



CIRCLE "D" CIVIC ASSOCIATION

RULES AND REGULATIONS

Reference is hereby made to those certain Reservations and Restrictions for Circle "D" Country Acres, filed in the Real Property Records of Bastrop County, Texas as follows:

- Section 1 at Vol. 194, Pg. 8
- Section 2 at Vol. 194, Pg. 32
- Section 3 at Vol. 199, Pg. 649
- Section 5 at Vol. 200, Pg. 283
- Section 7 at Vol. 201, Pg. 681
- Section 6 at Vol. 202, Pg. 407
- Section 8 at Vol. 202, Pg. 251
- Section 4 at Vol. 205, Pg. 278
- East at Vol. 206, Pg. 187
- Section 9 at Vol. 293, Pg. 221

all the foregoing documents together with all amendments and supplemental documents thereto (the "Declaration").

Reference is further made to the " Amended and Restated Bylaws of Circle "D" Civic Association" filed as an attachment to that Notice of Dedicatory Instruments for Circle " D" Civic Association, filed as Document No. 201809266 on June 28, 2018, in the Official Public Records of Bastrop County, Texas (cumulatively and together with any amendments or supplements, the "Bylaws").

Whereas, the Declaration provides that owners of lots subject to the Declaration are automatically made members of Circle "D" Civic Association (the " Association");

Whereas, the Association, acting through its board of directors (the "Board"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Section 7. 1(A) of the Bylaws and/or State law.

Whereas, Chapter 202 of the Texas Property Code allows the Association to adopt rules and regulations; and

Whereas, the Board desires to adopt such rules and regulations as addressed in Chapter 202 of the Texas Property Code.

Therefore, the Board hereby adopts the Rules and Regulations set forth below.

SECTION I. RAIN BARRELS AND RAINWATER HARVESTING SYSTEMS

1. Conflict with Other Provisions. Per state law, this Section controls over any provision in any other Association governing document to the contrary.
2. Approval Required. Owners may install rain barrels or rainwater harvesting systems or any part thereof, only with preapproval from the Association's Architectural Control Committee ("ACC"), and only in accordance with the restrictions described in this Section. Owners wishing to install such systems must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the

proposed improvements will be visible from the street, another lot, or a common area (and if so, what part(s) will be visible). The location information must provide information as to how far (in feet and inches) the improvement(s) will be from the side, front, and back property line of the Owner's property.

3. Prohibited Locations. Owners are prohibited from installing rain barrels or rainwater harvesting systems, or any part thereof, in the following locations:

- a. on property owned by the Association;
- b. on property owned in common by the members of the Association; or
- c. on property between the front of the Owner's home and an adjoining or adjacent street.

4. Color and Other Appearance Restrictions. Owners are prohibited from installing rain barrels or rainwater harvesting systems that:

- a. are of a color other than a color consistent with the color scheme of the Owner's home;
- b. display any language or other content that is not typically displayed by such a barrel or system as it is manufactured; or
- c. are not constructed in accordance with plans approved by the Association.

5. Additional Restrictions if Installed in Side Yard or Improvements are Visible. If any part of the improvement is installed in a side yard, or will be visible from the street, another lot, or common area, the ACC may impose restrictions on the size, type, materials, and shielding of, the improvement(s) through denial of plans or conditional approval of plans.

SECTION II. SOLAR ENERGY DEVICES

1. Conflict with Other Provisions. Per state law, this Section controls over any provision in any other Association governing document to the contrary.

2. Approval Required. An Owner may install solar energy devices only on property solely owned and solely maintained by the Owner, and only in accordance with the restrictions provided herein. Owners may not install solar energy devices except in accordance with the restrictions provided herein. Prior to installation of any solar energy device, the Owner must submit plans for the device and all appurtenances thereto to the ACC. The plans must provide an as-built rendering, and detail the location, size, materials, and color of all solar devices, and provide calculations of the estimated energy production of the proposed devices. The Owner may not begin construction or installation until the Owner receives written approval from the ACC.

