

STATE OF TEXAS §

COUNTY OF HAYS §

**AMENDMENT OF RULES AND REGULATIONS  
OF  
ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.**

*(Related to Standby Electric Generators & Deed Restriction Enforcement)*

**Document reference.** Reference is hereby made to that certain Amended and Restated Declaration of Covenants and Restrictions, filed as Vol. 1512 Pg. 913 in the Official Public Records of Hays County, Texas (together with all amendments and supplements, the "**Declaration**").  
Reference is further made to the Resolutions of the Board of Directors, filed as Vol. 3685 Pg. 758 in the Official Public Records of Hays County, Texas (the "**Current Enforcement Rules**").

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of Elliott Ranch Homeowners Association, Inc. (the "**Association**");

WHEREAS the Association, acting through its board of directors (the "**Board**"), is authorized to adopt and amend rules and regulations related to administrative matters and has previously adopted the Current Enforcement Rules;

WHEREAS the Association's Architectural Control Committee (the "**ACC**") is authorized to adopt rules and regulations related to improvements and structures on lots within the community; and

WHEREAS the ACC has voted to adopt the Standby Electric Generator Rule and the Board has voted to adopt the Enforcement Policy, both attached as Exhibit "A";

THEREFORE the additional rules attached as Exhibit "A" have been, and by these presents are, ADOPTED and APPROVED, and the Current Enforcement Rules are REPLACED and SUPERCEDED by the Enforcement Policy contained in Exhibit "A".

Subject solely to the amendments contained in Exhibit "A", all of the rules of the Association remain in full force and effect.

**ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.**

Acting by and through its Board of Directors  
and its Architectural Control Committee

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: President

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: ACC Member

Exhibit "A": Standby Electric Generators Rule and Enforcement Policy

**Acknowledgements**

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was executed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ in the capacity stated above.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was executed and acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ in the capacity stated above.

\_\_\_\_\_  
Notary Public, State of Texas

## EXHIBIT "A"

### STANDBY ELECTRIC GENERATORS

1. General. Unless otherwise approved in writing by the Architectural Control Committee (the "ACC"), which approval may be denied, approved, or approved with conditions, an Owner may not install a standby electric generator except in compliance with this rule.
2. Scope of Rule. A standby electric generator is the only device that may be used to provide backup electric service to a residence. A "standby electric generator" means a device that converts mechanical energy to electric energy and is:
  - a. Powered by natural gas, liquefied petroleum gas, diesel 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;
  - d. Rated for a generating capacity of not less than seven (7) kilowatts; and
  - e. Permanently installed on a lot.
3. Conflict with Other Provisions. Per state law, this rule relating to standby electric generators controls over any contrary provision in the Association's governing documents.
4. Prior Approval Required. Prior to the installation of any standby electric generator or any part thereof, an owner must receive written approval of the ACC. Owners wishing to install standby electric generators must submit plans and specifications to the ACC. The following requirements apply to plans and specifications:
  - a. An owner must provide a reasonably accurate and scaled schematic of the lot showing the property boundaries of the lot and the location of the residence, other permanent structures, fencing, and any adjoining streets. The schematic must also contain a scaled drawing of the generator at the proposed location, and indicate the distance (in feet and inches) from the closest rear and side lot line.
  - b. All other applicable information typically required by the Association for architectural approval (e.g., color samples, samples of screening materials, etc.) and necessary to ensure compliance with this rule must also be provided.
5. Installation. The following installation requirements apply to standby electric generators:
  - a. Installation must be done in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes.
  - b. All electrical, plumbing, and fuel line connections must be installed by a licensed contractor.
  - c. All electrical connections must be installed in accordance with applicable governmental health, safety, electric, and building codes.
  - d. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes.
  - e. All liquefied petroleum gas fuel line connections 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, and building codes.
  - f. If a generator uses a fuel tank that is separate from the generator (i.e., the tank is not manufactured as an integral part of the generator system), the fuel tank must be installed in compliance with municipal zoning ordinances and governmental health, safety, electrical, and building codes.
6. Maintenance. The following maintenance requirements apply to standby electric generators:

- a. The generator and its electrical and fuel lines must be maintained in good condition at all times, including maintenance that is in compliance with the manufacturer's specifications and applicable governmental health, safety, electric, and building codes.
  - b. Any deteriorated or unsafe component of a standby electric generator, including electrical and fuel line, must be promptly repaired, replaced, or removed.
  - c. A generator may be tested for preventative maintenance only between 9:00AM and 6:00PM and not more frequently than suggested by the manufacturer.
7. Location. The following requirements apply to the location of a standby electric generator:
- a. Generators must be located in the rear yard area of the lot (behind the rear-most building line of the home). The generator may not be visible from a street, any common area, or the ground level of another lot unless it is screened in compliance with section 8.
  - b. The ACC may, in its sole discretion, grant a variance to allow the generator to be located in an area other than as described in subsection (a) if the ACC deems that a variance is appropriate as a result of topographical or other issues and a plan for adequate screening of the generator is submitted and approved.
  - c. The ACC will grant a variance allowing the generator to be installed in a location other than as required under subsection (a) if the owner can document in a format reasonably acceptable to the ACC that locating the generator in the rear yard will increase the installation cost by more than 10% or increase the cost of installing and connecting fuel lines by more than 20%. Even if such a variance is granted, the screening requirements outlined in section 8 must be met.
  - d. Generators are expressly prohibited from being located on Association common areas or any other areas maintained by the Association.
  - e. No portion of the generator may be installed within any applicable setback.
8. Screening. Owners must completely screen a standby electric generator from view if the generator is:
- a. Visible from the street faced by the dwelling;
  - 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 or maintained 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 or maintained by the Association.

Submitted plans must include as-installed dimensions and types of all landscaping to be used for screening and the color, materials, and dimensions of any proposed screening materials and/or structures.

9. Allowable Use. A standby electric generator may not be used to generate all or substantially all of the electrical power to a residence except when utility-generated electrical power is unavailable or intermittent due to causes other than nonpayment for utility service to the residence.

**After recording, please return to:**

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