
CANYON CREEK

Homeowners Association



Community Rules

WELCOME TO CANYON CREEK

Association living combines two major lifestyle values. First is the private ownership, use and control of real property. Each of our homes in Canyon Creek is owned by an individual who enjoys a degree of autonomy. At the same time, we are in a high density communal environment that depends on the cooperation and civility of its residents.

One of the hallmarks of association membership is that the owner relinquishes a degree of individual freedom to be part of a residential neighborhood in which decisions are made by the association of owners acting through its elected Board of Directors. At Canyon Creek, the home owners elect a Board of Directors which in turn, makes and enforces rules, policies and procedures for the use, operation and appearance of the property.

The residents of Canyon Creek includes owners and renters, both of whom are valued members of our community. Although our renter residents contract privately with the home owner, they are subject to the same rules, policies and procedures, with a few exceptions.

The goal of the Board is to preserve, protect and enhance the quality of life and property values in Canyon Creek. Although all of us may enthusiastically endorse that laudable goal, reasonable people will differ on how to achieve it. In every case, we attempt to set parameters based on logic and common sense.

We do not expect every rule and policy to be revered by every member of the Canyon Creek community. Some possibly will find the rules too numerous and too strict, while others will find them too few and too lax. Nevertheless, it is in all of our best interest to observe Canyon Creek's rules and procedures. The Board encourages owners to participate in the rule making process by becoming involved with the governance of Canyon Creek. Please attend meetings, serve on committees, make informed choices in electing directors, and volunteer to run for the Board of Directors.

Sincerely,

Board of Directors
Canyon Creek Homeowners Association

COMMUNITY RULES

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PREFACE

These community rules are the Canyon Creek Rules (the “Rules”) defined in Article 1.8 of the Declaration and referenced in Article 5, Section 4(b) of the “Amended and Restated Bylaws of Canyon Creek Homeowners Association” recorded in the real property record of Travis County, Texas.

This purpose of this document is to organize the key obligations and restrictions applicable to Members that arise from the Association’s governing documents and any subsequent rulemaking by the Board into a single, convenient reference. These Rules are in addition to the provisions of the Declaration and Bylaws. Words and phrases defined in the Declaration have the same meaning when used in these Rules. In the event of a conflict between the governing documents of the Association, the hierarchy of authority, highest to lowest, is as follows: Declaration, Bylaws, these Rules and the Design Guidelines (collectively, the “Canyon Creek Restrictions”). The Association’s board of directors is empowered to make, interpret, enforce, amend and repeal these Rules under Article 5, Section 4(A) of the Master Declaration and Article 5, Section 4(b) of the Bylaws.

By purchasing and owning property in Canyon Creek, with the corresponding required Membership in the Association, each Owner, as a matter of civil contract law, has agreed to comply with the provisions of the Canyon Creek Restrictions, and policies adopted by the Board, as well as any revisions from time to time. Each Owner, additionally, is responsible for compliance with the Canyon Creek Restrictions by the residents of his Lot, and his (or their) respective relatives, guests, tenants, agents, employed or contractors. If one of the Restrictions requires or prohibits conduct by an “owner” or “resident”, each of these terms are deemed to include the other, and applies to all persons for whom an owner or resident is responsible. The Owner is ultimately responsible for compliance by all persons using or related to his Lot. An owner should contact the Association directors if he has a question about these Rules.

The Association has the right to enforce the Restrictions against any person on the Property. The Restrictions are automatically a part of each lease (even if they are not attached), and each Owner is responsible for ensuring his tenants have a copy of the Rules and follow them.

Circumstances may warrant waiver or variance of a rule or other restriction from time to time. To obtain a waiver or variance, an owner must make written application to the Board. The Board’s approval of a waiver or variance must be in writing and may be conditioned. However, under the Association’s governing documents, any Member of the Association has the right to enforce the Restrictions against any other Member in a court of law through civil action at his own expense. Therefore, a waiver or variance by the Board only ensures that the Board will not seek to enforce a penalty for a violation of the Restrictions and is not an assurance that another Member will not seek to exercise his or her enforcement rights.

