

SPORTSMAN'S PARADISE SUBDIVISION  
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RULES AND REGULATIONS OF THE PROPERTY OWNERS REV. 1

REVISED-EFFECTIVE DATE: JANUARY 20, 2022

The purpose of this information is to familiarize members and guests with the general rules and regulations that govern the use of the Sportsman's Paradise Property Owners' Association (POA) facilities and Subdivision. Authorized persons include members, authorized guests, contractors or those conducting business with professional services. Subdivision speed limit is 20 mph unless otherwise posted.

**FINES:** The POA has the ability to impose a monetary penalty for any single incident violation as defined in its Covenants, By-Laws and Rules and Regulations. The POA Board of Directors must vote on any violation that will impose a fine in an open meeting without giving names or addresses of those whom the fine will be imposed. Owners will be notified before any fine will be considered. See Restrictive Covenants (21).

THE FINING POLICY IS ADOPTED PURSUANT TO RESTRICTIVE COVENANT 21. THIS POLICY IS MEANT TO BENEFIT THE ASSOCIATION, AND FINES ARE MEANT TO DISCOURAGE VIOLATIONS AND ENCOURAGE COMPLIANCE WITH POA DOCUMENTS. IT IS NOT MEANT TO PUNISH RESIDENTS NOR GENERATE REVENUE FOR THE ASSOCIATION.

The fining procedure will be as follows:

1. Certified letter from the POA to abate the violation within 30 days (14 DAYS FOR NOT PROPERLY MAINTAINED YARD AND LANDSCAPE) or a fine will be assessed.

(the 30 day term for correction of the violation relates to curable violations and the owner has not been previously notified of the same violation)

2. Certified letter/invoice from the POA with a fine of \$50 per violation.

3. Certified letter/invoice sent monthly from the POA with a fine of \$50 per violation as long as violation(s) continue.

**ARCHITECTURAL REVIEW COMMITTEE:** Before building or bringing in any structure, you must submit to the Sportsman's Paradise Architectural Review Committee member or a Board of Directors member, a drawing and

description of the structure. You may not begin construction until you get written approval from the Board of Directors. See Restrictive Covenants (3).

**BURNING:** All burning of debris will be strictly enforced via the Henderson County Outdoor Burning Rules and Regulations, 343.001. Burning must be on your property. You must not leave a fire burning unattended and you must have water available. You are not allowed to burn household trash or other debris within the Subdivision.

**CHICKENS, RABBITS AND BEE HIVES:** Texas House Bill 1686 passed September 1, 2021 which allows residents of Property Owner's Associations to have up to 6 chickens or rabbits or a combination of 6, and bee hives. Members must submit a plan to the Board of Director's for approval, showing the size of the pen or coop and where it will be located on their property. Once approved, member shall keep these areas sanitary with no foul odors. Members shall also ensure the approved chickens/rabbits are secure on their property. Roosters are prohibited. SPPOA will strictly follow the Texas guidelines.

**COMMERCIAL BUSINESS:** Commercial businesses of any kind are not allowed within the Subdivision. See Restrictive Covenants (2).

**DUMPING:** Any person caught dumping will be prosecuted to the full extent of the law. Any member or tenant of a member caught dumping on someone else's property will be fined and held financially responsible for the cleanup of said property. See By-Laws 19.1

**PERSONAL PROPERTY:** Residences within the Subdivision should properly store personal property. No boxes or miscellaneous items shall be stacked haphazardly on a porch or in a carport within view of neighbors. Items kept in exterior structures must be maintained in structurally sound condition and in good repair. Inoperable motor vehicles of any kind must be removed within 30 days. See Restrictive Covenants (6) and (13).

**KEYS:** Only one key will be issued to each INVOICED owner. Annual dues and any violations and fines must be up to date before using the pier, boat ramp, playground, pool or rental of the community building. Additional keys may be requested and issued for good reason. Additional keys requested as well as replacement of lost keys will cost \$25. If you sell your property, please give the new owner your key. The new owner will need to pay \$25 if you do not give them a key. If a member is giving access to another resident that has

outstanding dues or violations or guests outside the subdivision, that member shall lose their privileges for up to 60 days.

**NOISE ORDINANCE:** The causing of any unreasonably loud and disturbing noises of such volume or duration, as to be detrimental to the life or health of any individual, or to disturb the public peace and welfare is prohibited, including but not limited to, sustained engine noises, barking and/or howling dogs, or playing of any radio, stereo, music reproduction system or musical instruments in such a manner or of such volume, particularly between the hours of 10:00 p.m. and 6:00 a.m., as to disturb the peace and quiet of residents. See Restrictive Covenants (4).

**INOPERABLE VEHICLES:** Residents shall have no inoperable vehicles or equipment located on their property for more than 30 days unless items are stored in a garage, storage facility or carport. This also includes motorcycles, ATV's, golf carts, lawn mowers, tractors, boats or trailers. See Restrictive Covenants (6).

