for the SEG by more than 20%.

Adopted by unanimous vote of the Board of Directors of the SOUTHWYCK, SECTION I, COMMUNITY ASSOCIATION, INC., at a meeting held on September 10, 2015.

Signed this the 15 day of September 2015.

SOUTHWYCK, SECTION I, COMMUNITY ASSOCIATION, INC.

BY: Cathie Tydelski
CATHIE TYDELSKI
President

STATE OF TEXAS §
COUNTY OF BRAZORIA §

ACKNOWLEDGMENT

BEFORE ME, the undersigned authority, on this day personally appeared CATHIE TYDELSKI, President of the SOUTHWYCK, SECTION I, COMMUNITY ASSOCIATION, INC., and known by me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that she is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 15 day of September, 2015.



[Signature]
Notary Public in and for
The State of Texas

AFTER RECORDING, RETURN TO:

CLARK & JORDAN, L.P.
Attorneys at Law
9225 Katy Freeway, Suite 314
Houston, Texas 77024-1510

FILED and RECORDED

Instrument Number: 2015047677

Filing and Recording Date: 10/09/2015 02:13:52 PM Pages: 5 Recording Fee: \$38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in cursive script, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-carla