

RESOLUTION OF
PECAN GROVE PLANTATION PROPERTY OWNERS' ASSOCIATION, INC.

*Regarding Ratification of
Generator Installation and Use Policy
for the Purpose of Filing
in the County Real Property Records*

DATED:, _____, _____, 2021.

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, _____ of Pecan Grove Plantation property Owners' Association, Inc. (the "Association"), do hereby certify that at a regular meeting of the Board of Directors of the Association, which was held on the ____ day of _____, 2021, with a quorum present and remaining throughout, and being duly authorized to transact business, the following resolution for the ratification of the Generator Installation and Use Policy for the purposes of filing in this County's Real Property Records, was duly made and approved.

WHEREAS, the Association is a Texas non-profit corporation governed by the Texas Property Code;

WHEREAS, the Generator Installation and Use Policy, attached hereto as Exhibit "A", is hereby ratified for the purpose of filing in this County's Real Property Records;

IT IS, HEREBY, RESOLVED that the Board of Directors of the Association unanimously adopts this formal resolution for the purpose of filing the aforementioned document in this County's Real Property Records.

Dated: _____, _____,

STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the ____ day of _____, 2021, by _____ as _____ of Pecan Grove Plantation property Owners' Association, Inc., on behalf of said corporation.

Notary Public in and for the State of Texas

POLICY RESOLUTION OF
PECAN GROVE PLANTATION PROPERTY OWNERS' ASSOCIATION, INC.

DATED: _____, 2021

WHEREAS, Pecan Grove Plantation property Owners' Association, Inc. is a Texas Non-Profit Corporation governed by the Texas Property Code, and more specifically Chapter 202, *et seq.*; and

WHEREAS, Pecan Grove Plantation property Owners' Association, Inc. is given authority to promulgate a Policy to regulate operation and installation of standby electric generators under Texas Property Code § 202.019 *et seq.*;

Said Policy regarding the aforementioned items and improvements stating as follows:

POLICY REGARDING STANDBY ELECTRIC GENERATORS

Article I: Right of Installation and Use

- 1.1 Pursuant to Texas Property Code § 202.019 *et seq.*, effective as of September 1, 2015, Owners have been given the limited right to own, operate, install and maintain a permanently installed standby electric generator ("Generator"), which is defined as a device that converts mechanical energy to electrical energy and is:
 - a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
 - b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
 - c. connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
 - d. rated for a generating capacity of not less than seven kilowatts.
- 1.2 Prior to any such installation, an Owner must submit a detailed plan for the installation of such Generator. Such plan must contain:
 - a. Location of the Generator, including a graphic depiction (i.e. scale drawings) showing location, number, size, make and manufacturer of any such Generator;
 - b. An electrical diagram showing the proposed installation method of the Generator;
 - c. A fuel line diagram identifying the type of fuel used, and showing the proposed installation method for the Generator.

Article II: Installation and Operation Regulations

- 2.1 **General Regulations:** Any Generator owned, operated, installed or maintained within the Association must comply with all manufacturer's specifications, and all applicable governmental health, safety, electrical, and building codes.
- 2.2 **Professional Installation Required:** Any Owner seeking to operate, install or maintain a Generator within the Association must utilize licensed contractors to install any and all electrical, plumbing, and fuel line connections.
- 2.2.1 Any and all electrical connections to any Generator must be installed in accordance with all applicable governmental health, safety, electrical and building codes.
- 2.2.2 Any and all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections to any Generator must be installed in accordance with all applicable governmental health, safety, electrical, plumbing and applicable building codes.
- 2.2.3 Any and all liquefied petroleum gas fuel line connections to any Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, plumbing and applicable building codes.
- 2.3 **Maintenance:** For any and all Generators located within the Association, all such Generators and their respective electrical lines and fuel lines must be maintained in good condition at all times.
- 2.3.1 Any and all non-integral standby electric generator fuel tanks for any Generator must be installed and maintained in compliance with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
- 2.3.2 The Association requires that the Owner of any Generator immediately, replace, or remove any deteriorated or unsafe component of a standby electric generator, including electrical or fuel lines.
- 2.4 **Screening:** All Generators within the Association must be screened from view if:
- a. The Generator is visible from the street faced by the dwelling;
 - b. The Generator is 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 property owners' association; or
 - c. The Generator is 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 property owners' association.

- 2.5 **Testing:** The Owner of any Generator within the Association must perform periodic tests of the Generator in accordance with the recommendations of the National Fire Protection Association, pursuant to NFPA 110: Standard for Emergency and Standby Power Systems.
- 2.6 **Use Prohibition:** No Owner may utilize any Generator 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.
- 2.7 **Location:**
- 2.7.1 No owner may install a Generator on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements.
- 2.7.2 No owner may install a Generator on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.
- 2.7.3 No owner may install a Generator on any property burdened by any pre-existing easement.

These guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association.

THEREFORE, BE IT RESOLVED THAT, Pecan Grove Plantation property Owners' Association, Inc. adopts a uniform Policy to apply to all Owners within Pecan Grove Plantation property Owners' Association, Inc.;

BE IT FURTHER RESOLVED THAT, the Policy approved by this resolution touches and concerns all Lots within Pecan Grove Plantation property Owners' Association, Inc. and shall run with the land to all subsequent Owners of said Lots;

The Board of Directors of Pecan Grove Plantation property Owners' Association, Inc. hereby memorializes in its minutes its formal resolution providing a uniform policy for all lots within Pecan Grove Plantation property Owners' Association, Inc.

AFTER RECORDING, RETURN TO:

LAMBRIGHT ★ MCKEE
940 Corbindale Rd.
Houston, Texas 77024