

November 5, 2018

Dear Residents,

In response to complaints regarding nuisances in our community, the board of directors of the SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC., has developed the enclosed nuisance policy.

This policy is intended to provide guidance and examples of negative activities in our subdivision which will be pursued and enforced in accordance with **Article VI USER RESTRICTIONS Section 3 Nuisances (page 13)** and **Article IX GENERAL PROVISIONS Section 1 Enforcement (page 25)** of the **Declaration of Covenants, Conditions and Restrictions**.

This is not an amendment to the Deed Restrictions and is not creating additional restrictions applicable to the community. This policy is merely intended to state the board of directors' definition of "Nuisance" for the residents. Nuisances will not be limited to the following examples. This summary is representative only, shall not be considered all inclusive, and may be updated at any time.

Sincerely,

Spring Creek Court Board of Directors

Enclosure

# POLICY RESOLUTION

of the

BOARD OF DIRECTORS of the SPRING CREEK COURT HOMEPOWERS ASSOCIATION, INC.

(Relating to Nuisances)

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THE STATE OF TEXAS :

COUNTY OF HARRIS :

This Policy Resolution was adopted by the Board of Directors of the Spring Creek Court Homeowners Association, Inc. (the "Association") at a meeting duly called and held on the 5th day of November, 2018.

## RECITALS:

- 1) The Declaration of Covenants, Conditions and Restrictions applicable to each property Lot in Spring Creek Court provides for the prohibition of nuisances;
- 2) For the purposes hereof, a nuisance shall be an activity or condition on a Lot which is reasonably considered by the Board of Directors to be offensive, an annoyance to surrounding residents of ordinary sensibilities and/or which is reasonably determined to reduce desirability and value of the Lot on which the activity or condition exists, an adjacent Lot, and other Lots in the subdivision;

Therefore, the Board of Directors of the Association has deemed it necessary to adopt and implement a policy regarding what type(s) of activity/behavior shall be considered a nuisance within the Spring Creek Court subdivision.

## NUISANCE POLICY:

### **1) Yard Maintenance**

The condition of grass and landscaping on each Lot directly impacts the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for any of the following conditions to persist:**

- Grass and/or weeds that have grown to a height greater than six (6) inches;

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- Any shrubbery plantings that have been allowed to grow six (6) inches beyond the designed edge of the grass onto an adjacent sidewalk, or have been allowed to grow in driveway expansion joints, or have been allowed to grow over the curb;
- Weeds that have been allowed to grow in shrubbery and/or flower beds, and/or around the bases of trees;
- Dead shrubs, or dead trees, or dead tree limbs, or tree stumps and/or vines that need to be trimmed;
- Brick, stone, wood, plastic or metal landscape border products that have been allowed to become disheveled in appearance, discolored, misaligned, broken, separated and/or disconnected, covered by weeds, and/or showing with an accumulation of dirt, mold, algae or rust;
- Failure to water during the growing season to the extent that the grass deteriorates to a brown condition, or dies, unless there is a State- or County-declared water shortage restricting and/or limiting water usage for irrigation;
- Plantings, including shrubbery or trees, which obstruct the line of sight of streets and roadways in such a manner that they interfere with the line of sight of street signs, traffic control signs installed by Harris County, and/or oncoming vehicular traffic. The determination of whether any such obstruction exists shall be made by the Board of Directors, whose determination shall be final, conclusive and binding on all owners;
- Accidental or deliberate alteration of landscaping and/or terrain on any Lot resulting in drainage from that Lot to be directed onto adjacent Lots, unless an easement exists.

### **2) Exterior Structure Maintenance**

The condition and visual presentation of the exterior of the house and garage on each Lot directly impacts the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for any of the following conditions to persist:**

- Sagging, falling or broken rain gutters, siding, fascia boards, soffits, windows, window screens, window trim, garage doors, shutters, and/or fences;
- Severely weathered front door, or shutters;
- Severely weathered roofing;
- Broken concrete driveways and/or sidewalks;
- An accumulation of dirt, mildew, mold or algae on any portion of any house, garage or driveway that can be seen in public view from the street or any adjoining Lot;
- Weathered, or discolored, or faded, or peeling, or unapproved exterior paint.

