

CONSTRUCTION REGULATIONS AND SPECIFICATIONS

1. Architectural Control Committee (ACC) approval is required for the construction of a new residence and any outside alterations, remodeling or additions to an existing residence. Prior to submitting plans for new construction, alterations, additions or remodeling you are to secure a copy of these Construction Regulation and Specifications and a copy of the Reservations, Restrictions and Covenants for the section of April Sound in which your lot is located. The designer and the builder as well as the owner should review this information. Plans, which have been flip flopped or plans cobbled together with inconsistencies on the several sheets in the set will not be considered.

2. The payments to be made upon submission of the attached application are composed of two (2) separate checks to be issued as follows:

A. Refundable payment of \$1725.00 (if no trees payment of \$725.00) for:

1. New construction on a wooded lot, a \$1,000.00 (one thousand dollars) deposit is required which will be administered in the manner described in the attached "Tree Removal Policy".

2. New residence construction, a \$225.00 (two hundred twenty five dollars) deposit which will be refunded when the owner/builder furnishes the Committee the required Form Survey showing no encroachments or other problems. If an encroachment or problem exists immediate notification is too made to the ACC. If the situation is not corrected the deposit is then non refundable.

3. Major repairs and renovations and new residence construction, a clean up deposit of \$500.00 (five hundred dollars) which will be refunded upon completion of all construction (including grass planting and landscaping) if the premises are properly cleaned.

B. Non-refundable payment for (total of processing & construction fee):

1. Processing fee of \$125.00 (one hundred twenty five dollars) for new residence.

2. Construction Fee \$1500.00. This fee covers administrative processing and damage done by heavy construction trucks to the roadways in April Sound.

3. Roofing materials - See attached list.

OWNERS INITIALS _____

4. The exterior materials of the main residential structure and any garage (attached or unattached) must meet the requirements set forth in the deed restrictions for the section in April Sound in which the residence is to be constructed.
5. Sheetrock: Common walls between attached garages and the main residence and the garage overhead shall be 5/8" firecore. (If the proposed residence is to be built on a patio lot, deed restriction requirements for patio home construction must be followed).
6. All building sites shall be kept clean and materials stored in an orderly manner. Burning is strictly prohibited on any lot in April Sound. A construction debris enclosure (minimum 6'x6'x6') must be provided for the retention of all construction material. Care should be taken so no materials are wind blown or otherwise inadvertently placed on adjoining property. Silt fencing will be placed on each site as a perimeter control as well as to assist in the control of erosion during construction.
7. During site clearing and construction, streets must be kept free of dirt and debris. Dirt shall not be used as a bridge for truck access to lots. Only timber shall be used for this purpose.
8. Port-a can facilities must be available at all job sites when site clearing starts and maintained in place in a clean and sanitary condition until construction is completed.
9. See the attached Sign Regulations Policy regulating the placement of contractor, sub-contractor and realty signs at building sites. No sign shall be placed on any construction site prior to ACC approval.
10. Workers will be permitted onto the job site at 7:00 AM Monday through Friday and at 8:00 AM on Saturday and Sunday. Workers must leave the subdivision by 7:00 PM every day.
11. All work performed must meet the requirements of the 2003 International Residential Code, the laws of the State of Texas, and the National Electrical Code.
12. Any contractor or sub-contractor, who is stopped by security for violating any of April Sound traffic rules will cause the building permit for their job site to be revoked and all work on that site halted until the traffic citations are satisfied. See attached "Traffic Violation Policy".
13. ALL PLANS must have ALL REQUIRED COUNTY PERMITS prior to consideration by the April Sound Architectural Control Committee. When building on an unassigned lot, **PROOF OF OWNERSHIP MUST BE PROVIDED.**

OWNERS INITIALS _____

The exterior of all new homes must be completed within six (6) months of the application approval. Landscaping must be completed within thirty (30) days after completion of the home.

I have read these Regulations and Specifications as well as the attachments and agree to abide by all of April Sound's policies.

In the event the April Sound Property Owners Association (POA") determines that a violation of one or more of the construction requirements or restrictive covenants is being, or has been violated, notice shall be issued by the POA to inform the property owner, contractor and/or builder of the right to protest to the POA the finding of a violation and/or the notice of violation that he wishes to protest. The notice required herein shall be delivered via facsimile transmission, hand delivery (with signed receipt) and mailed certified, return receipt requested. Receipted hand delivery may be made on the person with apparent authority at the construction site; and such notice shall be binding on the property owner, contractor or builder. The owner will have thirty (30) days from the date the notice is received to request, in writing, a hearing before the Board of Directors of the POA.

OWNERS INITIALS _____

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
REVIEW OF REQUESTS FOR PROJECT APPROVAL**

-- PLEASE NOTE --

Architectural Control Committee ("ACC") approval of an owner's plans for a proposed project is only an expression of opinion by the ACC that the terms and provisions of the covenants and restrictions for April Sound have been complied with (if the building and/or other improvements are erected in accordance with the plans and specifications as approved) and that the proposed work is in harmony with the external design, color, type and appearance of exterior surfaces and landscaping of existing and proposed structures and with other lots within the neighborhood, as well as throughout the April Sound Subdivision, with such factors and aesthetic considerations to be determined by the good faith judgment of the ACC.

