

**GUIDELINES OF
SUFFOLK CHASE HOMEOWNERS ASSOCIATION, INC.**

**I.
FLAGS**

1.1 General

An Owner may display flags only on his/her Lot and only in compliance with these Guidelines. 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 (1) freestanding flagpole, or one residence-mounted flag mount, but not both.

1.2 Prior Approval Required

All flagpoles, flag mounts, flag lighting, and related equipment must be approved in advance by the Association's architectural control committee (the "Committee"). An Owner wishing to display a permitted flag must submit plans to the Committee for each installation, detailing the dimensions, type, location, materials and style of the flagpole, flag mounts, lighting and related equipment. The Committee shall have sole discretion in determining whether such items comply with this Article, subject to any appeal rights that may exist elsewhere in the Declaration or under State law.

1.3 Additional Requirements For Flags

- (a) Flags must be displayed on an approved flagpole or mount. 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. Flags must never be flown upside down and must never touch the ground.
- (d) Flags may not contain commercial material or design, advertising, or any symbol, mark or language that may be offensive to the ordinary person.
- (e) If both the U.S. and Texas flags are displayed on a flagpole, they must be of approximately equal size, and the U.S. flag must be the highest flag flown and the Texas flag the second highest.
- (f) Only all-weather flags may be displayed during inclement weather.
- (g) Flags must be no larger than 3' x 5' in size.
- (h) A pennant, banner, plaque, sign or other item that contains a rendition of a flag qualifies as a flag under this Article.

1.4 Materials And Appearance Of Flagpoles And Mounts

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 used in the construction of the mount or flagpole and harmonious with the dwelling, in the sole discretion of the Committee.

The following additional requirements shall also 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 20' in height measured from grade level.
- (d) 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 setback requirements.
- (e) Unless otherwise approved by the Committee, the location of the flagpole must be within 10' of one of the side-most building lines of the home, and within 10' of the front-most building line of the home. The Committee may require the pole to be installed on a particular location on the Lot.
- (f) No trees or shrubs may be removed for flagpole installation.
- (g) The Owner must ensure that external halyards (hoisting ropes) used on the flagpole do not create an unreasonable amount of noise.

1.5 Lighting Of Flag Displays

Any lights installed for the purpose of illuminating a flag must be pre-approved by the Committee. Such light installations must be of a reasonable size and intensity and placed in a reasonable location, so that the lights do not unreasonably disturb other residents or neighbors. All flag illumination lighting must be specifically dedicated to that purpose. No other interior or exterior lighting (including security floodlights or spotlights) may be directed toward a displayed flag for purposes of illuminating the flag.

1.6 Maintenance

An Owner is responsible for ensuring that a displayed flag, flagpole, flag mount(s), lighting and related equipment are maintained in good and attractive condition at all times, at the Owner's expense. Any flag, flagpole, flag mount, light, or related equipment or item that is in a deteriorated or unsafe condition must be repaired, replaced, or removed promptly upon the discovery of its condition.

II.

SOLAR ENERGY DEVICES

2.1 Conflict With Other Provisions

If there are any conflicts between the provisions of this Article and any provision in any other governing document, the provisions of this Article will control.

2.2 Definition

For the purposes of this Article XVI, "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.

2.3 Prior 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 in this Article. Owners may not install solar energy devices except in accordance with this Article. Prior to installation of any solar energy device, the Owner must submit plans for the device and all appurtenances thereto to the Committee. The plans must provide an as-built rendering, and give details of the location, size, materials, and color of the solar device, and provide calculations of the estimated energy production of the proposed solar device.

2.4 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;
- (e) Are located in an area on the Owner's property other than:
 - (i) On the roof of the home (or of another structure on the Owner's Lot allowed under the Declaration); 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 of the Committee; 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 Committee may require removal of any device in violation of this or any other requirement.**

2.5 Limitations On Roof-Mounted Devices

If the device is mounted on the roof of the Owner's home, it must:

- (a) Not extend 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 Committee may grant a variance in accordance with State law if the alternate location is substantially more efficient, i.e. if the alternate location increases the estimated annual energy production of the device by more than ten percent (10%). It is the Owner's responsibility to determine and provide sufficient evidence to the Committee 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, support bracket, or visible piping or wiring that is any color other than silver, bronze, or black tone commonly available in the marketplace.

2.6 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.

2.7 Solar Shingles

All 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 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 Lot.

III.

RAINWATER COLLECTION

3.1 Prior Approval Required

Owners may install rain barrels or rainwater collection systems only with prior written approval from the Committee, and only in accordance with the restrictions described in these Guidelines. Owners wishing to install such systems must submit plans showing the proposed location, color(s), materials, shielding, dimensions of the proposed installations, and whether any part of the proposed installations will be visible from the street, another Lot, or a Common Areas (and if so, what parts will be visible). The location details must provide measurements as to how far the installations will be from the side, front and back property lines of the Owner's Lot.