**PETS:** Pets shall be under owner control at all times so as not to be a nuisance or hazard to others in accordance with Henderson County Texas Animal Control Ordinance. No animals shall be kept in the Subdivision except that up to two (2) normal pets such as dogs or cats may be kept at each residence. Litters of dogs or cats may be kept for up to two months following their birth. No large dog or cat kennel or breeding shall be permitted. All pets must be contained on their owner's property, inside a fence, on a chain, with an invisible electronic barrier on owner's property or in a kennel. Pets must be on a leash when walking within the Subdivision. See Restrictive Covenants (12).

**TREE LIMBS AND DEAD TREES:** Any tree limbs or dead trees deemed as a safety hazard on an adjacent members property will be taken care of within 30 days after notification. The POA Board of Directors requests that, if possible, neighbors try to remedy this situation among themselves. See Restrictive Covenants (6).

**YARD MAINTENANCE:** Members are expected to keep their lots mowed. Members will have 14 days after notification by certified letter to cure this violation or a fine of \$50 will be assessed. After a member has been notified once of a violation of not keeping their yard mowed, any continued violation will be considered incurable and member will be fined accordingly.

**PLEASE READ BELOW THE FOLLOWING TEXAS CODE ON FINING.**

2011 TEXAS CODE: An association's remedies against non-compliant members are the penalty mechanisms provided in the declaration or covenants and by statute and/or legal proceedings instituted against the non-compliant owner. If authorized by the governing documents, an association may levy fines for violations of a community's declaration or covenant, bylaws, or rules.

Tex. Prop. Code § 209.006. Before the fine is imposed, the association must provide notice of the violation and the opportunity to cure, if the violation is curable. The member has a right to request a hearing before the board or a committee it appoints.

2015 REVISIONS TO THE TEXAS CODE:

Section 209.006, Property Code, is amended to read as follows: Sec. 209.006.

A NOTICE REQUIRED BEFORE ENFORCEMENT ACTION.

- (a) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, or levy a fine for a violation of the restrictions or bylaws or rules of the association, or its agent must give written notice to the owner by certified mail [return receipt requested].
- (b) The notice must: (1) Describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;
- (2) Except as provided by Subsection (d), inform the owner that the owner: (A) Is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety [unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months]; (B) May request a hearing under Section 209.007 on or before the 30th day after the date [the owner receives] (the notice was) mailed to the owner; and (C) May have special rights or relief related to the enforcement action under federal law, including the Service members Civil Relief Act (50 U.S.C.App. [app.] Section 501 et seq.), if the owner is serving on active military duty; (3) Specify the date by which the owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and (4) Be sent by verified mail to the owner at the owner's last known address as shown on the association records. (c) The date specified in the notice under

Subsection (b)(3) must provide a reasonable period to cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety. (d) Subsections (a) and (b) do not apply to a violation for which the owner has been previously given notice under this section and the opportunity to exercise any rights available under this section in the preceding six months. (e) If the owner cures the violation before the expiration of the period for cure described by Subsection (c), a fine may not be assessed for the violation. (f) For purposes of this section, a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident. (g) For purposes of this section, a violation is considered un-curable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. For purposes of this subsection, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy. (h) The following are examples of acts considered uncurable for purposes of this section: (1) Shooting fireworks; (2) An act constituting a threat to health or safety; (3) A noise violation that is not ongoing; (4) Property damage, including the removal or alteration of landscape; and (5) Holding a garage sale or other event prohibited by a dedicatory instrument. (i) The following are examples of acts considered curable for purposes of this section: (1) A parking violation; (2) A maintenance violation; (3) The failure to construct improvements or modifications in accordance with approved plans and specifications; and (4) An ongoing noise violation such as a barking dog.

**HENDERSON COUNTY, TEXAS, PROPERTY CODE ORDINANCE:**

It is the joint responsibility of the owner, any tenant, and any occupant in physical control of the property to insure that the property is maintained in compliance with the Property Code Ordinances of Henderson County, Texas. The owner or occupant shall maintain all exterior residential property and premises in a clean, safe and sanitary condition. In this regard, all exterior property/residence in Sportsman's Paradise Subdivision shall be maintained in compliance with the county ordinances. For additional information, please refer to the Henderson County ordinance website at [www.henderson-county.com/about-henderson/county-ordinances](http://www.henderson-county.com/about-henderson/county-ordinances).

Henderson County Contact Information:

Sheriff's office----nonemergency 903-675-9275

Animal Control 903-677-6311 Monday-Friday 8:00-5:00

Fire Marshall/Public Nuisance/Trash-Junk-Old appliances/Yard overgrown 903-675-6157

Septic/wastewater 903-675-5655

County Commissioner office 903-469-3430