These rules represent standards of conduct and maintenance in a high density community. It is understood that individuals may have different interpretations of and tolerances for these Rules. On lifestyle related rules, such as the Community Etiquette rules below, the Association may refrain from acting on a perceived violation unless the Board determines the violation to be significant or a community-wide problem. The Association may not be compelled by one owner

to enforce a rule or restriction against another owner. Residents are expected to deal directly, respectfully and peaceably with each other about their differences.

In accordance with Texas laws and the Association's then current Fine Policy, an owner wishing to dispute an alleged breach of these Rules by the owner or any person for whom the owner is responsible may request in writing a hearing before the Board. At the hearing, the Board will consider the facts and circumstances surrounding the alleged violation. The owner may attend the hearing in person, or may be represented by another person or written communication. For simple inquiries seeking information about a violation or the standards used to issue a violation, it is not necessary to request a hearing.

1. OBLIGATIONS OF OWNERS AND RESIDENTS

- 1.1. Additional Rules. Each resident must comply with rules and signs posted from time to time on the property by the Association, such as those regarding use of recreational amenities. Posted rules are incorporated into these Rules by reference. Each resident must comply with notices communicated by the Association, from time to time, in the nature of seasonal or temporary rules, or notice of change affecting use of the Property. Such seasonal or temporary rules are incorporated in these Rules by reference¹.
- 1.2. Safety. Each resident is solely responsible for his own safety and for the safety, well-being and supervision of his guests and any person on the Property to whom the resident has a duty of care, control or custody.
- 1.2.1. *Persons who are not sufficiently proficient, knowledgeable, or able to adequately evaluate and respond to their surroundings so as to assure the safe and healthful use of the swimming pool or other Amenity Area may not remain without adequate supervision or assistance by another person.*
- 1.3. Damage. An owner is responsible for any loss or damage he causes to his Lot, other Lots, the personal property of other residents or their guests, or to the Common Properties.
- 1.4. Reimbursement for Damage. An owner must promptly reimburse the Association for the cost of damage to the Common Properties caused by the negligent or willful conduct of the owner or persons or animals for whom the owner is responsible.
- 1.5. Reimbursement for Enforcement. An owner must promptly reimburse the Association for any expense incurred by the Association to enforce the Canyon Creek Restrictions against the owner, his Lot, or persons for whom the owner is responsible².
- 1.6. Notice of Lease. Within 30 days of commencement, an Owner must provide written notice to the Association of the name, mailing address, phone number, and e-mail address of each person who will reside on his Lot pursuant to a lease agreement along with the commencement date and term of the lease.³

¹ Decl. §3.22, 8.6D

² Decl. §5.4E

³ Texas Property Code §209.016(e)

2. OCCUPANCY STANDARDS

Occupancy Defined. Occupancy of a Lot for purposes of these Rules, means occupancy in excess of 30 continuous days or 60 days in any 12-month period.

- 2.1. Tenement Prohibition. The maximum number of persons who may occupy a Lot is one more than the number of bedrooms in the Lot. A total of two (2) persons multiplied by the number of bedrooms in the dwelling may occupy a Lot if the occupants meet the qualifications for familial status protection under the Fair Housing Act.
- 2.2. Danger. No Lot may be occupied by a person who constitutes a direct threat to the health or safety of other persons, or whose occupancy would result in substantial physical damage to the property of others⁴.

