

Property Owners Association of Tierra Santa, Inc.

“Rules and Regulations”

Fine Schedule for some Common Violations

For all notifications below, with the exception of those noted “as immediate”, the non-compliant homeowner will be notified by letter with the specified violation along with notification of time to rectify and further action that will be taken if situation is not remedied. After the first letter of notification, in the absence of compliance, further fines and action will be initiated without further letter(s) of notification according to the schedule included in the original letter. Please note that most fines and required action have a grace period to allow the property owner to respond and bring the situation into compliance. In the case of repeat offenders, there will be no grace period.

I. Architectural Control -- Article IV, Section 2 Approval of Plans

Plans for any new construction or renovations to existing building, structure, fence, wall, landscaping, or other improvements must be submitted to the Tierra Santa Architectural Control Committee for approval prior to commencing any activity on the improvement. Plans should be submitted approximately 45 days prior to the anticipated start date for work. If work is commenced prior to homeowner’s receipt of written plan approval, a Letter will be delivered requiring immediate cessation of work. If work is not ceased, a \$350 fine will be levied and legal action taken to cease work until the construction/improvement plan is received and approved by the Tierra Santa Architectural Control Committee and Board of Directors.

Permission is not needed to do work to maintain the existing structure and grounds as they are e.g. repainting structure in same color scheme; replace the same architectural feature; etc.

II. General Restrictions

Article V, Section 2 and Article V, Section 4d and i Garage Sales and Commercial Advertising

Garage Sales or lawn sales are prohibited, as well as the public display of any item for sale. This includes commercial advertising on vehicles that are in public view. Vehicles with commercial signage should be garaged. This excludes Realty signs. The following action will be taken: those holding garage sales will be asked to immediately end the activity and assessed a \$200 fine; for other violations specified above, a letter will be sent to remedy the situation. If there is no action taken within 24 hours, a fine of \$200 will be levied.

Article V, Section 3 Structure of a Temporary Nature

No temporary or other structure shall be placed on any lot. Violators will receive a letter with request to remove the offending structure within 10 days. If not corrected, \$100 fine will be levied. If after these two actions, the situation has not been remedied, legal action will be taken.

Article V, Section 4 Activities Defined or Designated as a Nuisance

For all activities below, and others as arise, the Tierra Santa Board of Directors has full authority to define what constitutes a Nuisance.

- a) No offensive activity shall be carried out on any lot or upon the common properties, nor any activity which may become an annoyance, danger, or nuisance to the neighborhood or other owners. A letter will be sent to the homeowner informing them of the annoyance or nuisance with a request to cease and desist immediately with a \$100 fine. The second offense will carry a fine of \$150, and the third a \$200 fine. If the homeowner does not cease and desist or the behavior occurs more than three times in a year's period, legal action will be pursued.
- b) No trucks larger than $\frac{3}{4}$ ton, unlicensed vehicles, boats, trailers, campers, or motor homes may be parked on any street, alley, or on any lot, except in a closed garage or other structure which impedes the view of the vehicle. A letter to the homeowner will be sent providing 48 hours to correct. If not corrected within 48 hours, a \$200 fine will be assessed. If the situation is still not remedied, the offending vehicle will be towed by the Association at the owners' expense.
- c) Passenger cars, small trucks, and towable trailers (if associated with work being done at the location or short term visitor) may be parked on the street for a period not to exceed 12 hours in any 24-hour period. These types of vehicles must always be parked in the same direction as the flow of traffic. Residents must park their vehicles in their garage or driveway. In the case of a violation, a letter to the homeowner will be sent asking them to correct within 10 days. If not remediated, a fine of \$100 will be assessed. If no action is taken within a week after the fine is assessed, the vehicle(s) will be towed at the owners' expense.
- e) No repair work, dismantling, or assembling of motor vehicles or other machinery shall be done on any street, driveway, or common areas. A letter giving 10 days to rectify will be sent to the homeowner. If no action is taken to rectify in one week, a fine of \$100 will be assessed per week until the situation is remedied.
- f) Tierra Santa abides by City regulations and does not allow the use or discharge of firearms, air rifles, firecrackers, or other fireworks on any property within Tierra Santa is strictly prohibited. An immediate fine of \$100 will be assessed. If cessation does not occur immediately, legal action will be taken.
- g) No motor bikes, motorcycles, go-carts, or other vehicles are permitted if the board judges them, by reason of noise, fumes, or manner of use to be a nuisance. This includes using any motor vehicles at high speed, with excessive noise, and/or outside of reasonable hours of operation on any alleys or streets within the Tierra Santa community. A letter will be sent to the homeowner stating the next and/or any repeat action will be fined as follows: \$100 first offense; \$150 second offense; and \$200, third offense. Board can take immediate legal action if board determines any continuance of violation is a safety hazard to the violator and/or community. In all cases, however, if there are more than 3 occurrences within a year's period, legal action may be taken.

- h) Children's playgrounds, trampolines, etc. must be screened from public view. A letter will be sent to the homeowner providing 10 days to correct. If not corrected, a fine of \$100 will be assessed weekly until the violation is rectified.

Article V, Section 5 Signage

No signs of any kind shall be displayed in public view on any lot. This will exclude Realty signs. Open House signs are allowed only if they are placed the morning of the Open House and removed the evening of the same day. No fine. However, offending signs may be removed without written notice.