3.2 Prohibited Locations

Owners are prohibited from installing rain barrels or rainwater collection 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.

3.3 Appearance Restrictions

Owners are prohibited from installing rain barrels or rainwater collection systems that:

- (a) are of a color that is inconsistent 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 manufactured; or
- (c) are not constructed in accordance with the plans approved by the Committee.

3.4 Additional Restrictions

If any part of the installation is installed in a side yard, or will be visible from the street, another Lot, or a Common Area, the Association may impose restrictions on the size, type, materials, and shielding of, the installation, through denial of plans or conditional approval of plans.

IV.

RELIGIOUS DISPLAYS

4.1 General

State statute allows Owners to display certain religious items in the Owner's entry or front yard, and further allows the Association to impose certain limitations on such entry displays. This Article outlines the limitations on religious displays in an Owner's entry area. Notwithstanding any other language in the Declaration to the contrary, residents may display on the entry door or doorframe of the resident's home one or more religious items, subject to the restrictions outlined in Section 4.2 below. Allowed religious displays are limited to displays motivated by the resident's sincere religious belief.

4.2 Prohibited Items

No religious item(s) displayed in an entry area or front yard may:

- (a) threaten the public health or safety;
- (b) violate a law;
- (c) contain language, graphics, or any display that is patently offensive to a passerby as determined by the Board of Directors;

4.3 Remedies For Violations

Per State statute, if a religious item is displayed in violation of this Article, the Association may remove the offending item without prior notice. This remedy is in addition to any other remedies the Association may have under the Declaration or State law.

4.4 Seasonal Religious Holiday Decorations

This Article will not be interpreted to apply to otherwise-permitted temporary seasonal religious holiday decorations such as Christmas lighting or wreaths. The Board has the sole discretion to determine what items qualify as "seasonal religious holiday decorations" and may impose time limits and other restrictions on the display of such decorations. Seasonal religious holiday decorations must comply with all other provisions of the Declaration, but are not subject to these Guidelines.

4.5 Other Displays

Non-religious displays in the entry area to an Owner's residence and all displays (religious or otherwise) outside of the entry area to an Owner's residence are governed by the provisions of the Declaration.

V.

VIOLATIONS AND ENFORCEMENT

5.1 Suspension of Privileges; Fines

In the event of a violation of the Declaration, Bylaws, Association Rules, or any other governing document, and subject to any notice requirements provided by law, the Board, acting on behalf of the Association, in addition to any other remedies provided by the Declaration, Bylaws, or Association Rules and remedies available pursuant to State statute or other law, may:

- (a) suspend or condition the right of an Owner and any tenants, occupants, or guests to use the Common Areas and facilities situated on Association Property;

- (b) record a notice of non-compliance encumbering an Owner's Lot;
- (c) levy a damage assessment against the Lot for damages caused by an Owner's actions in violation of the Declaration, Bylaws, Association Rules or other governing documents;
- (d) levy collection or deed restriction enforcement costs against an Owner;
- (e) assess a fine, late fee, and collection and enforcement costs against an Owner and Lot for the violation by Owner, his/her tenants, occupants, or guests in an amount to be determined by the Board; and
- (f) after notice, enter an Owner's Lot for the purposes of curing or causing to be cured a violation of a governing document, or otherwise cure a violation or cause it to be cured on behalf of an Owner, and charge all costs of such cure to the Owner's account; provided, however, that no notice shall be required in the event of an emergency.

It is the Owner's responsibility to notify the Association, in writing, when a violation has been cured so as to stop any fines from being assessed. Fines may continue to be assessed until the Association receives such notice from the Owner.

5.2 Attorneys' Fees

The Association may assess reasonable attorneys' fees to an Owner's account for nonpayment of amounts due or other violations of the Declaration, Bylaws, or Association Rules.

5.3 Non-Waiver

The failure of the Association to enforce any provisions of the Declaration, Bylaws, or Association Rules shall not constitute a waiver of the right to enforce the same thereafter. All remedies in the Declaration, Bylaws and Association Rules are cumulative and not exclusive.

5.5 Enforcement Action at Board's Discretion

The decision to pursue enforcement action in any particular case shall be left to the Board's discretion, except that the Board shall not be arbitrary or capricious in taking enforcement action. The Board may determine that in any particular case: (i) the Association's position is not strong enough to justify taking any or further action; (ii) the covenant or rule being enforced is, or is likely to be construed as, inconsistent with applicable law; (iii) although a technical violation may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Association's resources; or (iv) it is not in the Association's best interests, based upon hardship, expense, or other reasonable criteria, to pursue enforcement action.

CERTIFICATION

IN WITNESS WHEREOF, we, being all of the Directors of Suffolk Chase Homeowners Association, Inc., have hereunto set our hands this 17 day of March, 2014.



[David Harris, President]



[Nick Palermo, Vice President]



[Jose De La Rosa, Secretary/Treasurer]