Topography and finished grade elevation may also be considered by the ACC, but it is the responsibility of the applicant to ensure that any drainage issues or proposed elevations and drainage plans have been evaluated and prepared by a licensed professional engineer and certified as being adequate for the drainage of the lot and for the protection of surrounding lots and structures. The ACC's function in approving a drainage plan is simply to confirm that the applicant has presented the required plan. It is not the role or expertise of the ACC to evaluate the technical accuracy or reasonableness of any such drainage issues or drainage plans.

The ACC assumes no responsibility with regard to design or construction, including the civil, structural, mechanical, plumbing or electrical design, methods of construction, technical suitability of materials, or compliance with requirements of any government authority. It is the responsibility of the owner and contractor employed by the owner to determine that a proposed improvement is structurally and mechanically sound, that it is otherwise safe, and that it is designed and constructed in compliance with applicable building codes, fire codes, other laws or regulations and sound construction practices. Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, drainage, utility locations and other pertinent features of the site or plans. Any errors in, or omissions from, the documents submitted to the ACC are the responsibility of the entity or person submitting the documents, and the ACC has no obligation to check for errors in or omissions from any such documents, or to determine whether such documents comply with City codes and regulations, FHA or VA regulations, state statutes or the common law, whether the same relate to lot lines, building lines, easements or other issue.

The ACC as a committee, the individual ACC members, the POA Board of Trustees, the POA management staff, and the POA shall not be liable for damages or otherwise to anyone submitting plans to the ACC for approval, or to any builder, or to any third party because of the approval or disapproval of any improvement, and/or by reason of mistake in judgment arising out of any action of the ACC with respect to any submission. The Covenants, Conditions & Restrictions for April Sound provide that members of the ACC exercising any prerogative of approval or disapproval shall not incur any liability by reason of the member's good faith exercise of his/her prerogative and opinion.

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Nothing in the Construction Regulations and Specifications shall be construed to limit the POA's recovery of damages and or deposits described therein for violations of the Construction Regulations and Specifications, the bylaws, restrictive covenants, statutes, ordinances or common law, relating to construction activities or any other activities. The POA may, but is not obligated to, seek actual and consequential damages, including reasonable and necessary attorney's fees and costs, for any infraction of the Construction Regulations and Specifications, restrictive covenants, bylaws, statutes, ordinances, or common law causes of action.

Owner: _____

Date: _____

OWNERS INITIALS _____

APPLICATION
Effective January 1, 2001

Amount Received: _____

Legal Description: Section _____ Block _____ Lot _____

Physical Address: _____

Property Owner(s): _____

Address: _____

Phone : (____) _____

Contractor Name: _____

Address: _____

Phone: (____) _____

Improvements Proposed: New Costruction & Tree Removal

Proposed Commencement Date: _____

Completion: _____ (no longer than six months)

1. The undersigned applicant(s) hereby request April Sound Architectural Control Committee ("Committee") approval to construct the improvements described above in accordance with the Plans and Specifications submitted with this Application.

Applicant(s) represent and agree as follows:

- A. Applicant(s) have carefully read and reviewed the Deed Restrictions applicable to the above described property and the Construction Regulations and Specifications and state that the improvements will be made in compliance with such Deed Restrictions and Construction Regulations and Specifications.
- B. Applicant(s) understand and agree that if the Committee approves this application, the Committee can revoke and rescind its approval of this application.

OWNERS
INITIALS _____

C. Each application made to the Committee shall be accompanied by 2 sets of the following:

- Plans and Specifications for all proposed construction must be at least 18" x 24" and legible.
- Elevations of all sides of the exterior structure.
- Floor plans
- Complete Engineered (certified) foundation plans including cross sections of all beams (piers if used).
- Soils test report.
- Drainage Plans (may be drawn on survey)
- Framing plans including:
 - Wall sections showing details of construction.
 - Ceiling and floor joist size, directions and spacing.
 - Roof sections, structural details and materials.
- Roofing sample and Exterior Paint sample
- Surveyed ariel view of house location on lot in contrast with bldg. lines.
- Proof of ownership of unassigned lot.

In addition to the requirements of the Deed restrictions and Architectural Control Committee the County requires a building permit for all residential and commercial buildings constructed in the County. Also, the San Jacinto River Authority requires permits in addition to those required by the Committee, for all construction of bulkheads, docks, piers, boat sheds etc. on lake front lots.

Upon approval of New Construction the April Sound POA assessment will increase to an improved lot fee.

OWNERS INITIALS _____

**THE LOCATION OF THE OUTSIDE
AIR CONDITIONER UNIT MUST BE
DRAWN/OR LOCATED ON THE PLAT
MAP.**

OWNERS INITIALS _____

ALL FRAMING
MUST
BE
16 INCH ON CENTER

OWNERS INITIALS _____

HARDIPLANK IS
NOT CONSIDERED
MASONRY IN APRIL
SOUND
SUBDIVISION

OWNERS INITIALS _____

DRAINAGE

Approval of plans and specifications by the April Sound Architectural Control Committee (ACC) does not cover nor include approval for any other purpose other than compliance with the applicable restrictive covenants.