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#### **3) Parking on Grass**

Parking a vehicle on the grass on any Lot negatively impacts the look and property values of the entire Spring Creek Court subdivision. All motorized vehicles must be parked in driveways or garages only. **It is considered to be a nuisance for the following condition to persist:**

- Any vehicle parked on any portion of the grass on any Lot.

#### **4) Satellite Antennas**

Improperly placed satellite antennas negatively impact the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for the following conditions to persist:**

- Satellite antenna installed on the face of the house on any Lot;
- Satellite antenna installed on the front slope of the roof on the house on any Lot
- Satellite antenna installed in the front or back yard in public view from the street or any adjoining Lot.

#### **5) Bicycles, Sports Equipment, Strollers and Children's Toys**

The visual clutter of bicycles, strollers and children's toys left unattended in the street, or sidewalk, or driveway, or yard on any Lot negatively impacts the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for any of the following conditions to persist:**

- Bicycle left unattended in public view in the street or on any Lot;
- Tricycle left unattended in public view in the street or on any Lot;
- Sports equipment left unattended in public view in the street or on any Lot;
- Electrically powered toy car left unattended in public view in the street or on any Lot;
- Scooter left unattended in public view in the street or on any Lot;
- Stroller left unattended in public view in the street or on any Lot;
- Children's toys left unattended in public view in the street or on any Lot.

#### **6) Basketball Goals**

Placing a basketball goal in the street, or placing a basketball horizontally on the driveway or yard on any Lot, or allowing a basketball goal to deteriorate negatively impacts the look and property values of the entire Spring Creek Court subdivision. All basketball goals are to be maintained in good condition,



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and without broken, worn, or deteriorated parts. **It is considered to be a nuisance for any of the following conditions to persist:**

- Basketball goal in the street;
- Basketball goal placed horizontally on the ground in public view in the driveway, sidewalk or yard of any Lot;
- Deteriorated or broken basketball goal stand, pole, backboard, or net in public view.

### **7) Decorations and Lighting**

The placement, orientation and condition of yard decorations, sculptures, water fountains and exterior decorative/security lighting impacts the look and property values of the entire Spring Creek Court subdivision. No yard decorations, sculptures, water fountains, exterior decorative/security lighting, or other decorative embellishments, shall be placed on a residence or on the front yard or on any portion of a Lot in public view from the street or any adjoining Lot, unless such specific items have been approved, in writing, by the Architectural Control Committee. Customary seasonal decorations for the holidays are permitted without the approval of the Architectural Control Committee. All seasonal decorations must be removed from public view within fifteen (15) days following the related holiday. Exterior lighting shall be placed so as to illuminate only the yard of the applicable Lot, and so as not to affect or reflect onto any adjoining Lot. **It is considered to be a nuisance for any of the following conditions to persist:**

- Non-ACC approved yard decorations, embellishments, sculptures or water fountains;
- Holiday lighting in place more than fifteen (15) days after the holiday;
- Security Lighting that reflects onto, or affects, an adjoining Lot

### **8) Trash/Recycling and Trash/Recycling Containers in Public View**

The storage of trash/recycling and trash/recycling containers in public view on non-collection days negatively impacts the look and property values of the entire Spring Creek Court subdivision. Placement of trash and/or recycling in the street is strictly prohibited at all times. **It is considered to be a nuisance for any of the following conditions to persist:**

- Trash/recycling waste material and/or trash/recycling containers in public view from the street or any adjoining Lot on non-scheduled trash and recycling collection days.
- Unsecured waste that results in trash/recycling debris on adjoining Lots or in the street.

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### **9) Storage of Unsightly Items in Public View**

Storage of unsightly items in public view in front of a house, at the sides of the house, in front of the garage, or in the driveway, negatively impacts the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for any of the following conditions to persist:**

- Storage of construction materials in public view from the street or any adjoining Lot;
- Storage of construction tools in public view from the street or any adjoining Lot;
- Storage of All Types of Yard Tools in public view from the street or any adjoining Lot;
- Storage of Lawnmower in public view from the street or any adjoining Lot;
- Storage of Garden Hose without hose caddy in public view from the street or any adjoining Lot;
- Storage of Bagged or Loose Fertilizer in public view from the street or any adjoining Lot;
- Storage of Bagged or Loose Mulch in public view from the street or any adjoining Lot.