⁴ Fair Housing Act Sec. 804(9) <https://www.justice.gov/crt/fair-housing-act-2>

3. GENERAL USE AND MAINTENANCE OF LOT

- 3.1. Residential Use. Each Lot must be used solely for residential use and may not be used for commercial or business purposes. This restriction does not prohibit a resident from using his Lot for personal, business, or professional pursuits, provided that: (a) the nonresidential use is incidental to the Lot's residential use; and (b) the use conforms to applicable laws and ordinances; and (c) there is no external evidence of the nonresidential use; and (d) the nonresidential use does not entail visits to the Lot by the public, employees, suppliers or clients⁵.
- 3.2. Minimum Lease Term. The minimum lease term is six (6) months. Overnight or short-term rentals such as those facilitated by platforms such as AirBnB, VRBO, HomeAway, etc. are not permitted. *Note: There is no minimum lease term for sale-leaseback occupancy by a seller pursuant to the sale of a Lot.*
- 3.3. Annoyance. A resident may not use the Lot in a way that in the judgement of the Board: (a) might reasonably be considered annoying to neighbors of ordinary sensibilities; (b) reduces the desirability of the Property as a residential community; (c) endangers the health or safety of other residents; or (d) violates any law or any provision of the Canyon Creek Restrictions⁶.
- 3.4. Maintenance. All owners, at their own expense, have the duty and responsibility to keep their Lot in good condition and repair and in a well-maintained, clean and attractive condition at all times⁷.
- 3.5. Unightly Articles. No article, including vehicles, deemed to be unsightly by the Architectural Review Committee is allowed to remain on any Lot so as to be visible from adjoining property or any thoroughfares.
- 3.6. Porch/Patio/Balcony. A resident must maintain his porch, patio or balcony in a clean manner. A porch/patio/balcony may not be used for storage purposes.
- 3.7. Glass. Each owner, at his expense, must promptly repair and replace any broken or cracked glass in his Lot's windows and doors regardless of the source of the damage. Replacement glass must conform to the relevant standards then in effect for the Property as specified in the Design Guidelines.
- 3.8. Hazardous Activities. No activities are permitted on the Property that might be unsafe or hazardous to any person or property. No firearms or fireworks shall be discharged on the Property and no open fires shall be permitted except within safe and well-designed interior fireplaces, in contained barbecue units while attended and in use for cooking purposes, or in an approved fire pit constructed in accordance with the Design Guidelines. A resident may not store or maintain anywhere on the Property

⁵ Decl. §4.1

⁶ Decl. §3.5, 3.12

⁷ Decl. §3.7

explosives or materials capable of spontaneous combustion.⁸ For the avoidance of doubt, propane tanks, gasoline or other fuels stored in approved containers in quantities typical of household use are permitted.

- 3.9. Report Malfunctions. As soon as practicable, a resident will report to the Board the discovery of any leak, break, or malfunction in any portion of the Property which the Association has a duty to maintain.

⁸ Decl. §3.12, New

4. LANDSCAPING & FENCES

- 4.1. Fences. Fences must be well-kept and in good repair. Each owner, at his expense, must promptly repair and replace any missing, broken or rotted fence pickets, posts and gates. Fencing must not lean or sag excessively. Gates must be kept closed except when entering or exiting. If a fence is stained, repairs must be similarly stained except when the entire fence section is replaced in accordance with the then current Design Guidelines.
- 4.2. Lawns. Lawns must be well-kept and tidy in appearance and mowed, edged and free of weeds, trash or other debris or unsightly articles. Bare soil is not permitted. Any area (e.g. heavy shade) where sod will not grow must be covered by mulch or an approved ground cover as specified in the Design Guidelines. Sod varieties specified in the Design Guidelines are the only permitted lawn turf.
- 4.3. Planters & Beds. Planters and beds must be well-kept and tidy, trimmed and free of weeds and leaves. Borders and edging must be kept neat and in good repair.
- 4.4. Hedges, Shrubs & Trees. Hedges, shrubs and trees must be well-kept and trimmed. Dead limbs and foliage must be removed promptly. Sidewalks must be kept clear of overgrowth and overhanging limbs so as not to obstruct the walkway. Plants and trees overhanging or encroaching on sidewalks must be trimmed clear to at least eight (8) feet above and six (6) inches laterally.
- 4.5. Irrigation. Sufficient water must be applied to the landscaping, in accordance with any mandatory watering schedule in effect, to maintain the plantings thereon. Landscape irrigation systems must be kept in good working order⁹.
- 4.6. Hardscape. All hardscape including driveways, sidewalks, curbs, planters, retaining walls, etc. must be kept in good repair and free of weeds, grasses or other plants within expansion joints, seams, etc. Driveways, sidewalks and curbs must be kept neat and tidy in appearance, edged and free of clippings and leaves.
- 4.7. Xeriscaping. Xeriscaping must be well-kept, neat and tidy in appearance, edged and free of weeds, leaves and other debris.

