

SANDY RIDGE POA DEED RESTRICTIONS & OTHER LEGAL DOCUMENTS

1) Vol. 227 Pg 382 - 385 (01/23/1968) (Structure Restrictions)

- The land shall be used for the purposes of one private single family residence. No building shall be erected on any one lot except one private single family house and garage.
- No building or structure shall be erected on any of the front lines of lots except 82 to 102 inclusive on Kickapoo Drive.
- No structure shall be built within 5 ft. of side lines of any said lot. Structure shall be built of solid, permanent materials. No structure shall have tar paper, rolled brick siding or similar materials on outside exterior walls.
- Pitched roofs shall be asphalt shingles or equivalent. No tin roofs.
- Sewage disposal system shall be of type approved or recommended by State and local departments.
- All plumbing and drains must be connected to water tight septic tanks of approved construction. No septic tanks or lines shall be placed below the easement line of the City of Houston on Lake Livingston.
- No sign of any description may be placed upon any portion of land without written approval of the Grantor.
- No tent, trailer or outbuilding shall ever be erected or maintained on the tract and no garage or basement shall be used as a temporary or permanent residence.
- Structure shall be not less than 600 square feet of floor space.
- Lots A thru L reserved for trailer lots, parks and commercial lots.
- Land shall be used for residential purposes only, except for commercial lots.
- Lot 84 reserved for all lot owners for a boat ramp.
- No firearms shall be discharged in subdivision for sporting or recreational purposes.
- No Animals shall be kept or maintained on premises except customary household pets.
- No Lot shall be sold to or used by commercial fisherman.
- No hunting shall be allowed on any area of the subdivision.

2) Vol. 288 Pgs 664 - 666 (04/16/1974)

- No motorized vehicles with less than 4 wheels permitted on subdivision streets, roads, roadways and alleys.
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3) Vol. 618 Pgs 632 - 637 (08/10/1987)

- Lot owner or representative of lot owner or heir to lot shall not allow excessive amount of rubbish on said lot or allow grass to grow beyond acceptable height not to exceed 12 inches.

4) Vol. 657 Pgs 724-728 (03/18/1988)

- Lots A thru L are reserved for Commercial lots. Additionally included lots **113 & 114** are designated being Commercial lots.
- No sign with exception of Commercial lots.
- No animals shall be kept or maintained on the premises except for customary household pets. This does not apply to the marketing and/or production of birds on Lots A thru L.

5) Vol. 664 Pgs 421 - 422 (04/29/1988)

- Lots A thru L are reserved for Commercial lots and now additionally includes Lots numbered **1,2,3,4,5,6,98,99,100,101,102,111,112**.

6) Vol. 765 Pgs 865 - 876 (05/31/1990)

- Restrictive Covenants – General Warranty Deed with Vendor's Lien, Deed of Trust of sale from the Oliver's to Willie Morehead. Lots D, E, F, G, H, I

7) SHECO Right of Way Easement – (05/18/1967)

8) GOLF CARTS

- A golf cart is defined by law (Texas Transportation Code 502.001) as a motor vehicle. The operator must be a licensed driver and obey all traffic laws when operating the golf cart on a public street/roadway.

Nuisance, dumping laws – Polk County (Sec. 343.011.Public Nuisance)

Sec . 343.011. PUBLIC NUISANCE

(c) A public nuisance is:

(1) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle ;

(2) keeping, storing, or accumulating rubbish, including newspapers , abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;

(3) maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease- carrying pests;

(4) allowing weeds to grow on premises in a neighborhood if the weeds are located within 300 feet of another residence or commercial establishment;

(5) maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard.

POLK COUNTY
RABIES AND ANIMAL CONTROL ORDINANCE

SECTION I. AUTHORITY AND PURPOSE

- 1) These rules are promulgated pursuant to and in conformity with statutory authority granted to the Polk County Commissioners Court pursuant to Chapters 821, 822 and 826 of the Texas Health & Safety Code. It is the intent of the Commissioners Court of Polk County to impose reasonable and uniform rules for rabies control and restraint of dogs and cats in Polk County.
- 2) If these rules are in conflict with any city ordinance, it is the city ordinance that takes precedence.