The restrictive covenants do not obligate nor empower the ACC to review, and the ACC does not review plans and specifications to determine if proposed improvements will cause drainage problems and/or damage as a result of drainage from your property to surrounding properties.

IT IS YOUR SOLE RESPONSIBILITY TO DETERMINE IF YOU'RE PROPOSED IMPROVEMENTS WILL CAUSE DRAINAGE PROBLEMS AND/OR DAMAGE AS A RESULT OF DRAINAGE FROM YOUR PROPERTY TO SURROUNDING PROPERTIES.

Under Texas common law and Texas Water Code, Sec. 11.08 (a), you are responsible for any damage caused to surrounding properties due to the diversion or impoundment of the natural flow of water caused by improvements to your property.

The ACC recommends that you obtain an engineered site drainage plan before making any improvements to your property.

The ACC may require that you install rain gutters to alleviate any drainage problems.

The ACC may require that additional drainage control may be necessary by requiring drains installed on the driveway or street to get the water runoff to the appropriate location. It may be required by the ACC that an engineer be involved in the placement of said drains and pipes and that they are shown on the plans with detailed specifications.

OWNERS INITIALS _____

SLAB AND DRIVEWAY GUIDELINES

RESIDENTIAL SLAB ELEVATION

1. The minimum slab elevation for a house in April sound shall be in accordance with Montgomery county Permit requirements.
2. If your house is to be constructed on a sloping hilly terrain, it is required that the top of your house slab be not less that 12" above the elevation of the highest point of the finished grade of your lot.
3. There may be some cases where it will become desirable to increase the elevation of your slab higher than the above minimum recommendation to insure that water will not enter your house during very heavy rains. A little extra money spent increasing your slab elevation and/or grading your property to insure positive drainage may save you money and losses in the future.
4. Where your lot level is nearly level, the minimum recommended slab elevation is 12" above the natural ground.
5. A few houses at April sound have received water because slab elevations were too low.
6. Wise use of terracing and/or landscaping may help you avoid water entering your house during heavy rains.
7. We encourage you to seek professional help in determining your slab elevation.
8. Care should be taken to determine that slab height and grading do not result in the run off of surface water to other lots.

SLAB ELEVATION AND LOCATION ON LOTS ADJACENT TO LAKE CONROE

You should check with the San Jacinto River Authority to determine their minimum slab elevation and lakefront building setback requirements.

DRIVEWAYS

1. Particular attention must be given to raising the elevation of the driveway at the intersection with the street to a level of at least 2" above the curb height and to wrapping and blending the curb into the driveway.
2. Downhill driveways should be tilted, slanted cross drained so as not to act as a conduit for storm water into residence or garage.

The ACC may require additional drains installed to assist in controlling water runoff.

OWNERS INITIALS _____

FOUNDATIONS

1. Design

Design to be submitted by a registered structural engineer stamped with seal and signed.

2. Height

Contractors should determine the location and depth of the sanitary sewer line to insure that the foundation is at the correct elevation. Check with your MUD district.

Foundation elevation is to be at a height to prohibit any rising water problem for building under construction. However, extreme height that causes water drainage problems for adjacent properties is not permitted.

3. Forms and Fill/Base Material

All perimeter forms shall be constructed on the original (existing) site topography (lay of the land) prior to the addition of any fill/base material. All fill/base material will be contained within these perimeter foundation forms. Original site elevation, topography and natural drainage patterns will thus be maintained outside of the building foundation.

4. Concrete

All concrete must be minimum 3000psi.

5. Form Survey

A form survey must be submitted to the ACC before pouring the slab. A surveyor registered in the State of Texas must prepare this survey. The survey must show the location of the forms on the lot and that the structure does not violate any lot lines, building setback lines or easement as described in the Deed Restrictions and plat. If any violations are detected the ACC will be notified immediately. In such a case, the slab may not be poured until all violations are corrected.

6. Inspection Report

An inspection report/certificate must be completed by the engineering firm and submitted to the POA at the front gate BEFORE pouring of the slab. This inspection report/certificate may be faxed to 936-588-1254 with a follow up call to 936-588-1442 to confirm receipt of fax. A hard copy must be mailed to the POA for the files. **CONCRETE TRUCKS WILL NOT BE ALLOWED THROUGH THE FRONT GATE UNTIL THIS PROCEDURE HAS BEEN COMPLETED.**

Example: Monday a.m. inspection, Monday afternoon inspection report/certificate received via fax, Tuesday a.m. concrete pour allowed.

FOUNDATION POUR: The foundation pour must start prior to 10:00 AM for work to be complete and all workers to vacate the subdivision no later than 7:00 PM that same day.