⁹ Decl. §3.7, 3.19, 3.20

5. GENERAL USE & MAINTENANCE OF COMMON PROPERTIES

- 5.1. Intended Use. Every area and facility in the Property may only be used for its intended and obvious use. Without the written approval of the Board, a person may not change, remodel, decorate, destroy, or improve the Common Properties, nor do anything to change the appearance of the Common Properties¹⁰.
- 5.2. Unauthorized Entry. Unauthorized entry or trespass into any Amenity Area or portion thereof, facility, room, or enclosure in violation of posted operating hours, closure notice or other access control measure is considered an incurable violation and subject to immediate penalty including temporary suspension of amenity privileges and/or fine under the Association's then current Fine Policy. Repeat violators or violations resulting in damage to the Common Property may result in permanent suspension of amenity privileges.
- 5.3. Grounds. Unless the Board designates otherwise, residents may not use or abuse the landscaped areas, lawns, beds, and plant materials on the common elements.
- 5.4. Greenbelt.
- 5.4.1. Motorized vehicles of any type are not permitted within any greenbelt area or on any greenbelt trail or other unimproved area of the Property unless approved in writing by the Board.
- 5.4.2. Residents shall not discard brush, compost, trash or any other item on any Greenbelt or Amenity Area.
- 5.4.3. Camping on any greenbelt or any amenity area is prohibited.
- 5.4.4. Smoking, or any type of open flame or other activity that could reasonably present a risk of wildfire is strictly prohibited.
- Owners with Greenbelt Lots may request a limited right to maintain the Greenbelt in accordance with the Association's FireWise protocols subject to prior review and approval of the intended maintenance by the Architectural Review Committee or the Board. Refer to the current Design Guidelines for more information.*
- 5.5. Abandoned Items. No item or object of any type may be stored, placed, or maintained anywhere on the Common Properties, except by the Board or with the Board's prior written consent. Items of personal property found on Common Properties are deemed abandoned and may be disposed of.¹¹

¹⁰ Decl. §4.3, 4.4, New

¹¹ Decl. §3.4, New

6. COMMUNITY ETIQUETTE

- 6.1. Courtesy. Each resident must endeavor to use his Lot and the Common Properties in a manner calculated to respect the rights and privileges of other residents of the Property.
- 6.2. Annoyance. Each resident must avoid doing or permitting anything to be done that will annoy, harass, embarrass, or inconvenience other residents or their guests, or the Association's employees and agents¹².
- 6.3. Noise and Odors. Each resident must exercise reasonable care to avoid making or permitting to be made loud, disturbing or objectionable noises or noxious odors that are likely to disturb other residents of ordinary sensibilities¹³.
- 6.4. Threatening Behavior. Residents may not display hostile or threatening behavior to other Canyon Creek residents, the Canyon Creek Board, committee members or volunteers, or Canyon Creek's management company or other contractors. Threatening behavior may include verbal threats or through the display of explosives, firearms (even if unloaded), knives, or any other weapon that could cause bodily harm to another person.