Article V, Section 8 Waste Maintenance and Removal and Brush Removal

- a) All lots shall be kept in a healthful, sanitary, and attractive condition at all times.
- b) No lot or any part of common properties shall be used as a dumping ground for garbage, trash, or other waste matter. Letter to homeowner with 5 days to correct. If not corrected, POA will have trash removed at homeowner's expense plus \$50 Fine.
- c) All trash, garbage, or waste material shall be kept in containers which shall be maintained in a clean condition and screened from public view, except on those days designated for trash pickup. Letter to homeowner with 10 days to correct. If not corrected, a fine of \$25 per week will be assessed until cans are put out of view on a regular basis.

Article V, Section 13 Lot Maintenance

Owners and Occupants of all Lots shall at all times be responsible to keep their property in a safe, healthy, and attractive manner. This shall include the exterior of the residential structure and all other structures such as walls, fences, gates, kids' playsets, etc. They are to remain in good repair and in a presentable manner at all times. This violation must be corrected within 10 days beginning from the date this notification is postmarked. No grace period following these 10 days will be allowed if the offense continues to be ignored. A fine in the amount of \$100.00 will be immediately assessed and invoiced to you. If the violation continues after you receive the invoice for \$100.00 and not paid within an additional 10 days following the postmark on the invoice the POA board of directors has the right to hire a company to repair or replace your gate so as not to be a distraction to your neighborhood. We also reserve the right to enter your property to have the repairs or replacement done.

- a) Owners of all Lots shall at all times keep all weeds and grass thereon cut in a sanitary and attractive manner. As stated in the Covenants, all grass shall be certified hybrid #419 Bermuda Grass. In the event a homeowner plants a different type of grass, the homeowner will be required to remove it and replace with the appropriate grass at their expense. If the homeowner fails to

maintain their lot in a sanitary and attractive manner, the POA will have the lot mowed/cleaned up and assess the homeowner for the cost of mowing/cleaning plus a \$50 penalty for each recurring infraction.

- b) No lots may be used for storage of materials and equipment, trash, or rubbish of any kind. A letter will be sent to the homeowner with a 10 day period to correct. If not corrected, a \$50 fine will be assessed in addition to the cost of removing the offending equipment and/or trash. Also, no grass clippings shall be left in the street.
- c) All exterior repair and/or remodeling work, once approved by the ACC, should be done in a timely manner and as proposed on the ACC request. In such instance of delay, the ACC should be notified. In addition, property owners whose property adjoins golf course, the property must keep household items and equipment stored properly and/or shielded from public view on the golf course.
- d) The remedy and fines section shall remain the same as the original document and will include the above items. Once the property owner receives a written violation, they have 10 days from the date of said notice to correct the violation. If the violation is not remedied within this time period, the Tierra Santa POA has the right to enter property, without violation of trespassing to remedy the situation. All costs for such action will be assigned to the Property Owner. If no action to remedy is taken or allowed, the Tierra Santa POA reserves the right to take Legal action and the costs will be charged to the Property Owner.

Article V, Section 14 Common Areas

- a) There shall be no obstruction of any part of the Common Properties. No plantings, improvements, or storage is permitted. A letter will be sent to the Homeowner with 10 days to correct. If not corrected, a \$50 fine will be assessed. If no action is taken after a letter and a fine, the cost incurred by the POA to remove the obstruction will be added to the fine.
- b) For safety and neighborhood cohesiveness purposes, there will be no exceptions or variances given to Property Owners seeking to appropriate, build upon, or used in any fashion, a portion of the 30 foot easement that runs between the neighborhoods of Tierra de Oro and Hacienda Estates and between Vida Dulce and Bella Vista. This easement will remain common area to secure protection of and ensure access to the main gas line serving the communities of Tierra Santa. In addition, this will serve to continue the easement function as a natural demarcation between individual neighborhoods of Tierra Santa as noted above.

Article V, Section 6 Animals

- a) In order to maintain a safe and pleasant neighborhood for all residents to walk, exercise, and enjoy and in order to meet basic City of Weslaco Animal Code (Sec. 22-28), all dogs are to remain safely secured while in or on its owner's property and are securely leashed when off the owner's property. Any dog enclosures (dog run; animal area) are to be placed and neatly maintained within a fenced/walled area of property. A resident that is found with a dog

running loose will be warned and apprised of these rules. A second offence will carry a fine of \$50. On a third offense, the City of Weslaco Animal Control will be called to enforce the City's leash law which may cause the dog to be impounded. In this instance, the owner will again be fined \$50 by the POA and be liable for all City fees and costs.

While it is expected that all property owners in Tierra Santa will maintain their property in a decent manner, if a structure such as a gate, fence, or wall is a component of maintaining a secure enclosure for a dog, then the owner is under a higher level of responsibility to maintain those structures. If a gate, wall, or fence has deteriorated and can no longer retain the animal on the property owner's yard, the owner will be warned and will have 10 days to repair/remediate the situation. If the owner fails to act, they will be fined \$100. If the owner is still not responsive, then they will be fined an additional \$100 and the POA Association will have the repair made at the property owner's expense and/or seek legal action.

Only Dogs, Cats, and common household pets, not to exceed 2 adult animals, may be kept by Tierra Santa Property Owners (original covenant Article V, Section 6). They may not be bred or kept for commercial purposes and all rules, including City Ordinances, will be enforced as noted in preceding paragraphs.