SECTION II. LOCAL RABIES CONTROL AUTHORITY

- 3) The Polk County Sheriff's Office is hereby designated as the Local Rabies Control Authority for purposes of these rules. 4) The Local Rabies Control Authority or its designee shall have the duty to enforce the Rabies Control Act of 1981, TX. HEALTH & SAFETY CODE § 826.001, et seq. and amendments thereto;

SECTION III. VACCINATIONS

- 5) The owner or custodian of every dog or cat shall have the dog or cat vaccinated against rabies as required by the Rabies Control Act of 1981, Chapter 826, Subchapter C. of the Texas Health & Safety Code, and amendments thereto. Failure to vaccinate a dog or cat against rabies shall subject the owner or custodian of the unvaccinated animal to a fine and punishment prescribed by § 826.022 TX. HEALTH & SAFETY CODE.

SECTION IV. RABIES CONTROL AND QUARANTINE

- 6) When a dog or cat that has bitten a human has been identified, the owner or custodian shall place the animal in quarantine, as required by the Rabies Control Act of 1981, § 826.042 TX. HEALTH & SAFETY CODE, and amendments thereto.
- 7) When an animal that has bitten a human has been identified, the custodian must place that animal in quarantine or submit its brain for testing. The costs of quarantine are borne by the custodian.

8) A custodian must submit for quarantine an animal: that is reported to be rabid or to have exposed an individual to rabies; or that the custodian knows or suspects is rabid or to have exposed an individual to rabies.

9) A Quarantine shall be conducted as required by the Rabies Control Act, set out in Chapter 826 of the Texas Health and Safety Code, and the Regulations and Regulations adopted pursuant to that statute, as amended.

SECTION V. RESTRAINT AND IMPOUNDMENT

10) All dogs and cats shall be kept under restraint in accordance with the applicable provisions of the Texas Health and Safety Code

11) Dogs may be unrestrained for land owners when used for ranching, hunting, farming or guarding on parcels larger than 10 acres and with the permission of the landowner.

12) The owner or custodian of every dog or cat shall be held responsible for the behavior of his animal and, thereby, responsible for any violation of these rules or applicable provisions of Chapters 822 and 826 of the Texas Health & Safety Code.

13) The Local Rabies Control Authority or its designee shall be authorized by this ordinance and the applicable provisions of Texas Health and Safety Code § 826.002, to capture, confine and impound the following:

(a) All stray dogs and cats whether or not vaccination or tags are displayed;

(b) Any animal, whether domesticated, wild, or stray, which has bitten or scratched a person, has bitten or scratched another animal, or is suspected of having rabies or having been exposed to rabies; and

(c) Any dangerous dog that is improperly secured or unregistered, as required.

(d) All animals picked up under these rules shall be impounded in the Polk County Animal Shelter.

14) It shall be the duty of the Animal Control Authority or his designee to deposit all living animals to be impounded with the impounding facility.

15) The owner or custodian of any impounded dog or cat may claim and redeem their animal prior to its sale, adoption, or other disposition during regular business hours of the impounding facility within 3 business days. No animal may be claimed or redeemed without proof of current vaccination or payment of applicable vaccination fees. Fees for redemption of animals shall not exceed those set out in the fee schedule attached to these rules and incorporated herein for all purposes; provided, however, these fees may be changed from time-to-time with approval of the Commissioners Court.

16) Failure to comply with these rules on animal restraint shall subject the owner or custodian of the unrestrained animal to citation and penalty in accordance with TX. HEALTH & SAFETY CODE § 826.034.

17) While the quarantine is in effect, the rules adopted by the executive commissioner supersede all other applicable ordinances or rules applying to the quarantine area and apply until the department or its designee removes the quarantine by declaration or until the rules expire or are revoked by the executive commissioner as defined in TX Health and Safety Code §821.051.

