RP-2019-335509
08/01/2019 ER $28.00

MORGAN'S LANDING COMMUNITY ASSOCIATION, INC.
STANDBY ELECTRIC GENERATOR POLICY

STATE OF TEXAS §
§
COUNTY OF HARRIS §

WHEREAS, the property encumbered by this Standby Electric Generator Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Morgan's Landing, recorded in the Official Public Records of Harris County, Texas, under Clerk's File No. RP-2019-327798, as same has been or may be amended and supplemented from time to time ("Declaration"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Morgan's Landing Community Association, Inc. (the "Association"); and

WHEREAS, any reference made herein to approval by the Architectural Review Committee ("ARC"), means prior written approval by the ARC.

NOW THEREFORE, pursuant to the authority granted in Section 202.019 of the Texas Property Code, the Board of Directors (the "Board"), hereby adopts this Standby Electric Generator Policy ("Policy"), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

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I. DEFINITIONS

For purposes of this Policy, "Standby Electric Generator" shall mean a device that converts mechanical energy to electrical energy and is:

1. Powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
2. Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
3. Connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
4. Rated for a generating capacity of not less than seven kilowatts.

II. PARAMETERS FOR APPROVAL

The installation and operation of permanently installed Standby Electric Generators are permitted, subject to approval by the ARC, under the following parameters:

1. Standby Electric Generators must be installed and maintained in compliance with:
   (a) the manufacturer's specifications; and

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(b) applicable governmental health, safety, electrical, and building codes;

2. All electrical, plumbing, and fuel line connections for Standby Electric Generators shall be installed only by licensed contractors;

3. All electrical connections for Standby Electric Generators shall be installed in accordance with applicable governmental health, safety, electrical, and building codes;

4. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for Standby Electric Generators shall be installed in accordance with applicable governmental health, safety, electrical, and building codes;

5. All liquefied petroleum gas fuel line connections for Standby Electric Generators shall be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;

6. Nonintegral Standby Electric Generator fuel tanks shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;

7. All Standby Electric Generators and their electrical lines and fuel lines shall be maintained in good condition;

8. Any deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, shall be repaired, replaced, or removed, as appropriate;

9. A Standby Electric Generator shall be screened if it is:
   (a) visible from the street that the residence faces;
   (b) located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the Association; or
   (c) located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the Association;

10. Periodic testing of Standby Electric Generators should be in accordance with the manufacturer's recommendations, and shall occur no more than once a month, between the hours of 10:00 a.m. and 4:00 p.m.

11. The preferred location for Standby Electric Generators is:
   (a) at the side or back plane of the home;

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(b) outside of any easements located upon such lot; and
(c) outside of all side setback lines for such lot.

However, in the event that the foregoing preferred location either (i) increases the cost of installing the Standby Electric Generator by more than 10 percent, or (ii) increases the cost of installing and connecting the electrical and fuel lines for the standby electric generator by more than 20 percent, then the Standby Electric Generator shall be located on the lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) noted herein.

III. PROHIBITIONS

1. Standby Electric Generators shall not be used to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.

2. Owners are prohibited from locating Standby Electric Generators on property owned or maintained by the Association.

IV. ARC APPROVAL

Owners are required to obtain written approval from the ARC prior to the installation of a Standby Electric Generator. The submission of plans must include a completed application for ARC review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as noted in Article II), and a copy of the manufacturer's brochures. The Association may not withhold approval of a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth in Article II.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the subdivision.

This Standby Electric Generator Policy does not apply to property that is owned or maintained by the Association.

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CERTIFICATION

I hereby certify that, as Secretary of the Morgan's Landing Community Association, Inc., the foregoing Standby Electric Generator Policy was approved on the 30th day of July, 2019, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 30th day of July, 2019.

Print Name: Vanessa Rodriguez
Title: Secretary

STATE OF TEXAS §
§
COUNTY OF Harris §

BEFORE ME, on this day personally appeared Vanessa Rodriguez, the Secretary of the Morgan's Landing Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 30th day of July, 2019.

KATHRYN DAW
Notary Public, State of Texas
Comm. Expires 03-15-2021
Notary ID 2984140

Kathryn Daw
Notary Public – State of Texas

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After Recording Please Return To:
Stephanie L. Quade
Casson Wen
Roberts Markel Weinberg Butler Hailey PC
2277 Plaza Drive, Suite 290
Sugar Land, TX 77479

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e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

DIANE TRAUTMAN

COUNTY CLERK

Fees $28.00

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RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS