

## **RULES RELATING TO CERTAIN INSTALLATIONS**

(Rainwater Harvesting, Solar Devices, Roofing Materials, Religious Displays, Political Signs, Flags & Flagpoles, Satellite Dishes, Standby Electric Generators, Pool Enclosures, Security Devices)  
Circle C Homeowners Association, Inc.

The Association's Board of Directors adopts the following rules relating to certain installations and improvements in the Subdivision:

These rules apply to Installations (defined below) addressed in Texas Property Code Chapter 202 (Chapter 202) and political signage addressed in Texas Election Code Chapter 259 (Chapter 259). These rules adopt all conditions and limitations that these statutory provisions allow the Association to adopt. Installations that do not comply with these rules are prohibited.

1. Installations Covered by this Rule

All restrictions and limitations on rain harvesting equipment, solar energy devices, roofing materials, religious items, political signs, flagpoles and flags, standby electric generators, satellite dishes and antennas, pool/spa enclosures, and security devices (collectively, the **Installations**) that are contained in or allowed by Chapter 202 or Chapter 259, as applicable, as now existing or later amended, are adopted by the Association as if the same were restated verbatim in this rule. The Association may prohibit Installations that do not comply with the standards contained in these rules.

2. Placement on Association Property

An Installation cannot be located or placed, and no holes or penetrations may be made, on common elements/common area or property owned, maintained, or controlled by the Association without the Association's advance written consent.

3. Association Approval

Except as otherwise expressly provided in these Rules, all Installations must be submitted to the Association for advance review and approval, as provided in the Association's governing documents, and must otherwise comply with/conform to Association rules, regulations, standards, and guidelines.

4. Rainwater Harvesting Systems

The following restrictions apply to rainwater harvesting systems, as defined by Chapter 202:

a. Rain barrels and rainwater harvesting systems may not be located between the front of the residence/unit and an adjoining or adjacent street. Rain barrels and the rainwater harvesting system must (i) be located at the rear of the residence or other location not visible from the street, other lot/unit, or common area, (ii) be adequately shielded from view by fencing, foliage, or other means approved by the Association, and (iii) have storage tanks of a reasonable size, as determined by the Board of Directors in its discretion. These requirements shall be applied in such a way that the system is economically possible and technically feasible for single family residential use.

b. The rain barrel and harvesting system must be a color consistent with the color scheme of the residence.

c. No part of the rain barrel or harvesting system may display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.

4. Solar Energy Devices

The following additional restrictions apply to solar energy devices, as defined by Chapter 202. Solar energy devices are prohibited if:

a. A Court rules the device is a threat to the public health or safety or violation of law.

b. The device is located in a location other than (i) the roof of the home or another permitted/approved structure or (ii) in a fenced yard or patio owned and maintained by the owner.

c. The device is mounted on the roof of the home and (i) extends higher than or beyond the roofline, (ii) does not conform to the slope of the roof or has a top edge that is not parallel to the roofline, (iii) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace, or (iv) is in a location not designated/approved by the Association, unless the owner's requested location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in the area designated by the Association.

d. The device is located in a fenced yard or patio and is taller than the fence line.

e. The device, as installed, voids material warranties.

f. The device was installed without prior approval by the Association

If installed on a roof maintained by the Association, a roofing company/consultant selected by the Association must certify (i) prior to installation, that the Installation is properly designed, and (ii) after installation, that the Installation was properly done. The owner must pay for the cost of the consultant. The owner must pay for fixing all roof leaks due to the roof-mounted device, and for paying to repair damage caused by the device.

The Association may withhold approval, even if the above standards are met or exceeded, if it determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

5. Roofing Materials

Roofing materials designed primarily to be wind and hail resistant, provide heating and cooling efficiencies greater than those provided by customary composite shingles, or provide solar

generation capabilities are permissible if, when installed, the materials: (a) resemble in color and appearance shingles used or otherwise authorized for use in the subdivision, (b) are more durable than and are of equal or superior quality to the shingles that are used or authorized in the subdivision, and (c) match the aesthetics of the surrounding property, as determined in the Association's discretion.

