

VOL 1074 page 712

Addition, Section II, shall be at any time used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No trailer, camper, boat or other vehicle shall be parked on any visible part of the property that are not operational and with current license or inspection stickers.

ISSUE #1

12. No sign of any kind shall be displayed to the public view on any lot, except one sign advertising the property for sale or for rent, or signs used by a builder of not more than five square feet advertising the property during construction and sales period.

13. No cesspool shall ever be dug, used or permitted to remain on any lot, nor shall any surface toilet ever be built, used or permitted to remain on any lot. Whenever a residence is established on any lot, all toilet and other sewage outlets shall be connected with a septic tank with suitable drain field according to the public health standards. In the event that sanitary sewage facilities are made available, all sewage outlets shall be connected with the central sewer system serving Sky Lakes Addition, Section II, and no other septic tanks will be permitted. In the event septic tanks are installed and subsequent thereto sanitary sewage facilities become available, all houses and structures shall be connected to the sanitary sewage facilities and the payment of a tap fee by the then property owners will be made. The amount of the tap fee will be determined by Sky Lakes Utility Company, if same is in existence and if not, by Waller County Water Control & Improvement District, No. 11, if same is so authorized and if said district is not authorized, then Waller Country Club Estates, Inc., may form a privately owned public utility to serve Sky Lakes Addition, Section II, having first negotiated for purchase of the existing water plant and lines now serving Section I of Sky Lakes Club Addition. The said plant and lines are referred to in a separate unrecorded contract with Homer Y. Jones. The cost of running sewer lines for houses or structures to the main sewer line shall be borne at the sole expense of the owner of each lot. In the event of a National emergency which shall render the sanitary sewer and water facilities of the subdivision inoperative, then in that event, private water wells and septic tanks may be used pending the repair and restoration of the central water system and the central sewer system at which time all residences and other structures must be reconnected to the central water and sewer systems serving the area. The purpose of the foregoing restriction as to the water and sewer system connections and service is to require each lot owner or the occupant of any residence to get water and/or sewer service and/or garbage pickup through the central services.

14. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without back water and shall under all circumstances be a minimum of 1-3/4 square feet or 18-inch diameter pipe culverts. Culverts or bridges must be used for driveways and for walkways and this restriction shall be enforceable by the Building Committee or by any other lot owner in the subdivision, as well as by proper authorities of Waller County, and it is expressly provided the owner of each lot or occupant of each residence shall at his own expense be responsible for the proper setting of all drive way culverts or bridges prior to the starting of any construction on the lot and the design and plan of any culvert or bridge before being constructed and the grade line thereof shall be submitted in writing to the Building Committee, and there shall be a buttress at the end of each culvert to be built by each lot owner prior to his starting any construction.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 12 (p. 5): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under TX and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules)

Statutory Comparison: Under Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by TX statute.

CURRENT WORDING IN DOCUMENT:
No sign of any kind shall be displayed to the public view on any lot, except one sign advertising the property for sale or for rent, or signs used by a builder of not more than five square feet advertising the property during construction and sales period.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 12 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5.