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**APRIL SOUND
FOUNDATION FORM INSPECTION REPORT**

SECTION _____ BLOCK _____ LOT _____ DATE OF INSPECITON _____

ADDRESS: _____ OWNER _____

CONTRACTOR _____

- 1. Forms properly braced _____
- 2. Outside of forms backfilled _____
- 3. Piers poured (if applicable) _____
- 4. Moisture Barrier in place _____
- 5. Width of Beams in accordance with drawing _____
- 6. Depth of Beams in accordance with drawing _____
- 7. Re-bar size and placed in accordance with drawing _____
- 8. Beams void of water, mud and debris _____
- 9. Steels on chairs _____

ENGINEER SEAL/WITH SIGNATURE

APPROVED

Inspected by _____ Name _____

APRIL SOUND FOUNDATION FORM INSPECTION

SECTION _____ BLOCK _____ LOT _____

ADDRESS _____ OWNER _____

CONTRACTOR _____

DATE _____

Foundation **APPROVED** to pour concrete _____

ENGINEER SEAL/WITH SIGNATURE

Inspected by _____ Name _____

OWNERS INITIALS _____

**NEW HOME CONSTRUCTION – CONSIDERATIONS IN
DETERMINING JOB SITE CLEANLINESS**

Several factors need to be considered in making a determination if a job site exceeds reasonable standards of cleanliness, they are:

1. **DIRT**

- a) Fill dirt and sand used in foundations must be contained inside perimeter foundation form. Dirt that gets into the gutter, if excessive, must be removed. One (1) foot of dirt (mud) measured from the curb out, for a linear distance of 10' or more, is considered excessive.
- (b) Sand dumped at the front of the lot should be at least one (1) foot in front of the curb (Toward the house).
- (c) Boards are required to ramp up the curb. Dirt is not permitted.
- (d) Dirt clumps deposited in streets from vehicles leaving muddy job sites must be picked up when the work is completed that day (but no longer than 24 hours). (This is an owner's responsibility, the same as if the dirt washed off the lot.) Moderate "dustings" of red dirt is tolerated.

2. **BUILDERS MATERIALS:** This includes brick, wood, sheetrock, roofing material (composition shingles or tile), etc.

- (a) Each job site must have a method for trash containment. Dumpsters are preferred but a fenced area is acceptable. Trash containment device must be left until area is ready for grading and landscaping.

3. **PAPER, FORM, CARDBOARD, PLASTIC BOTTLES AND CONTAINERS, FOOD, ALUMINUM CANS AND SIMILAR DEBRIS:**

- (a) This classification of material shall be placed in a trash containment enclosure that restricts items from blowing into neighboring lots and into streets.

4. **CONSTRUCTION RELATED WIND BLOW MATERIALS:**

- (a) Materials on nearby properties must be immediately picked up by the contractor.

COMPLIANCE WITH ABOVE CONSIDERATION:

If a job site is deemed to be dirty, or if there are construction materials on a nearby property, the contractor will be contacted by the POA and instructed to clean up the site immediately. If the site is not cleaned per instructions by 5:00 PM the day after the call, workers will not be admitted to work the following day and the job site will remain shut down until the job site is cleaned.

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Signs

Policy As Revised, August 25, 2011

These policies shall apply to all of April Sound; however, other associations within April Sound may adopt more restrictive policies for properties covered by them.

Signs Related to Sale or Lease of Property:

One Contractor sign (not to exceed six (6) square feet in size) is allowed at a construction site while a house is under construction. Upon completion of construction the sign must be moved to inside the home and placed in a window.

At such time that the home is offered or listed by a real estate company, the Contractor sign must be removed before the Realtor/seller sign is posted in the window.

"For Sale by", "Offered by", "For Lease", "For Rent" and/or "For Information" may be a part of the original Contractor or Realtor sign, but may not be added in the form of an additional sign attached to the original. "Directional" and/or "Open House" signs are not permitted.

When the owner takes possession, the Contractor's sign or Realtor's sign must be removed.

Up to two (2) qualifying signs may be placed in windows, with one being allowed in front and one in the rear of the house whether offered by the homeowner or his agent. If no window is available in the front, one sign may be placed on the outside of the house, attached to the house and visible from the street. Any tape used to attach the sign to the structure must not be visible. The Realtor or seller sign dimensions shall not exceed 24" vertically by 32" horizontally.

No "For Sale" signs are allowed in any vehicle unless the vehicle is parked in a garage.

No signs of any nature are allowed on vacant lots.

Signs Related to Contractor Work:

No sub-contractors' signs are allowed advertising work done at a location, such as lawn service, pool service, roofer, etc.

Signs Related to School or Athletic Activities of Children:

One "spirit" sign shall be allowed to be placed on an owner's lot in support of his/her child's school or athletic activities provided that

1. only one sign per child is placed in the yard
2. the sign does not exceed 32" vertically by 24" horizontally
3. the sign contains no lights, balloons, or other non-standard decorative components
4. the sign is not a safety hazard (i.e., blocking the street or intersection view)

OWNERS INITIALS _____

5. the sign is ground mounted (not attached to landscaping, traffic signs, vehicles or other structures)
6. the sign is maintained in good condition

Signs Related to American Patriotism:

Residents may display one portable, removable sign of a reasonable size and shape in their yards provided that

1. the sign does not exceed 24" vertically by 32" horizontally
2. the sign contains no lights, balloons, or other non-standard decorative components
3. the sign is not a safety hazard (i.e., blocking the street or intersection view)
4. the sign is ground mounted (not attached to landscaping, traffic signs, vehicles or other structures)
5. the sign is maintained in good condition

Signs Related to Invisible Fences

Invisible Fence must be pre-approved by the Architectural Control Committee before installing. Invisible Fence sign must be 6"x8" or less.