6. Religious Displays

An exterior display of a religious item, symbol, or representation is prohibited if the display (a) threatens public health or safety, (b) violates a law other than a law prohibiting the display of religious speech, (c) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content, (d) is installed on property that is (i) owned or maintained by the Association or (ii) part of common elements administered by the Association, (e) violates any applicable building line, right of way, setback, or easement, or (f) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

Except for seasonal religious holiday displays (addressed in the following paragraph), all religious displays must be located within 15' of the dwelling's frontmost building line and be ground-mounted (not affixed to walls or windows or roofs). All displays must be kept in good repair. Displays may not exceed 5' in height x 3' in width x 3' in depth and must be either in a landscaped area solely owned by the owner or inside the home. No more than 3 displays are permissible per lot. All displays other than seasonal religious holiday displays must receive prior approval from the Association's architectural reviewing body prior to installation, except for displays on any exterior door or door frame of the home that are 25 square inches or smaller. For example, and without limitation, no prior permission is required from the Association to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the home's front door or door frame.

Seasonal religious holiday decorations are temporary decorations commonly associated with a seasonal holiday, such as Christmas or Diwali lighting, Christmas wreaths, and Hanukkah or Kwanzaa seasonal decorations. The Board has the sole discretion to determine what items qualify as seasonal religious holiday decorations. Seasonal religious holiday decorations may be displayed no more than 30 days before and no more than 21 days after the holiday in question.

7. Political signs

The following restrictions apply to signs advertising a political candidate or ballot item for an election, as described in Chapter 259:

- a. The signs may be displayed only during the period beginning 90 days before the date of the election to which the sign relates and ending 10 days after that election date.
- b. Only one sign for each candidate or ballot item may be displayed at each residence, and no sign may be larger than four feet by six feet.
- c. Each sign must be ground-mounted, and no sign may (i) contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component, (ii) be attached in any way to plant material, a traffic

control device, a light, a trailer, a vehicle, or any other existing structure or object, (iii) include the painting of architectural surfaces, (iv) threaten the public health or safety, (v) violate a law, (vi) contain language, graphics, or any display that would be offensive to the ordinary person, or (vii) be accompanied by music or other sounds, by streamers, or otherwise be distracting to motorists.

d. The Association may remove a sign displayed in violation of these standards.

#### 8. Flags and Flagpoles

The following additional restrictions apply to flags and flagpoles:

a. Only the following flags are permitted: United States of America, State of Texas, official or replica flags of any branch of the United States Armed Forces (including National Guard and Reserves).

b. The Association may require that flags be displayed in accordance with any or all of the provisions of United States (4 U.S.C. Sections 5-10) or Texas law (Chapter 3100, Government Code).

c. All flagpoles must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the residence.

d. All flags and flagpoles must be maintained in good condition, and any deteriorated flag or deteriorated or structurally unsafe flagpole must be promptly repaired, replaced, or removed. Each flagpole must be securely anchored at all times.

e. No more than 1 free-standing flagpole(s), not to exceed twenty feet (20') in height as measured from ground level, may be installed on each lot.

f. No more than 1 building-mounted flagpole(s), not to exceed six feet (6') in length, may be installed on each lot. A lot may contain both a free-standing flagpole and building-mounted flagpole, as long as the same comply with the requirements of this rule.

g. No more than 2 flags may be flown from any flagpole.

h. No flag may exceed 15 square feet in area, and all flags in aggregate shall not exceed 30 square feet in area.

i. Exterior illumination of the flag(s) must be submitted for to the Association for approval.

j. The location of each free-standing flagpole must be submitted for approval in the same manner as any other improvement on the lot; provided that flagpoles may be prohibited in any front yard that has a building setback of less than 15 feet across the entire width of the lot.

k. The flagpole must be located on the owner's lot and not on a right of way, easement (whether for drainage, utility, conservation, or otherwise), or on property owned or maintained

by the Association.

l. The flagpole must be setback from all property lines a distance that is 125% of the height of the pole above ground level. For example, a 12' pole has a 15' setback and a 20' pole has a 25' setback.

m. The owner must take reasonable measures to minimize noise from wind contact with the flagpole, rope, fittings, or flag; the noise should not be discernable more than 25 feet from the flagpole.