¹² Decl. §3.5, New

¹³ Decl. §3.5

7. ARCHITECTURAL CONTROL

- 7.1. Alterations, Improvements and Repairs. All alterations, improvements and repairs, including removal of improvements, which affect the external appearance of any Lot, must obtain approval in advance from the Architectural Review Committee. Approval is requested by completing an Architectural Review Committee Approval Application¹⁴ and submitting it to the community manager¹⁵.
- 7.2. Prohibited Acts. A person may not:
- 7.2.1. Post signs, notices or advertisements on the Common Properties.
 - 7.2.2. Place or hang an object in, on, from, or above any window, interior window sill, balcony, or patio that, in the sole opinion of the Board, detracts from the appearance of the Property.
 - 7.2.3. Hang, or otherwise display linens, clothing, towels, rugs, shoes, mops, bedding, or other similar items from windows, doors, balconies, porches, patios or passageways.
 - 7.2.4. Place decorations on the general common elements.
- 7.3. Signs and Flags. Display of signs and flags is prohibited except in the manner(s) described in the current Design Guidelines. Permitted signs and flags includes:
- 7.3.1. Signs in favor of a political candidate or ballot issue displayed not more than 90 days before or 10 days after the date of the election;
 - 7.3.2. Signs marketing a Lot for sale;
 - 7.3.3. Signs placed near a dwelling's entrance indicating the dwelling is protected by an alarm system;
 - 7.3.4. Signs of a "booster" or "spirit" nature placed near a dwelling's entrance that are related to a child's academic performance or participation in school related extracurricular activities for the duration of the school's academic year.
 - 7.3.5. Signs or displays of a temporary nature (e.g. "Congratulations", "It's a Boy!", "Class of 2020", etc.) for up to two (2) weeks.
 - 7.3.6. The flag of the United States, the State of Texas or any branch of the United States armed forces.

Note: In the event of a conflict between this rule and the Design Guidelines, the Design Guidelines prevail.

¹⁴ Available from <http://www.spectrumam.com> or <http://www.canyoncreek.net>

¹⁵ Decl. §3.6, 3.8, 3.11, 3.13

7.4. Holiday Displays. Subject to all Canyon Creek Restrictions, residents may display holiday lights and decorations no sooner than 30 days prior to or 14 days following the holiday. The Architectural Review Committee reserves the right to approve, disapprove or require modifications to holiday displays. The Association recognizes the following United States Federal holidays for the purposes of this rule:

7.4.1. New Years Day

7.4.2. Independence Day

7.4.3. Thanksgiving

7.4.4. Christmas

The Association recognizes the following additional periods when decorative displays are permitted:

7.4.5. Halloween beginning Oct. 1 and ending Nov. 15

Note: the Board will consider additional dates corresponding to the holiday traditions of other cultures upon written request.

8. VEHICLES AND PARKING

- 8.1. Repairs. Repairs, restoration, or maintenance (other than washing, cleaning or tire changing) of vehicles is prohibited on driveways and the public streets except for emergency repairs, and then only to the extent necessary to enable compliance with the Rules¹⁶.
- 8.2. Garages. A garage may not be enclosed or used for any purpose that prevents its use as a parking space.¹⁷ *Note: to deter theft and crimes of opportunity, it is strongly recommended that garage doors be kept closed at all times except when a vehicle enters or exits, a person is present in the garage, or there is any other activity in progress outside the residence which is facilitated by an open garage door.*
- 8.3. Driveways. Driveways may not be used for storage. This includes inoperable vehicles. No more than two vehicles may be parked overnight on a driveway for a period in excess of 72 hours.¹⁸ *Note: to deter theft and crimes of opportunity, it is strongly recommended that vehicles are locked at all times and valuables removed or hidden.*
- 8.4. Vehicles.
- 8.4.1. Vehicles (car, motorcycle, boat, camper, RV, trailer, etc.) may not be stored anywhere on a Lot except in the enclosed garage. All vehicles must have and display valid license plates and registration stickers. Vehicles must be operable.
- 8.4.2. Commercially marked vehicles may not be parked overnight on any roadway within Canyon Creek except in the enclosed garage of the resident responsible for the vehicle.
- 8.4.3. Travel trailers, campers, and recreational vehicles including boats, may not be parked on or near any Lot so as to be visible from adjoining property or public or private thoroughfares for more than forty-eight (48) hours and then, only to the extent necessary to prepare for use or to return to storage¹⁹.
- 8.4.4. Mobile homes may not be parked or placed on any Lot at any time.
- 8.5. Street Parking. No vehicle may be parked overnight (10pm - 6am) on any roadway within Canyon Creek²⁰. An owner or resident is responsible for the compliance of his guests with this rule.