Signs Related to Civic Association

Civic Association signs are allowed during Civic Association projects. Signs must be removed upon completion of project.

Religious Displays

Residents may display one or more religious items on their entry door, door frame and on the inside of one window. The display must be motivated by the owner or resident's "sincere religious belief" provided that

1. The religious item cannot threaten public health or safety
2. The religious item cannot violate the law
3. The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame of the dwelling
4. The maximum space allotted to a religious item or combination of religious items shall be more than 25 square inches
5. The association may remove any item that does not conform to Texas Statute 202.018

No other signs of any nature are allowed in the yard unless specifically authorized by the POA or by state law.

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**APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE**

FENCE POLICY

Adopted: June 14, 2012

Effective: On the date this Policy is recorded in the Real Property Records of Montgomery County, Texas.

Previously Adopted Fence Policy – This Policy supersedes/replaces the Architectural Control Committee (“ACC”) Policy entitled “Fences,” effective January 25, 2007.

Golf Course Lots Defined – This Policy applies to Lots specifically identified as a “Golf Course Lot” in the following Reservations, Restrictions and Covenants (“Restrictions”) for the Section of April Sound in which the Lot is located:

April Sound Section ONE Restrictions	(Document Section 5.02)
April Sound Section TWO Restrictions	(Document Section 3.01)
April Sound Section FOUR Restrictions	(Document Section 5.02)
April Sound Section SEVEN Restrictions	(Document Section 4.03)
April Sound Section EIGHT Restrictions	(Document Section 4.03)

Other Relevant Terms:

“Building Setback Line” – A line designated on the plat and which is generally parallel to the street; indicates the limit beyond which buildings or structures may be erected and the area between a street and the building setback line within which no structure may be permitted.

Previously Installed Fences – Fences installed prior to the date of adoption of this Policy are deemed approved and grandfathered. However, if any such fence should require replacement or relocation, the requirements of this Policy shall apply to the new fence.

Requirements of this Policy:

Approval:

The ACC must approve (in writing) any fence *before* installation. Approval will be based on such factors as, but not limited to, compliance with the Restrictions applicable to the Section of April Sound in which the Lot is located, compliance with other governing documents for April Sound, compliance with this Policy, and the proposed design, location, materials, and visual aesthetic harmony of the fence with existing fences and structures.

Fences on Golf Course Lots

1. Materials:

Must be open-spaced wrought iron and approved in writing in advance by the Architectural Control Committee. Invisible electric pet fences are allowed, but must have prior written approval of the ACC.

2. Colors:

The wrought iron fencing material must be black.

3. Height:

Only four feet fences shall be allowed.

4. Location of Fence:

In relation to Easements – No fence shall be constructed within or across a utility easement, if there is no utility easement, the fence shall be 8 feet inside the rear property line.

Fences Non Golf Course Lots

1. Materials:

Acceptable:

Cedar or treated wood, brick to match exterior of home, wrought iron or other material approved by the Architectural Control Committee. Invisible electric pet fences are allowed, but must have prior approval of the Architectural Control Committee.

Unacceptable:

Chain link, wire or wire mesh, sheet metal, rope, bamboo, reed concrete blocks, lattice or any other material not approved by the Architectural Control Committee

2. Face Orientation:

Finished side must face out on the front of all lots, on rear and side lines that abut common area open to public view, and on side lot line along the street on corner lots. All fences on Highway 105 must have the finished side facing out.

3. Height:

Minimum height is 4 feet; maximum height is 6 feet with a rot board not to exceed 6" on the bottom.

4. Location:

Must be inside or on owner's property line. Any fence as part of landscaping must have prior approval.

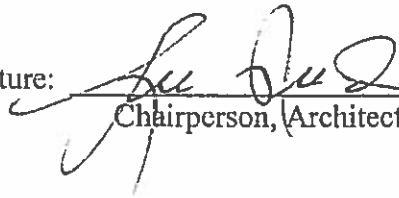
5. Easements:

In order for a fence to be constructed in or across an easement, the owner must comply with all utility company requirements and Deed Restrictions for April Sound.

The Architectural Control Committee reserves the right to approve or disapprove any fence in order to maintain the beauty of April Sound and/or that may impose a danger due obstruction of view of oncoming traffic.

Date: 6-14, 2012

Signature: _____



Chairperson, Architectural Control Committee

SWIMMING POOLS

The Architectural Control Committee, in the interest of safety, will not approve a new pool unless there is also a fence to be installed. Fences must be in compliance with the Deed Restrictions for your section.

OWNERS INITIALS _____

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL COMMITTEE
POLICY

FENCE ENCLOSURES FOR SWIMMING POOLS
(EXISTING POOLS)

The Reservations, Restrictions and Covenants ("Restrictions") for some Sections of the April Sound community prohibit fencing on a lot that would interfere with or obstruct the view from neighboring lots, such as views of Lake Conroe. However, after the adoption of such restrictions by the initial developers of April Sound some thirty to forty years ago, various public safety measures have been promoted and adopted throughout the country and the State of Texas regarding safety fence enclosures for swimming pools. In an effort to address concerns about safety and reduce the risk of accidental drowning of young children, the April Sound Architectural Control Committee ("ACC") deems it in the best interest of the community and the community's residents to allow the installation of perimeter fencing for the small number of existing swimming pools that do not currently have any form of enclosure fencing.