SECTION VI. UNLAWFUL RESTRAINT OF DOGS

18) A person who owns or has custody or control of a dog and who uses a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system shall comply with Chapter 821, Subchapter D, sections § 821.076 through § 821.079 of the Texas Health and Safety Code, as amended. Dogs must have a properly fitted collar and restraint system as required by Subchapter D, Chapter 821 of the Texas Health and Safety Code.

19) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement: a) between the hours of 10 p.m. and 6 a.m.; b) within 500 feet of the premises of a school; or

20) In the case of extreme weather conditions, including conditions in which:

- (a) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;
- (b) a heat advisory has been issued by a local or state authority or jurisdiction; or
- (c) a hurricane, tropical storm, or tornado warning has been issued by the National Weather Service.

21) A restraint unreasonably limits a dog's movement if the restraint, uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog or is a length shorter than the greater of five times the length of the dog, is measured from the tip of the dog's nose to the base of the dog's tail; or 10 feet. It is in an unsafe condition or causes injury to the dog.

22) EXCEPTIONS: Section VI does not apply to:

a) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

b) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

c) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;

d) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;

e) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

f) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

SECTION VII VIOLATION AND ENFORCEMENT OF UNLAWFUL RESTRAINT

- 23) A person commits a violation if the person knowingly violates this ordinance.
- 24) A peace officer or Local Rabies Control Authority who has probable cause to believe that an owner is violating Subchapter D, Chapter 821 of the Texas Health and Safety Code shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner in compliance with TX Health and Safety Code § 821.079.
- 25) A person commits an offense if the person is provided a statement and fails to comply with Subchapter D, Chapter 821 of the Texas Health and Safety Code within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.
- 26) If it is shown that a person charged with an offense under Subchapter D, Chapter 821 of the Texas Health and Safety Code has previously been convicted of an offense under that chapter, that person shall be charged with a Class B misdemeanor.
- 27) If a person fails to comply with Chapter 821 of the Texas Health and Safety Code with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
- 28) If conduct constituting an offense under, Chapter 821 of the Texas Health and Safety Code also constitutes an offense under any other law, the actor may be prosecuted under Chapter 821 of the Texas Health and Safety Code, the other law, or both.

SECTION VIII CRUELTY TO NONLIVESTOCK ANIMALS

29) In accordance with Section § 42.092 "Cruelty of Non-Livestock Animals" of the Texas Penal Code Chapter 42 which prohibits a person from intentionally, knowingly or recklessly cruelly treating an animal. The following actions define cruel punishment:

- a) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;
- b) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;
- c) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

- d) abandons unreasonably an animal in the person's custody;
- e) transports or confines an animal in a cruel manner;
- f) without the owner's effective consent, causes bodily injury to an animal;

30) It is a defense to prosecution under this section that: (1) the actor had a reasonable fear of bodily injury to the actor or to another person by a dangerous wild animal as defined by Section § 822.101, Health and Safety Code; (2) the animal was discovered on the person's property in the act of or after injuring or killing the person's livestock animals or damaging the person's crops and that the person killed or injured the animal at the time of this discovery;

SECTION IX ORDINANCE REVIEW

31) This ordinance shall be reviewed every 4 years by the Commissioners Court with evaluation and discussion of any new proposed ordinance changes that may have a significant impact on the quality of life in the County and to provide additional opportunities for the County departments and public's input in the development and administration stages of this Ordinance.

SECTION X VIOLATIONS

Polk County Animal Control Fee Amounts

1. Transportation Fee (if picked up by Animal Control)	\$ 35.00
2. First Impound Fee	\$ 35.00
3. Second Impound Fee	\$ 70.00
4. Third Impound Fee	\$ 100.00
5. Failure to provide proof of Rabies Vaccination	\$ 169.00
6. Permit Animal to Run-at-Large, (Stray)	\$ 169.00
7. Permit Animal to Run-at-Large, (Dangerous)	\$ 254.00
8. Failure to Quarantine animals	\$ 270.00
9. Cruelty or Abandonment of Animals	\$ 169.00