3. Definition. In this section, "solar energy device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. All solar devices not meeting this definition are prohibited.

4. Prohibited Devices. Owners may not install solar energy devices that:

- a. threaten the public health or safety;
- b. violate a law;
- c. are located on property owned by the Association;
- d. are located in an area owned in common by the members of the Association;
- e. are located in an area on the property Owner's property other than:
 - i. on the roof of the home (or of another structure on the Owner's lot allowed under the Association's governing documents); or
 - ii. in a fenced yard or patio owned and maintained by the Owner;

- f. are installed in a manner that voids material warranties;
- g. are installed without prior approval by the ACC; or
- h. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. *This determination may be made at any time, and the ACC may require removal of any device in violation of this or any other requirement.*

5. **Limitations on Roof-Mounted Devices.** If the device is mounted on the roof of the home, it must:

- a. extend no higher than or beyond the roofline;
- b. be located only on the back of the home - the side of the roof opposite the street. The ACC may grant a variance in accordance with state law if the alternate location is substantially more efficient *(If an alternate location increases the estimated annual energy production of the device more than 10 percent above the energy production of the device if located on the back of the home, the Association will authorize an alternate location in accordance with these rules and state law. It is the Owners responsibility to determine and provide sufficient evidence to the ACC of all energy production calculations. All calculations must be performed by an industry professional.)*;
- c. conform to the slope of the roof, and have all top edges parallel to the roofline; and
- d. not have a frame, a support bracket, or visible piping or wiring that is any color other than silver, bronze, or black tone commonly available in the marketplace.

6. **Limitations on Devices in a Fenced Yard or Patio.** If the device is located in a fenced yard or patio, it may not be taller than the fence line.

7. **Solar shingles.** Any solar shingles must:

- a. Be designed primarily to:
 - i. be wind and hail resistant;
 - ii. provide heating/cooling efficiencies greater than those provided by customary composite shingles; or
 - iii. provide solar generation capabilities; and
- b. When installed:
 - i. resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - ii. be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use on property in the subdivision; and
 - iii. match the aesthetics of the property surrounding the Owner's property.

SECTION III. FLAGS

1. **Conflict with Other Provisions.** Per state law, this Section controls over any provision in any other Association governing document to the contrary.

2. **General.** An Owner may display flags only on his or her Lot and only in compliance with this Section. An Owner may not display flags on the Common Areas, or on any other lands owned or maintained by the Association, for any reason or at any time. An Owner may have one flagpole, or one residence-mounted flag mount, but not both.

3. **Approval Required.** All flagpoles, flag mounts, and related installations (e.g., flag lighting) must be approved in advance by the ACC. An Owner desiring to display a permitted flag must submit plans to the ACC for each installation, detailing the dimensions, type, location, materials, and style/appearance of the flagpole, flag mount(s),

lighting and related installations. The ACC shall have the sole discretion of determining whether such items and installations comply with this Section, subject to any appeal rights that may exist elsewhere in the Association's governing documents or under State law. The Owner may not begin construction or installation until the Owner receives written approval from the ACC.

4. Additional Requirements Related to Flags.

- a. Flags must be displayed on an approved flag mount or flagpole. Flags may not be displayed in any other manner.
- b. No more than one flag at a time may be displayed on a flag mount. No more than two flags at a time may be displayed on a flagpole.
- c. Flags on flagpoles must be hoisted, flown, and lowered in a respectful manner.
- d. Flags must never be flown upside down and must never touch the ground.
- e. No mark, sign, insignia, design, addition (such as a mesh extension), or advertising of any kind may be added to a flag.
- f. If both the U.S. and Texas flags are displayed on a flagpole, they must be of approximately equal size.
- g. If the U.S. and Texas flags are flown on one pole, the U.S. flag must be the highest flag flown and the Texas flag the second highest.
- h. Only all-weather flags may be displayed during inclement weather.
- i. Flags must be no larger than 3'x5' in size.
- j. Flags may not contain commercial material, advertising, or any symbol or language that may be offensive to the ordinary person.
- k. A pennant, banner, plaque, sign or other item that contains a rendition of a flag does not qualify as a flag under this Section.