Policy: Subject to the prior approval of the ACC as to such factors as proposed design, location and materials, perimeter safety/security fencing may be installed by a homeowner to enclose an existing swimming pool. Such fencing must be constructed of an open-spaced wrought iron configuration or similar material approved by the ACC. Chain link fencing or wooden picket fencing will not be approved. The ACC will review the application for such enclosure fencing from the perspective of visual aesthetic factors and any unreasonable obstruction of neighboring homeowners' views, as well as compliance with any fence criteria that may otherwise be applicable to the lot. The ACC will not determine whether the fencing complies with minimum specifications for compliance with applicable pool enclosure design criteria. Such compliance, if desired by the homeowner or if required by local, county or state government, shall be the sole responsibility of the homeowner.

The objective of the ACC in adopting this policy is to allow enclosure fencing to be installed around the few existing pools that were previously installed without fencing. Applications for the installation of a new pool with enclosure fencing may be addressed under separate criteria by the ACC and under the requirements set forth in the Restrictions for the Section of April Sound in which the lot is located, which could result in denial of the pool on the grounds that enclosure fencing would, in the opinion of the ACC, unreasonably obstruct the view of neighboring lots. The policy adopted above for existing pools should not be interpreted as approval for the installation of enclosure fencing for a proposed new pool.

Date: July 21, 2011

Signature: _____

Chairperson, Architectural Control Committee

Effective: 7-21, 2011

APRIL SOUND PROPERTY OWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL COMMITTEE
POLICY**

**FENCE ENCLOSURES FOR SWIMMING POOLS
(REQUESTS FOR NEW POOLS TO BE CONSTRUCTED)**

The Reservations, Restrictions and Covenants (“Restrictions”) for some Sections of the April Sound community prohibit fencing on a lot that would interfere with or obstruct the view from neighboring lots, such as views of Lake Conroe. However, after the adoption of such restrictions by the initial developers of April Sound some thirty to forty years ago, various public safety measures have been promoted and adopted throughout the country and the State of Texas regarding safety fence enclosures for swimming pools. At the time of adoption of this Policy, Montgomery County has not adopted a standard for safety fence enclosures for privately-owned swimming pools. In an effort to address concerns about safety and to reduce the risk of accidental drowning of young children, the April Sound Architectural Control Committee (“ACC”) deems it in the best interest of the community and the community’s residents to allow the installation of perimeter fencing for swimming pools to be installed on private lots.

Policy: Subject to the prior approval of the ACC as to such factors as proposed design, location and materials, perimeter safety/security fencing must be installed by a homeowner to enclose any swimming pool constructed on the Owner’s lot. Such fencing must be constructed of an open-spaced wrought iron configuration or similar material approved in advance by the ACC. Chain link fencing or wooden picket fencing will not be approved, unless such fencing is authorized for the lot by the Restrictions applicable to the lot. The ACC will review the application for such enclosure fencing from the perspective of visual aesthetic factors and any unreasonable obstruction of neighboring homeowners’ views, as well as compliance with any fence criteria that may otherwise be applicable to the lot. The ACC will not determine whether the fencing complies with minimum specifications for compliance with applicable pool enclosure design criteria. Such compliance, if desired by the homeowner or if required by local, county or state government, shall be the sole responsibility of the homeowner. The lot owner should consult with the pool installation contractor concerning the necessary standards for pool fence enclosures for privately owned pools. Recognized standards for private swimming pool fence enclosures generally include, but are not limited to, the following:

- Height of the fence enclosure must be at least 48 inches as measured from the ground on the side away from the pool.
- Openings under the fence enclosure may not allow a sphere four inches in diameter to pass under the fence.
- The spacing between vertical bars on the fence enclosure should be of such width so as not to allow a sphere four inches in diameter to pass through the enclosure.
- Permanent equipment or structures may not be constructed or placed in a manner that makes them readily available for climbing from the outside to the inside of the pool yard enclosure.

- The gate for the fence enclosure must:
 - (1) have a self-closing and self-latching device;
 - (2) have hardware enabling the gate to be locked, at the option of whoever controls the gate, by a built-in lock operated by key, card, or combination or a padlock; and
 - (3) open outward away from the pool yard.

The objective of the ACC in adopting this Policy is to require enclosure fencing to be installed around any new pool constructed on a privately owned lot in April Sound. Applications for the installation of a new pool with enclosure fencing may be addressed under separate criteria by the ACC and under the requirements set forth in the Restrictions for the Section of April Sound in which the lot is located, which could result in denial of the pool on the grounds that enclosure fencing would, in the opinion of the ACC, unreasonably obstruct the view of neighboring lots.

Date: 2-18, 2011

Signature: _____

Chairperson, Architectural Control Committee

Effective: 2-18, 2011

APRIL SOUND PROPERTY OWNER'S ASSOCIATION
TRAFFIC CITATION POLICY
Effective March 1, 2000

Speeding and Stop Sign Violations – Fine Procedures

First Offense: **Warning, unless flagrant violation.**
 This is a judgement call by the officer issuing the citation.
 If no further violations, this is expunged after one year.