The determination of whether items stored in public view are "unsightly" shall be made by the Board of Directors, whose determination shall be final, conclusive, and binding on all owners.

### **10) Signs**

The display of signs in public view impacts the look and property values of the entire Spring Creek Court subdivision. **It is considered to be a nuisance for any of the following conditions to persist:**

- Yard Sign which Advertises or Promotes a Business in public view from the street or any adjoining Lot;
- Any Sign, Decal or Sticker attached to, or otherwise displayed on, a garage door, or on a window in public view from the street or any adjoining Lot;
- Any Sign attached to, or otherwise displayed on, the front door of a house in public view from the street or any adjoining Lot;
- Any Sign, Decal or Sticker attached to, or otherwise displayed on, a fence in public view from the street or any adjoining Lot;
- Real Estate "For Sale" Sign used to advertise a real estate business owned by, operated by or affiliated with a property owner when the property is not actually for sale, or listed as being "for sale" at the Houston Area Realtors (HAR) website or other online listing services.

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#### **11-a) Vehicle(s) Impeding Accessibility by Residents or Emergency Responders**

Encumbered passage of vehicular traffic in the streets negatively impacts the look and property values of the entire Spring Creek Court subdivision and creates a safety issue. It is considered to be a nuisance for the following condition to persist:

- Vehicle(s), including commercial work trucks and bicycles, parked in the street in a manner which impedes or diminishes accessibility by emergency responder vehicles including fire-fighting trucks, ambulances and rescue vehicles, or for other residents.

#### **11-b) Vehicle(s) Parked in Streets in Front of Neighboring or Adjoining Lots**

- Homeowners, family members, or their tenants, parking vehicles on the streets in front neighboring or adjoining Lots in the Subdivision, thereby diminishing other homeowners' right to peaceful enjoyment of their properties.

#### **12) Vehicles leaking oil or fluids onto the streets**

Oil-stained streets negatively impact the look and property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following conditions to persist:

- Vehicles leaking motor oil, transmission fluid, differential grease and/or coolant system fluids parked in the street and soiling the street.

#### **13) Firearms**

The discharge of any type of firearm within the properties of the subdivision is strictly prohibited at all times.

#### **14) Pets**

Unleashed and unconfined pets negatively impact the look and property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following conditions to persist:

- A pet that is not confined to the owner's property;
- Unleashed pet, when not on the owner's property;
- A pet leashed in the front yard, while unattended;
- Barking dogs left unattended in an owner's yard.



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#### **15) Noise**

Excessive noise is deemed detrimental to the peaceful enjoyment of a residence in the subdivision.

Excessive noise includes barking dogs. It is considered to be a nuisance for the following condition to persist:

- Loud music
- Loud vehicle
- Barking dogs
- "Party" noise

#### **16) Operating a Business from a Restricted Lot**

Businesses being operated from a restricted Lot, i.e., any Lot in Spring Creek Court, negatively impact the look and property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following condition to persist:

- Business operated from a restricted Lot.

#### **17) Performing Extended-Duration Vehicle Repair in Public View**

The performance of extended-duration vehicle repair in public view negatively impacts the look and property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following condition to persist:

- Vehicle under repair in public view lasting more than 72 hours.

#### **18) Swimming Pools**

Non-maintained swimming pools that emit noxious or offensive odors negatively impact the property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following conditions to persist:

- Untreated, non-maintained swimming pool that emits noxious or offensive odor;
- Broken or defective pool agitator that contributes to mosquito breeding.



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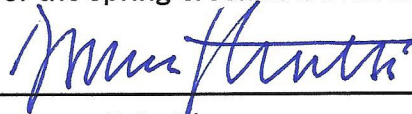
**19) Garage Sales**

Commercial garage sales negatively impact the look and property values of the entire Spring Creek Court subdivision. It is considered to be a nuisance for the following condition to persist:

- Garage sale used for commercial sales from a Restricted Lot.

Executed this 5th day of November, 2018 for the Spring Creek Court Homeowners Association, Inc.

By: \_\_\_\_\_



Donavon F. Smith, President