

# **FALCONWOOD PROPERTY OWNERS ASSOCIATION**

## **RULES & REGULATIONS**

**Approved by POA Board March 5,  
2014**

### **1.0 INTRODUCTION**

Article VIII, Duties and Powers of the Property Owners Association, of the Falconwood Property Owners Association Declaration of Covenants, Conditions, and Restrictions (CCR's) gives the Association the power to do anything that may be necessary or desirable to further the common interest of the members, to maintain, improve and enhance the Common Areas and to improve and enhance the attractiveness, desirability and safety of the Subdivision. This includes the power to adopt rules and regulations including fines, levies and enforcement provisions as may be deemed necessary or desirable with respect to the interpretation and implementation of the CCR's, the operation of the Association, the use and enjoyment of the Common Areas and the use of any other property, facilities or improvements owned or operated by the Association.

It also gives the Association the power to enforce restrictions and rules and regulations, including levying and collecting, after notice and hearing, reasonable and uniformly applied fines and penalties. Section 8.11 of the CCR's describes in detail the terms of these actions.

In accordance with the provisions of the CCR's and the Texas Property Code, this document describes the applicable Rules and Regulations of the Falconwood Property Owners Association.

### **2.0 ARCHITECTURAL CONTROL COMMITTEE REVIEW AND APPROVAL GUIDELINES**

As a community desirous of an atmosphere of beauty and to maintain economic value for the residents and property owners of Falconwood subdivision, it is in the best interest and welfare of the community to protect the aesthetic values through the restriction of certain architectural styles and those building materials, which, by their nature, are foreign to this area and therefore tend to detract from the appearance and economic value of the community.

These guidelines have been derived from the Falconwood Declarations of Covenants, Conditions and Restrictions to serve as the standard for decisions on proposed building plans made by the Architectural Control Committee (ACC).

Current deed restrictions include the following:

- 1) Only one dwelling unit per tract, except for one guest's/servant's house with a minimum of 500 sp. ft.
- 2) All dwellings, detached garages, workshops and barn must be approved in writing by the Architectural Control Committee prior to being erected, altered or placed on the property.

- 3) No manufactured homes, including single or doublewide, are allowed.
- 4) All dwellings must have at least 1600 sq. Ft. of living area, excluding porches.
- 5) All dwellings must be built with new construction material and be on a concrete slab or on a pier foundation. A pier foundation must be constructed with concrete and rebar. A combination of a concrete slab and pier foundation may be utilized in the construction of a dwelling.
- 6) Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within six (6) months from the commencement date.

The Board of Director of the Falconwood Property Owners Association has promulgated the following additional guidelines, to further the common interests of its members, which power is given to the Board in Article VIII of the DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS; these guidelines shall be implemented by the ACC for reviewing and approving all designs:

- 1) Any storage or out-buildings must not be constructed between the primary dwelling and the Subdivision street.
- 2) Single-family dwellings only are permitted; no duplexes, co-operative homes, or condominium are allowed.
- 3) No dwellings with a metal exterior, exclusive of the roof, are allowed; metal framed dwellings will be permitted provided the exterior is of traditional building materials.
- 4) No dome or A-frame dwellings are allowed.
- 5) No earth berm dwellings are allowed.
- 6) Any design or construction method that is deemed to be inappropriate at the sole discretion of the ACC will not be allowed.
- 7) No dwelling deemed to have the appearance of a commercial building will be permitted.
- 8) The commencement date for construction of any building, structure or improvement shall be defined as the date the foundation forms are first set.

Architectural Control Committee approvals are in effect for 12 months from the date of approval; plans not executed within 12 months must be re-filed for approval.

Property owners shall have a right of appeal for these guidelines by submitting a written request for a hearing to the president of the POA.

#### DEFINITION OF TERMS:

Dwelling - A structure whose primary purpose is to provide living quarters for a person or persons.

Earth Berm - A type of construction in which part of or the entire ground floor of a dwelling is built into an existing or a man-made hill.