Second Offense: **If a violation is cited within one year of first violation**

Third Offense: **If a violation is cited within one year of prior offense,**
 the fine is \$100.

Additional
Offenses: **Each additional offense occurring within one year of the**
 last violation will be subject to a \$200.00 fine.

Property owners must accept and be responsible for traffic policy compliance of their family members', invitees', licensees', and tenants' actions in April Sound. The property owner will be notified of a family member's, invitees', licensees', and tenants' violation and their written warning. The second and subsequent Offenses for the family member will result in the applicable fine, as stated above, being levied against the property owner.

Property Owners' Guests and Renters

Property owners also shall be responsible for traffic policy compliance by their guests and renters as these individuals are on April Sound private property because the property owner approved their admission. The property owner shall be notified of any traffic violation citations that the individual guest or renter may receive. The second and subsequent offenses will follow the above fine procedure, and the property owner will be notified. The property owner will be required to pay the fine.

Service – Delivery - Construction Personnel

Fines for these individuals follow the fine procedures as listed above. Companies will be notified of fines or citations levied against their agents. Violators have two (2) weeks to satisfy the obligation and if not met will not be allowed driving access to April Sound property. Property owners are not responsible for these fines. Upon satisfaction of these fines driving privileges will be reinstated.

Repeated and excessive offenses will be dealt with on an individual basis. This could include limited access driving within April Sound.

OWNERS INITIALS _____

**APRIL SOUND PROPERTY OWNERS ASSOCIATION
TREE REMOVAL POLICY
DECEMBER 10, 1997**

Although trees in a residential subdivision do not normally serve a productive purpose, either in the production of lumber or fruit for consumption, they are attractive and play an important aesthetic role and enhance the quality of the air. For these reasons the April Sound Deed Restrictions limit the conditions for which trees may be removed from any property. The deed restrictions state: "No trees shall be cut or removed except to provide room for construction of improvements or to remove dead, unsightly and trash trees. This would also include removal of "suckers" (tree growing out of a common trunk)

For purposes of this policy, a plant must measure three (3) inches or more in diameter at a point twelve (12) inches above the ground to be considered a tree. Smaller plants and bushes may be removed without limitation. Removal of any tree will require a permit from the POA, which may be obtained at the POA office. Such tree removal permit shall have an expiration of 60 days.

Upon completion of the Application for Tree Removal, the property owner will arrange with the POA to walk the property and tag the tree(s) that will remain. A deposit of two hundred dollars (\$200.00) per tree, with a maximum per property of one thousand dollars (\$1,000.00) shall be required. The purpose of the deposit is to insure that only the approved trees are cut down and that all trash has been removed and that only the approved trees have been cut down. After the work has been completed the owner will notify the POA. After confirmation that trash has been removed, the deposit will be refunded. Failure to comply with the provisions of the permit will result in deposits being retained for use in the re-planting of trees and for cleanup.

In the case of new home construction, the house must be laid out with stakes and string lines before approval will be given. The house plans must have the approval of the Architectural Control Committee before a permit will be issued for tree removal.

It is the responsibility of the property owner to remove dead, dangerous and unsightly trees. For undeveloped properties, where the owner may not be aware that a tree has died or has otherwise become unsightly, the owner will be notified and requested to remove the tree. If after ten (10) days the owner has not removed the tree, the POA will arrange for its removal and the removal charge will be billed to the lot owner.

OWNERS INITIALS _____

TREE REMOVAL PERMIT APPLICATION

Property Owner: _____

Legal Description: Section _____ Block _____ Lot _____

Physical Address: _____

Telephone Numbers: Work: _____ Home: _____

Tree(s) Location (on lot) _____

Tree Company: _____:

- Tree(s) Dead
- Tree(s) Unsightly
- Other: _____
- Construction (New or Addition)

A MANDATORY \$200.00 CLEAN UP DEPOSIT IS REQUIRED PER TREE (MAXIMUM \$1000.00). DEPOSITS WILL BE RETURNED WITHIN THIRTY DAYS AFTER FINAL INSPECTION. PLEASE CALL APRIL SOUND ACC 588-1188 UPON JOB COMPLETION FOR INSPECTION.

Signature of Property Owner

Date

Address if different:



APRIL SOUND PROPERTY OWNERS ASSOCIATION

Date Application Received: _____

Approval Expiration: _____ 60-day Maximum

- Action:
- Approved
 - Rejected
 - Special Condition

POA Signature

Date

OWNERS INITIALS _____

**April Sound Architectural Control Committee
ROOFING MATERIAL GUIDELINES**

1. Clay or concrete tile. Color subject to prior ACC approval.
2. Metal (upon approval)
3. ALL ROOFING MATERIALS (COMPOSITION) MUST BE DIMENSIONAL, MINIMUM OF 30 YEAR OR BETTER, EARTH AND WOODTONES ONLY, COLOR SUBJECT TO ARCHITECTURAL CONTROL COMMITTEE APPROVAL.

SHINGLE SAMPLE SUBMITTED IS FOR COLOR USE ONLY

OWNERS INITIALS _____

NOTICE

SAMPLE REQUIRED OF ROOFING MATERIAL (1"X 1"), BRICK AND OUTSIDE PAINT (PAINT CHIP) ON ALL NEW CONSTRUCTION AND ANY REMODELING.

