

City by the Sea Property Owners Association

Enforcement of Fireworks Fine Policy

Approved by the Board of Directors
June 14, 2014

The City by the Sea Property Owners approved and adopted changes to the Property Owners Association's Deed Restrictions in August 2013. These ballots were received, tabulated, and verified on September 14, 2013. The Amended and Restated Deed Restrictions were recorded in the Real Property Records in Aransas County, Texas in County Clerk File Nos. 331440 on September 16, 2013.

The 2013 changes to the City by the Seas Property Owners Association Deed Restrictions include the following:

1. **Section 14, Nuisances.** Section 14 was amended to add the following to the original paragraph:

Any property owner allowing the discharge of fireworks on his or her property is subject to a fine of up to \$500 for each incident. Each day's discharge of fireworks constitutes a separate incident and is subject to an additional fine. Fines may be levied at the sole discretion of the CBTS POA Board of Directors after consideration of all the facts. The property owner is entitled to appeal said fine to the Board. If the fine remains unpaid 60 days after the board's final decision, the board shall have the right to file liens for all unpaid fines, plus interest and all administrative expenses.

The City by the Sea Property Owner Association's Board of Directors, (the POA) considered, approved and adopted the following Fireworks Fine Policy during its regularly scheduled meeting held on June 14, 2014.

1. **Violations.** An action is initiated under this policy when an owner or a member of the POA's Board of Directors notes a violation of the Deed Restrictions and reports such violation to the board.
 - a. The POA must advise the owner in writing delivered by email or regular mail of the alleged fireworks violation.
 - b. Owner has the right to a hearing before the POA Board of Directors or a committee established by the board. This hearing shall occur within thirty (30) days of the violation notice.

- c. If the hearing is held before a designated committee, owner has the right to appeal that decision to the entire Board of Directors by written notice to the board within 10 days of receiving the committee's decision. All requests for hearing must be in writing and may be mailed to City by the Sea Property Owner's Association at P.O. Box 13, Aransas Pass, Texas 78335-0013.
 - d. If owner is ultimately found guilty of the fireworks violation, the fine is due within thirty days (30) of the board's final decision.
 - e. Any owner's Fireworks Violation fine unpaid after thirty days (30) days will be considered delinquent and subject to the POA's Delinquent Account Policy.
2. **Non-Exclusive Remedies.** The imposition of monetary penalties, interest, and other charges and fees provided by this policy shall not be construed to be an exclusive remedy, and shall be in addition to all rights and remedies to which the POA may otherwise be entitled including, without limitation, the filing of an Affidavit of Non-Compliance in the Real Property Records of Aransas County, Texas, and/or the limitation of legal proceedings seeking injunctive relief and/or damages, attorneys fees, court costs and all other remedies, at law or in equity, to which the POA is entitled.

The Board of Directors of the City by the Sea Property Owners' Association duly adopted this policy on the 14th day of June 2014.

City by the Sea Property Owners Association

By: Stacy M Cordes
Stacy Cordes, President

**Effective July 1, 2014
Fireworks Fine Policy**

CERTIFICATION

"I the undersigned, being the Secretary of the City by the Sea Property Owner's Association, Inc. hereby certify that the foregoing Fireworks Fine Policy was adopted by at least a majority of the City by the Sea Property Owner's Association's Board of Directors."

Beth A Moore

Beth A Moore, Secretary
City by the Sea Property Owner's Association

THE STATE OF TEXAS

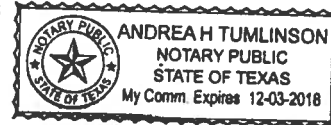
COUNTY OF ARANSAS

This instrument was acknowledged before me on the 23rd day of January 2015, by Beth A. Moore, Secretary of CBTS Property Owner's Association, Inc, on behalf of said.

Andrea H Tumlinson

Notary Public, State of Texas

My Commission Expires:



AFTER FILING, RETURN TO:

Beth Moore, Secretary
CBTS Property Owner's Association
P.O. Box 13
Aransas Pass, Texas 78335

3/29

**FILED FOR RECORD IN
OFFICIAL PUBLIC RECORDS**

AT 2:29 P.M.

JAN 23 2015

(Handwritten initials)



STATE OF TEXAS - COUNTY OF ARANSAS
I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of ARANSAS COUNTY, TEXAS, as stamped hereon by me.



Valerie K. Amason
VALERIE K. AMASON, COUNTY CLERK,
ARANSAS COUNTY, TEXAS