

Waterwood Improvement Association, Inc.
Amended Fine Enforcement Policy

Per the 2013 Amended Bylaws of Waterwood Improvement Association, Inc. and as amended in 2018, 2019 and 2022, Article IX – Powers and Duties of the Board of Directors, 1. (e): to adopt and publish rules and regulations governing the use of the WIA land or community facilities, including but not limited to solar panels, roofing, architectural control matters, and the personal conduct of the members and their guests thereon, **and to establish penalties for infraction thereof.**

Per the Texas Property Code - Section 209.006 - NOTICE REQUIRED BEFORE ENFORCEMENT ACTION.

(A) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, **levy a fine for a violation of the restrictions or bylaws or rules of the association**, or report any delinquency of an owner to a credit reporting service, the association or its agent must give written notice to the owner by certified mail.

(B) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;

(2) except as provided by Subsection (D), inform the owner that the owner:

(a) is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a **curable** nature and does not pose a threat to public health or safety;

(b) may request a hearing under Section 209.007 on or before the 30th day after the date the notice was mailed to the owner; and

(c) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty;

(3) specify the date by which the owner must cure the violation if the violation is of a **curable** nature and does not pose a threat to public health or safety; and

(4) be sent by verified mail to the owner at the owner's last known address as shown on the association records.

- (C) The date specified in the notice under Subsection (B)(3) must provide a reasonable period to cure the violation if the violation is of a **curable** nature and does not pose a threat to public health or safety.
- (D) Subsections (A) and (B) do not apply to a violation for which the owner has been previously given notice under this section and the opportunity to exercise any rights available under this section in the preceding six months.
- (E) If the owner cures the violation before the expiration of the period for cure described by Subsection (C), a fine may not be assessed for the violation.
- (F) For purposes of this section, a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident.
- (G) For purposes of this section, a violation is considered **uncurable** if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. For purposes of this subsection, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy.
- (H) The following are examples of acts considered **uncurable** for purposes of this section:
- (1) shooting fireworks;
 - (2) an act constituting a threat to health or safety;
 - (3) a noise violation that is not ongoing;
 - (4) property damage, including the removal or alteration of landscape;
and
 - (5) holding a garage sale or other event prohibited by a dedicatory instrument.
- (I) The following are examples of acts considered **curable** for purposes of this section:
- (1) a parking violation;
 - (2) a maintenance violation;
 - (3) the failure to construct improvements or modifications in accordance with approved plans and specifications; and
 - (4) an ongoing noise violation such as a barking dog.

Sec. 209.007. HEARING BEFORE BOARD; ALTERNATIVE DISPUTE RESOLUTION. (a) Except as provided by Subsection (d) and only if the owner is entitled to an opportunity to cure the violation, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the board.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(2), eff. September 1, 2021.

(c) The association shall hold a hearing under this section not later than the 30th day after the date the board receives the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The board or the owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The owner or the association may make an audio recording of the meeting.

(d) The notice and hearing provisions of Section 209.006 and this section do not apply if the association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation. The notice and hearing provisions of Section 209.006 and this section do not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this section.

(e) An owner or property owners' association may use alternative dispute resolution services.

(f) Not later than 10 days before the association holds a hearing under this section, the association shall provide to an owner a packet containing all documents, photographs, and communications relating to the matter the association intends to introduce at the hearing.

(g) If an association does not provide a packet within the period described by Subsection (f), an owner is entitled to an automatic 15-day postponement of the hearing.

(h) During a hearing, a member of the board or the association's designated representative shall first present the association's case against the owner. An owner

or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.

Added by Acts 2001, 77th Leg., ch. 926, Sec. 1, eff. Jan. 1, 2002.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 18, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(2), eff. September 1, 2021.

Waterwood Improvement Association, Inc.

Fines / Failure to Comply:

Definitions:

Curable Violation - a violation that does not pose a threat to public health or safety; and can be corrected if provided a reasonable period to cure the violation to the satisfaction of the ACB. If a violation is cured within a reasonable time as provided by the WIA Board of Directors, no fine or penalty shall be assessed.

Uncurable Violation - a violation that poses a threat to public health or safety; and/or if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. The non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy. If the violation is deemed "Uncurable" by the WIA Board of Directors, a fine shall be immediately assessed.

Curable Violations - includes, but not limited to:

<p>Failure to Obtain ACB Approval Prior to Exterior Construction Work - any exterior construction work without prior ACB approval. This includes house construction, painting, fencing, pool installation, boat house, bulkhead, pier, storage buildings, shops, other accessory buildings, driveways, carports, roofing, etc. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$1,000 + \$100/day violation not corrected CAP \$2400.</p>
<p>Departure from ACB Approved Large and Small Improvement Project Applications - any departure from ACB approved plans without an approved variation such as, changing foundation slab type, changing exterior facing from masonry to siding or vice versa, changing paint color, roof material, etc. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$1,000 + \$100/day violation not corrected CAP \$2400.</p>
<p>Non-maintenance of Dwelling or Other Structures - exterior maintenance of primary dwelling and/or other structures, such as, but not limited to: garages, storage sheds, workshops, painting, roofing, siding, doors, lighting, doors, fencing. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$250 + \$100/day violation not corrected CAP \$1650</p>
<p>Maintenance of Landscape - not maintaining general landscape such as lawn mowing, shrub trimming, clearing rubbish, trash removal, building/construction materials, etc. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$100 + \$50/day violation not corrected CAP \$800</p>