5. Materials and Appearance of Flag Mounts and Flagpoles. A flag mount attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials per the discretion of the ACC used in the construction of the mount or flagpole and harmonious with the dwelling.

6. Additional Requirements for Flagpoles. The following additional requirements shall apply to flagpoles installed on Lots:

- a. No more than one flagpole may be installed on a Lot;
- b. The flagpole must be free-standing and installed vertically;
- c. The flagpole must be no greater than 30 feet in height measured from grade level;
- d. The flagpole must have a dull or dark finish;
- e. The location and construction of the flagpole must comply with applicable zoning ordinances, may not be located in any easements (including drainage easements), and comply with all building setback requirements;
- f. The flagpole must be located at least as far from property boundaries or overhead utility easements as its height to assure that it will not fall onto neighboring properties or overhead lines. The ACC may require the pole to be installed on a particular side or otherwise require a particular location;
- g. No trees may be removed for pole installation; and
- h. An Owner must ensure that external hardware, halyards (hoisting ropes), trucks, rings, and snaps used in combination with a flagpole do not create an unreasonable amount of noise.

7. Lighting of Flag Displays. An Owner desiring to install any light(s) for the purpose of illuminating a

flag must include plans (in accordance with Paragraph 3 above) to the ACC and receive the ACC's written approval before beginning installation. Such light installations must be of a reasonable size and intensity and placed in a reasonable location, for the purpose of ensuring that the lights do not unreasonably disturb or distract other individuals. All flag illumination lighting must be specifically dedicated to that purpose. No other lighting, whether located inside or outside of the residence, may be directed toward a displayed flag for purposes of illuminating the flag. Security flood lights, spot lights, or any other light not specifically installed to illuminate a flag (and included in the Owner's submission of plans to the ACC and approved in writing by the ACC) may not be oriented toward a displayed flag.

8. Maintenance. An Owner is responsible for ensuring that a displayed flag, flagpole, flag mount(s), lighting and related installations are maintained in good and attractive condition at all time at the Owner's expense. Any flag, flagpole, flag mount, light, or related installation or item that is in a deteriorated (torn, faded, holes, or frayed) or unsafe condition as determined by the ACC must be repaired, replaced, or removed promptly upon the discovery of its condition.

SECTION IV. STANDBY ELECTRIC GENERATORS

1. General. Unless otherwise approved in writing by the ACC, which approval may be denied, approved, or approved with conditions, an Owner may not install a standby electric generator except in compliance with this rule.

2. Scope of Rule. A standby electric generator is the only device that may be used to provide backup electric service to a residence. A "standby electric generator" means a device that converts mechanical energy to electric energy and is:

- a. Powered by natural gas, liquefied petroleum gas, diesel fuel, or hydrogen;
- b. Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- c. Connected to the main electrical panel of a residence by a manual or automatic transfer switch;
- d. Rated for a generating capacity of not less than seven (7) kilowatts; and
- e. Permanently installed on a lot.

3. Allowable Use. A standby electric generator may not be used to generate all or substantially all of the electrical power to a residence except when utility-generated electrical power is unavailable or intermittent due to causes other than nonpayment for utility service to the residence.

4. Conflict with Other Provisions. Per state law, this rule relating to standby electric generators controls over any contrary provision in the Association's governing documents.

5. Prior Approval Required. Prior to the installation of any standby electric generator or any part thereof, an owner must receive written approval of the ACC. Owners wishing to install standby electric generators must submit plans and specifications to the ACC. The following requirements apply to plans and specifications:

- a. An owner must provide a reasonably accurate and scaled schematic of the lot showing the property boundaries of the lot and the location of the residence, other permanent structures, fencing, and any adjoining streets. The schematic must also contain a scaled drawing of the generator at the proposed location, and indicate the distance (in feet and inches) from the closest rear and side lot line.
- b. All other applicable information typically required for architectural approval (e.g., color samples, samples of screening materials, etc.) and necessary to ensure compliance with this rule must also be provided.