New building materials - Building materials not previously used for any purpose unless they have been reconditioned or are normally used in construction of a single family dwelling.

Junked Motor Vehicle – Any vehicle within the Falconwood subdivision must have a current inspection sticker and a current vehicle registration or be stored in a garage.

Out-building - A structure whose intended purpose is other than a dwelling.

Pier and beam - A type of foundation utilizing horizontal reinforced concrete beams that support vertical reinforced concrete piers or pillars. A structure utilizing this type of foundation generally has wooden beams constructed on top of the piers which support the wall and floor of the structure.

Primary residence - The largest dwelling on the tract.

Traditional building materials - Materials normally used in the construction of a single family dwelling in Texas.

### 3.0 FINES AND HEARING POLICY

Pursuant to Chapter 209 of the Texas Property Code (Texas Residential Property Owners Association Act), Falconwood Declaration of Covenants, Conditions and Restrictions and the Falconwood Property Owners Association (POA) Deed Restrictions, the Falconwood Board of Directors has adopted the following policy regarding fines and adjudicatory hearings.

- 1) Notice of Violation: A notice of violation shall be issued to the person charged with a violation to the Deed Restrictions. Violation notices shall include the amount of the applicable fine.
- 2) Right of Request a Hearing: The property owners in violation shall be notified of their right to request a hearing before the Falconwood POA Board of Directors. Such hearing must be requested and attended not later than 30 days from the date of the notice. The owner must contact the President of the Association to schedule the hearing.
- 3) Adjudicatory Hearings for Property Owners: If the person charged with a violation is a property owner or a member of a property owner's household, a hearing shall be held before the BOD to determine if the person should be fined for the violation. Three BOD members shall constitute a quorum for the conduct of a hearing and a decision of a majority of the members present shall constitute a decision of the Board. The person charged shall be given an opportunity to be heard and to present evidence and shall be given the notice of the decision.
- 4) Fine Determination: The POA Board of Directors (BOD) shall determine the amount of fines, which may be up to \$200.00 per violation (and, without further hearing, for each day after the decision that the violation occurs and continues).
- 5) Liens: Any fine imposed on a property owner or a member of a property owner's household shall be an assessment secured by a lien against the property. Matter will be referred to attorney for filing a lien against the property when the total fine amount totals 5,000

#### 4.0 FINE SCHEDULE

<b>Section</b>	<b>Requirement</b>	<b>Violation</b>	<b>Fine</b>	<b>Frequency</b>
3.01	All dwellings, detached garages, workshops, and barns must be approved in writing by the ACC prior to being erected, altered or placed on property.	Failure to get ACC approval prior to construction or alteration or placement.	\$200.00	Per day
3.01	During the construction of a dwelling, a camper or recreational vehicle may be kept on the property for up to six months, so long as said camper or recreation vehicle is hooked up to an approved septic system.	Failing to have camper or RV hooked up to an approved septic system.	\$200.00	Per day
3.01	All non self-contained campers and tent campers must provide some type of chemical toilet for their campsite.	No chemical toilet for non self-contained campers and tent campsites.	\$200.00	Per day
3.03	All dwellings, placed on subject property must be equipped with septic tank or other sewage disposal system meeting all applicable laws, rules, standards and specifications.	Occupying a dwelling without an approved septic system.	\$200.00	Per day
3.03	All dwellings must be served with water and electricity.	Occupying a dwelling without electricity and water.	\$200.00	Per day
3.04	No structure of a temporary character, whether basement, shack, garage, barn or other outbuilding shall be maintained or used on any tract at any time as a residence, either temporarily or permanently.	Using a temporary structure as a residence.	\$200.00	Per day
3.06	The discharge or use of firearms is expressly prohibited.	Discharge or use of a firearm	\$200.00	Per Occurrence
3.11	No commercial oil drilling, oil development, oil refining, quarrying or mining operation of any kind shall be permitted on any tract.	Conducting oil, quarrying or mining activity on a tract.	\$200.00	Per day
3.11	No derrick or other structures designed for the use of boring for oil or natural gas shall be erected, maintained or permitted on any tract.	Erecting or maintaining oil or natural gas drilling derricks on a tract.	\$200.00	Per day
3.01	Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within six months from the commencement date.	Failure to complete construction as to exterior finish within 6 months.	\$100.00	Per day