¹⁶ Decl. §3.15

¹⁷ Decl. §3.15

¹⁸ Ibid

¹⁹ Decl. §3.16

²⁰ Decl. §3.15

8.6. Sidewalk Obstruction. Vehicles may not be parked in such a way as to obstruct any walkway within the Property including that of the Owner's Lot.

9. TRASH DISPOSAL

- 9.1. General Duty. Residents shall NOT discard litter anywhere on the Property except in receptacles provided specifically by the Association or the City of Austin for that purpose.
- 9.2. Hazards. Residents shall NOT store trash on the Lot in a manner that may permit the spread of fire, odors, or seepage, or encouragement of vermin. Before discarding coals, ashes, logs or other materials used in barbecue grills, fire pits or fireplaces, resident will ensure that the debris is thoroughly cold and not a fire hazard²¹.
- 9.3. Excess Trash. Residents must place trash entirely within the designated receptacle, and may NOT place trash outside, next to, or on top of the receptacle. If a receptacle is full, resident must locate another receptacle or hold his trash. Receptacles are to be closed at all times when not in use²².
- 9.4. Large Brush. Residents may begin stacking large brush in accordance with the City of Austin Large Brush Pickup requirements no earlier than two (2) weekends prior to the scheduled collection date. Brush must NOT obstruct the sidewalk nor extend into the street.
- 9.5. Bulky Items. Residents may begin placing bulky items in accordance with the City of Austin Bulky Item Collection requirements no earlier than one weekend prior to the scheduled collection date. Items must not block the sidewalk nor extend into the street. Rubbish or debris is prohibited on any area of the Property at all other times.
- 9.6. Trash & Recycling Carts. Trash and recycling carts may be placed at the curb no earlier than 8pm the day before the designated collection day. They must be returned to their storage area no later than 8pm on the day of collection. At all other times, carts must be screened from view or otherwise not visible from the street. Privacy screens for carts requires approval by the Architectural Review Committee²³.
- 9.7. Yard Waste. Yard waste in paper bags approved by City of Austin Solid Waste Service may be placed at the curb for collection at any time.
- 9.8. Prohibited Use. Residents are not permitted to discard household trash or recycling in bins or commercial dumpsters used by the Association.

²¹ Decl. §3.4, 3.12

²² Decl. §3.4, 3.15

²³ Decl. §3.4

10. PETS²⁴

- 10.1. Permitted Pets. No animals other than customary domestic household pets such as dogs, cats, caged birds, and aquarium fish, may be kept or maintained on the Property. No more than four (4) dogs or four (4) cats not to exceed a combined total of six (6) such animals over the age of eight (8) weeks is permitted. No animal or house pet may be kept, bred, or maintained for any commercial purpose. Residents are responsible and liable for any personal injury or property damage caused by their pets.
- 10.2. Disturbance. Pets must not disturb another resident's rest or peaceful enjoyment of his Lot or the Common Properties. Pets must not bark, howl, whine, screech or make other excessive noises (in the sole judgement of the Board) for extended or repeated periods of time. *Note: leaving pets unattended outside when no one is home is strongly discouraged.*
- 10.3. Leash. All dogs must be on a leash at all times unless they are on the Lot of their owner and under their owner's immediate control. *Note: this rule is waived on the canyonland greenbelt trails.*
- 10.4. Enclosures. All pets must be kept within enclosed areas which must be clean, sanitary and reasonably free of refuse, insects and waste at all times. Pets may not be kept on porches or balconies.
- 10.5. Poop Scoop. Each resident is responsible for the removal of his pet's waste from the Common Properties or another owner's Lot.
- 10.6. Removal. The Board may require permanent removal of any pet when the pet or its owner has repeatedly violated these Rules or the pet has become objectionable in the opinion of the Board. This action will be preceded by a notice to correct the problem within not less than 10 days.

²⁴ Decl. §3.18

11. REVISION HISTORY

DATE	AUTHOR	DESCRIPTION
6/23/2021	baf	Initial version