6. Installation. The following installation requirements apply to standby electric generators:
 - a. Installation must be done in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes.
 - b. All electrical, plumbing, and fuel line connections must be installed by a licensed contractor.
 - c. All electrical connections must be installed in accordance with applicable governmental health, safety, electric, and building codes.
 - d. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes.
 - e. All liquefied petroleum gas fuel line connections must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes.
 - f. If a generator uses a fuel tank that is separate from the generator (i.e., the tank is not manufactured as an integral part of the generator system), the fuel tank must be installed in compliance with municipal zoning ordinances and governmental health, safety, electrical, and building codes.
7. Maintenance. The following maintenance requirements apply to standby electric generators:
 - a. The generator and its electrical and fuel lines must be maintained in good condition at all times, including maintenance that is in compliance with the manufacturer's specifications and applicable governmental health, safety, electric, and building codes.
 - b. Any deteriorated or unsafe component of a standby electric generator, including electrical and fuel line, must be promptly repaired, replaced, or removed.
 - c. A generator may be tested for preventative maintenance only between 9:00AM and 6:00PM and not more frequently than suggested by the manufacturer.
8. Location. The following requirements apply to the location of a standby electric generator:
 - a. Generators must be located in the rear yard area of the lot (behind the rear-most building line of the home). The generator may not be visible from a street, any common area, or the ground level of another lot unless it is screened in compliance with section 9.
 - b. The ACC may, in its sole discretion, grant a variance to allow the generator to be located in an area other than as described in subsection (a) if the ACC deems that a variance is appropriate as a result of topographical or other issues and a plan for adequate screening of the generator is submitted and approved.
 - c. The ACC will grant a variance allowing the generator to be installed in a location other than as required under subsection (a) if the owner can document in a format reasonably acceptable to the ACC that locating the generator in the rear yard will increase the installation cost by more than 10% or increase the cost of installing and connecting fuel lines by more than 20%. Even if such a variance is granted, the screening requirements outlined in section 9 must be met.
 - d. Generators are expressly prohibited from being located on Association common areas or any other areas maintained by the Association.
 - e. No portion of the generator may be installed within any applicable setback.
9. Screening. If the standby generator is:
 - a. Visible from the street faced by the dwelling;
 - b. Located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned or maintained by the Association; or
 - c. Located in a side or rear yard fenced by a wrought iron or residential aluminum fence

and is visible through the fence either from an adjoining residence or from adjoining property owned or maintained by the Association; the ACC may require the owner to screen the generator from view. Submitted plans must include as- installed dimensions and types of all landscaping to be used for screening and the color, materials, and dimensions of any proposed screening materials and/or structures.

CERTIFICATION

I, the undersigned, Sue Pardue, Vice President of Circle D Civic Association, do hereby attest that at the board meeting of the Association held August 6, 2020, at which a unanimous vote was held, the Rules and Regulations above were revised.

I, the undersigned, Sue Pardue, acting as Vice President of Circle D Civic Association, have this day caused this document to be recorded in the Official Public Records of Bastrop County, Texas.

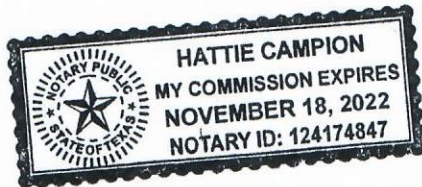
Executed this ¹¹ 6th day of August, 2020

Sue Pardue
Sue Pardue, as Vice President

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF BASTROP

This instrument was acknowledged before me on August 11, 2020, by Sue Pardue, Vice President of Circle D Civic Association, a Texas non-profit corporation, on behalf of said corporation.



Hattie Campion
Notary Public, State of Texas

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



IRENEB

Rose Pietsch

ROSE PIETSCH, County Clerk

Bastrop Texas

August 11, 2020 10:26:24 AM

FEE: \$50.00

RESTRICTION

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