3.06	No activity, whether for profit or not, shall be conducted on any tract which is not related to single family residential purposes unless it meets specific criteria specified in the CCR's.	Conducting activity not related to single residential purposes.	\$100.00	Per day
3.05	Walls and fences, if any, must be approved prior to construction by the ACC.	Construction of walls or fences without ACC approval	\$66.67	Per day
3.06	Discharging aerial fireworks will not be permitted on any public or private property within the subdivision.	Creating a nuisance or annoyance	\$100.00	Per occurrence
3.06	The Association shall have the sole and absolute discretion to determine what constitutes a nuisance or annoyance.	Creating a nuisance or annoyance	\$100.00	Per day
3.07	Garbage and trash or other refuse shall not be permitted to be dumped at any place upon adjoining land where a nuisance to any residence of this subdivision is or may be created.	Dumping garbage or trash on adjoining land.	\$66.67	Per day
3.08	No tract shall be used or maintained as a dumping ground for rubbish.	Dumping garbage or trash on a tract.	\$66.67	Per day
3.08	No tract shall be used as a depository for abandoned or junked motor vehicles.	Maintaining abandoned or junked motor vehicles on a tract.	\$66.67	Per day
3.08	No junk of any kind or character, or dilapidated structure or building or any kind or character, shall be kept on any tract.	Maintaining junk or dilapidated structure on a tract.	\$66.67	Per day
3.12	Natural established drainage patterns of streets, tracts or roadway ditches will not be impaired.	Impeding natural drainage patterns.	\$66.67	Per day
3.12	Driveway culverts must be installed and will be of sufficient size to afford proper drainage of ditches without backing water up into ditch or diverting flow.	Installing improper driveway culverts.	\$50.00	Per day
3.01	Prior to construction of a dwelling, an occupied, self-contained camper or recreation vehicle may be kept on the property no longer than 14 consecutive days out of a 30 day period.	Keeping an occupied, self-contained camper or RV longer than 14 consecutive days out of a 30 day period.	\$40.00	Per day
3.01	All campers, recreational vehicles and campsites must be placed at least 100 feet from any road right-of-way.	Placing campers, RVs, or campsites closer than 100 feet	\$40.00	Per day

		to a road right-of-way.		
3.01	All campers, recreational vehicles and campsites must be kept in a clean and tidy manner at all times.	Campers, RVs, or campsites not kept in a clean and tidy manner.	\$40.00	Per day
3.01	Prior to construction of a dwelling, unoccupied campers, recreation vehicles and tents must be removed from the property when not in use.	Keeping an unoccupied, self-contained camper or RV on property when not in use prior to construction.	\$40.00	Per day
3..09	No signs, advertisement, billboards or advertising structure of any kind may be erected or maintained on any tract without the consent in writing of the ACC, except for one For Sale or Rent sign and one sign displaying the tract owner's names.	Erecting signs without ACC approval.	\$40.00	Per day
3.10	No animals, livestock or poultry of any kind shall be raised, bred or kept on any tract except as specified in the CCR's.	Keeping non-approved livestock on any tract.	\$40.00	Per day
3.10	Dogs will not be permitted to run loose in the subdivision.	Allowing dogs to run loose in the subdivision.	\$40.00	Per occurrence
3.13	Antennas of any kind shall not exceed ten feet above the roof of the dwelling or accessory building.	Erecting an antenna more than 10 feet above structure.	\$40.00	Per day

APPROVED by the Falconwood Property Owners Association Board of Directors in this the 5<sup>th</sup> Day of March, 2014:

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Pamela Lee, President

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Kim Ballay, Vice-President

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Krista McDermid, Secretary

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Dale Marquis, Treasurer

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David Pope, Director

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Lee Bricker, Director