9. Satellite Dishes and Antennas

a. Exterior devices designed to receive or transmit over-the-air signals should be placed in the least conspicuous location on the lot where an acceptable quality broadcast signal can be obtained. Usually, that means that the device should be located to the rear of the main residence. The device should be screened from view of other lots and subdivision streets to the maximum extent possible, without (i) precluding reception of an acceptable quality signal or (ii) unreasonably increasing the cost of installing, maintaining, or using the device.

b. A reasonable time in advance of the proposed installation or relocation of such an exterior device, the Owner shall give written notice to the Association detailing the type of device, size, installed height, intended location, and type of screening to be used.

c. If the Association believes that the proposed installation/relocation complies with this Rule, no further action by the Owner or Association is necessary. If the Association believes that the proposed installation/relocation does not comply with this Rule, the Association shall promptly advise the Owner of the reason for non-compliance.

d. Notwithstanding the foregoing, satellite dishes that are more than one meter in diameter, and antennas that extend more than 12' above the roof line, are prohibited.

10. Standby Electric Generators

The Association adopts, by reference and incorporation, all requirements and restrictions on standby electric generators permitted by Section 202.019 of Chapter 202 (the Statute). These include:

a. Specifications: The device must be a standby electric generator, as that term is defined by the Statute. The device must be permanently installed, and may not be used to generate all or substantially all of the electric power to the residence or any other structure on the property, except when utility-generated electric power is interrupted.

b. Association Approval: The device must be approved, as to location and screening, by the Association in advance of installation. The Association shall not, however, impose any requirement as to location that increases the cost of installing the device by more than 10% or increases the cost of installing and connecting the fuel lines by more than 20%.

c. Location and Screening: The preferable location of the device shall be the rear yard, at least

10' from the property line. The device must be screened by a fence, wall, or landscaping so that it is not visible from the street, a neighboring residence, or common area. The device shall be placed on property owned or controlled by the owner, and in no event shall it be placed in an area owned or maintained by the Association.

d. Installation: Installation of the device and all connections (electrical, plumbing, and fuel sources) must be in compliance with the manufacturer's specifications and applicable governmental zoning, health, safety, electrical, and building codes, including rules and standards of the Railroad Commission of Texas. The connections must be done by licensed contractors.

e. Maintenance; The device and all fuel lines must be maintained in good condition, and any deteriorated or unsafe component must be removed, repaired, or replaced promptly. Any testing of the device shall be done no earlier than 8am, and no later than 8pm, Monday through Saturday.

#### 10. Swimming Pool Enclosures

A swimming pool enclosure, as defined in Chapter 202 (which includes spas and other water features) must meet the following standards: (a) height shall not exceed 6 feet, (b) of a design that is not climbable, (c) consists of transparent mesh or clear solid panels set in metal frames, (d) metal frames and support posts must be painted black or other color approved by the Association.

#### 11. Security Devices

Security devices, such as cameras, motion detectors, fencing, and lighting, may be installed only on the owner's lot. All cameras and lighting should encompass primarily the owner's lot, and should not be directed at doors or windows of nearby homes or other portions of nearby lots. Security fencing, burglar bars, and other improvements that are readily visible from the street or nearby lots must be submitted to the Association for approval prior to installation, in the same manner as any other fence or exterior improvement.

"Security device" means any improvement designed to prevent intrusive or criminal acts. In the event of a question as to whether a requested installation is a security device, the answer will be determined by the Board in its sole reasonable discretion.

In order to be considered a security device within the meaning of this rule and Chapter 202, fencing (including all gates) must be ground-mounted, between 60" and 72" in height, and must create a closed enclosure. Fencing that is less than 60" in height will be deemed ornamental and not a security device. Front yard fencing is discouraged, and any application to install a fence in the front yard is subject to more stringent requirements as to appearance and materials than for fencing along the side or rear lot lines.

Prior to installation of any security device, the owner must submit to the Association's architectural review body plans and specifications including dimensions, colors, materials, and proposed location on the owner's lot, scaled in relation to all boundary lines and other improvements on the lot.

Submittal Requirements:

1. ACC Submittal Form
2. Detailed description that confirms above requirements are met (including where applicable- type of device, size, installed height, intended location, type of screening to be used, etc)
3. Fee of \$40- payable through the circlecranch.com website or via check made payable to the CCHOA and sent to, or dropped off at, the Circle C Community Center, 7817 La Crosse Ave, Austin, TX 78739