<p>Abandoned Vehicles – no vehicles with expired registration, no vehicles on blocks, no vehicles with missing tires, vehicles not parked on driveway or under carport or in garage (e.g. on parked vacant lot, grass/dirt). If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$100 + \$50/day violation not corrected CAP \$800</p>
<p>Trailers, Boats, Jet skis, RV's – Any trailer, boat, jet ski, RV not stored in accordance with respective deed restriction. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$100 + \$50/day violation not corrected CAP \$800</p>
<p>An act constituting a threat to health or safety. If not corrected within a reasonable period, a fine shall be assessed.</p>	<p>\$250 + \$100/day violation not corrected CAP \$1650</p>
<p>A noise violation that is currently ongoing. If not immediately corrected, a fine shall be assessed.</p>	<p>\$250 CAP \$250</p>
<p>Additional Improvement Sign, or Large Improvement sign not displayed. Sign must be displayed before Work starts and removed once work completed and must be visible from the street.</p>	<p>\$50 + \$25 per day if not displayed CAP \$400</p>
<p>Note: All fine caps are not limited and by Boards discission may go above cap based on a case-by-case decision, fines will continue to run until the Board decides.</p>	

Uncurable Violations – includes, but not limited to:

Clearing of a lot prior to obtaining ACB approval.	\$2,500 + \$100/tree cut down/removed NO CAP
Cutting/removing any single tree or trees (less than complete lot clearing) without prior ACB approval.	\$500 + \$100/tree cut down/removed NO CAP
An act constituting a threat to health or safety.	\$250 + \$100/day violation not corrected CAP \$1650
A noise violation that is not ongoing.	\$500 NO CAP
Property damage (to WIA common property).	\$250 + cost of damages NO CAP
Holding a garage sale or other event prohibited by a dedicatory instrument.	\$250 CAP AS STATED
Ordinary household pets/ that does damage to non-owners' property/ attacking vehicles /cycles/persons/other pets that are not confined/running loose/not controlled by owner/not on a leash/chasing vehicles/persons/or other animals/animals allowed to defecate on neighbors or WIA property / keeping of another pet not considered an ordinary household pet.	\$250 + \$100 /day violation not corrected CAP \$1650.
Note: All fine caps are not limited and by Boards discission may go above cap based on a case-by-case decision, fines will continue to run until the Board decides.	

Waterwood Improvement Association, Inc.
Certification of Adoption Of
Amended WIA Fine Enforcement Policy

(Pursuant to Section 209.0061, Texas Property Code)

The undersigned Officers of Waterwood Improvement Association Inc. (WIA), hereby certify the approval and adoption of the attached "Amended Waterwood Improvement Association Inc. Fine Enforcement Policy" (the "Fine Policies") by a majority vote of the Members of the Waterwood Improvement Association, Inc. Board of Directors during the May 20, 2024, monthly Board meeting at which a quorum of Board Members was present and voting in favor of the Fine Policies.

Please be advised in accordance with section 209.0061, of the Texas Property Code:

1. The general categories of restrictive covenants for which the Association, through its board of directors, may assess fines is set forth below;
2. A schedule of fines for each category of violation is also set forth below; and
3. Information regarding hearings described by sections 209.006 and 209.007 of the Texas Property Code is set forth below.

The Board of Directors of the Association reserves the right and authority to levy a fine from the schedule of fines below that varies on a case-by-case basis but is in accordance with the terms and conditions of this Amended WIA Fine Enforcement Policy.

The undersigned Officers of the Association hereby further certify and confirm adoption of the Fine Policies based on a total vote of six (6) Board Members in FAVOR of the Fine Policies and zero (0) votes OPPOSED to the Fine Policies.

The attached Amended WIA Fine Enforcement Policy was adopted by a unanimous vote of the Board Members in attendance, shall supersede all previous Fine Policies and shall be effective and enforceable as to all Owners and Lots in the Waterwood Subdivision upon recording with the San Jacinto County Clerk.

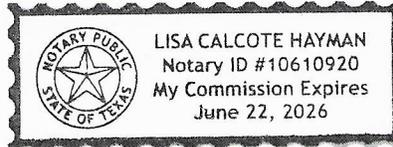
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WATERWOOD IMPROVEMENT
ASSOCIATION, INC.

By: Larry Maas
Larry Maas - WIA President

By: Melanie K. Cook
Melanie Cook - WIA Secretary



Lisa Calcote Hayman

Filed for Record in:
San Jacinto County

On: Jan 02, 2025 at 11:11A

As a
Recording

Document Number: 20250001

Amount 52.00

Receipt Number - 70356

By:
Dawn Wrisht

STATE OF TEXAS
COUNTY OF SAN JACINTO
I, Dawn Wrisht, hereby certify that this
instrument was filed in number sequence on the date
and time hereon by me and was duly recorded in the
OFFICIAL PUBLIC RECORDS of San Jacinto County, Texas
as stated herein by me on

Jan 02, 2025

Dawn Wrisht, County Clerk
San Jacinto County, Texas