ANY CHANGES FROM THESE COLORS ORIGINALLY APPROVED MUST HAVE ARCHITECTURAL CONTROL COMMITTEE APPROVAL.

OWNERS INITIALS _____

I have read and understand this document and have initialed in all the required areas. I agree to abide by all specifications of the above. I further acknowledge that in the event the POA determines that a violation of one or more of the construction requirements or restrictive covenants is being, or has been violated, notice shall be issued by the POA to inform me, my contractor and/or builder of the right to protest to the POA the finding of a violation and/or the notice of violation that I wish to protest. The notice required herein shall be delivered via facsimile transmission, hand delivery (with signed receipt) and mailed certified, return receipt requested. Receipted hand delivery may be made on the person with apparent authority at the construction site; and such notice shall be binding on me, my contractor or builder. I will have thirty (30) days from the date the notice is received to request, in writing, a hearing before the Board of Trustees of the POA.

Executed this _____ day of _____ 20____.

Aplicant(s): _____

OWNERS INITIALS _____

**Montgomery County
Fire Marshal's Office**

2247 N. Frazier St.
Suite 200
Conroe, TX 77301

Office: (936)538-8288
Fax: (936)538-8277 Email: fire.codes@mctx.org

April 8, 2008

To Whom It May Concern

Montgomery County has adopted a County Fire Code under authority of the Texas Local Government Code 233. The Montgomery County Fire Code consists of the 2006 International Fire Code, along with Local Amendments adopted under Commissioner's Court Order November 22, 2007.

Effective January 1st, 2008 the Montgomery County Fire Code will apply to new construction, including interior build out of previously permitted buildings, and substantial improvement of all public and commercial buildings and multi-family complexes with 4 or more units. Projects less than 500 Square Feet are exempt from permitting, but should be designed and constructed so as to comply with the County Fire Code. Substantial improvement is defined as the repair, restoration, reconstruction, improvement, or remodeling for which the cost exceeds 50% of the building's value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or a change in occupancy classification involving a change in the purpose or level of activity in a building.

All Building Permits will continue to be issued through the Montgomery County Permit Office. Additional information and procedures will available through the Permit Office or the Montgomery County Fire Marshal's Office. Specific Fire Code questions should be sent via letter or email to the Fire Marshal's Office and will be promptly answered. The email address for code questions is fire.codes@mctx.org .

Sincerely,

Jimmy Williams
Montgomery County Fire Marshal

OWNERS INITIALS _____

**MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 & 4
OF
MONTGOMERY COUNTY, TEXAS**

To Whom It May Concern:

Re: Instructions for Application for Water, Sanitary Sewer and/or Storm Sewer Connections from Montgomery County Utility District No. 3 & 4 (the "District")

Each person desiring initial water and/or sanitary sewer and/or storm sewer service connections to the District's system shall sign and complete an application for such service on forms furnished by the District and pay such tap fees as are established by the District's Rate Order. Foundation construction shall not be initiated and no physical connection to the District's system shall be made until such application has been completed and such fees have been paid. Initiation of foundation construction by prior to payment of all applicable tap fees and connections made by any other persons other than the District's Operator shall constitute violations of this policy and shall result in a penalty charge of \$100.00.

Attached is a list of the District's fees.

For any questions or to request an application for service, please contact the **District's Operator, Hays Utility North Corporation, 375 Lake Meadows Drive, Montgomery, Texas 77356-1268, (936) 588-1166.**

Board of Directors
Montgomery County Utility District No. 3 & 4

OWNERS INITIALS _____

TAP FEES FOR
MONTGOMERY COUNTY UTILITY DISTRICT NO. 3 & 4

Water Taps

(Including meter, meter box and the costs of installation thereof)

- | | | |
|-----|--|--|
| (1) | 3/4" by 5/8" Residential or Irrigation Connection | \$1,500.00 |
| (2) | 1" Residential or Irrigation Connection | \$3,000.00 |
| (3) | Nonstandard Residential or Irrigation Connections (other than 3/4" by 5/8" or 1" Water tap), Commercial, Apartment and other connections, including Non-taxable Entity Connections | District's actual costs of installation, including labor, equipment, materials, and supervision plus 200% of all of such costs except the costs of boring, jacking, or open cutting water, sanitary sewer or storm sewer leads under or across existing roads or streets |
| (4) | Park and Recreational or Governmental Services Connection | District's actual cost of installation, including Labor, equipment, materials, and supervision |

Sewer Taps

- | | | |
|-----|---|--|
| (1) | Residential Connections only | \$1,000.00 |
| (2) | Park and Recreational or Governmental Services Connection | District's actual cost of installation, including Labor, equipment, materials, and supervision |
| (3) | All others | Same as Water Taps (3) |

OWNERS INITIALS _____

Storm Sewer Connections

- | | | |
|-----|---|---|
| (1) | Residential Connections
not permitted | |
| (2) | Park and Recreational or | Same as Water Taps (4) |
| (3) | All Others
Governmental Services
Connection | District's actual costs of
installation, including, labor
equipment, materials and
Supervision |

OWNERS INITIALS _____