

# Cape Carancahua Property Owners' Association

2903 West Bayshore Drive  
Palacios, TX 77465-1469

## CONSTRUCTION PERMIT POLICY

Revised July 14, 2021

Any and all new construction, as well as exterior modifications to existing structures, fences, driveways, culverts, etc., must be permitted by the Architectural Control Committee. A culvert must be in place before any construction is begun. No permit will be issued to any property owner in violation of Cape Carancahua policies or deed restrictions.

Applicable fees and properly executed application forms must be received in the CCPOA office 72 hours before the Architectural Control Committee meeting at which it will be considered. Due to the wear and tear caused to the streets and roads of the Subdivision as a result of construction, permit fees are being charged under Sections 4.02 and 5.02 of the Restrictions, Conditions and Covenants of Cape Carancahua Subdivision in order to maintain the streets and roads of the subdivision. A permit fee will apply to any construction requiring vehicles or equipment that weighs in excess of 36 tons inside the Cape regardless of whether or not the construction permit requires a fee. If using vehicles or equipment that weigh less than 36 tons and the project is not listed below under Building Permit Fees, then a permit is not required. Approval by the Architectural Control Committee must still be obtained. A non-compliance fee may be charged if construction is begun, or material is delivered without a permit having been issued and placed conspicuously on the property.

### BUILDING PERMIT FEES

*New Home Construction	\$1,000	Carport	\$ 50
*New Manufactured Home	\$ 500	Concrete Slab	\$ 100
Replace Existing Mobile Home	\$1,000	Storage Building	\$ 50
Addition to existing home	\$ 250	Culvert	\$ 100
(footprint increase)		Driveway	\$ 100
Addition to existing home	\$ 100	Septic System	\$ 250
(no footprint increase)		Deck	\$ 50
Bulkhead Replacement/repair	\$ 50-500	In-ground Pool	\$ 500
Demolition of Structure	\$ 200	Fence	\$ 25
Pier Replacement/repair	\$ 50-500	Extension of Existing Permit	\$ 25
Garage, Shop, Metal Building	\$ 250	Roof Replacement	\$ 50
		Meter Pole	\$ 25

\*Permit fee includes septic system, attached garage, attached carport, culvert, and deck if plans for such items are included with original application and shown on attached plat drawing.

### PROCEDURE TO ACQUIRE A CONSTRUCTION PERMIT

No permit will be issued to any property owner in violation of Cape Carancahua policies or deed restrictions.

Any and all new construction, as well as exterior modifications to existing structures, fences, driveways, culverts, etc., must be permitted by the Architectural Control Committee.

A permit application for the desired construction must be submitted to the Cape Carancahua POA office 72 hours in advance of a meeting by the Architectural Control Committee. The permit application **must** include the property's 911 address, the property owner's name and mailing address, the lot(s) number. It must be accompanied by the required fee and a detailed drawing with dimensions showing the property

lines and easements, specifications, and details about proposed construction, and any and all fences, structures, driveways, culverts, septic systems, water meter, electric pole, etc.

This must be done prior to filing for a permit in the office. If sufficient information is not included, the application will not be considered by the Architectural Control Committee. This may cause delays in starting the construction. A culvert must be in place before any construction is begun.

If ANY construction is begun without a permit having been issued and placed conspicuously on the property, non-compliance fees may be assessed, if not cured after notice and the matter may be turned over to the Cape's attorney for legal remedy. The property owner will be charged attorney fees, court costs, and any other applicable fees for the violation.

A permit fee will apply to any construction requiring vehicles or equipment that weigh in excess of 36 tons inside the Cape. This fee will be determined on an individual basis based upon the equipment used and the wear and tear on the roads.

### **DRAINAGE DITCH USE POLICY**

Revised 2/12/17

In order to maintain the integrity of the Cape Carancahua's drainage system, vehicles and equipment (other than lawn mowers) may not be parked in or driven across drainage ditches. Non-compliance fees may be assessed to property owners who violate this policy. Such fees will be determined by the Board of Directors for each incident. Property owners are responsible for violations by their guests.

### **EMERGENCY CALL-OUT POLICY**

Revised 1/1/12

After-hours emergency calls to Cape personnel may result in the employee's call-out time being charged to the account of the property owner responsible for the need of service. While the CCPOA is most interested in helping our members in distress, CCPOA personnel are paid a premium for after-hours calls.

Emergency calls to address CCPOA equipment malfunction or problems will not incur charges.

### **SCHEDULE OF FEES AND CHARGES**

Revised March 8, 2020

Property owners' annual assessment fees are due by March 15<sup>th</sup> of each year. Permit fees are due at the time the application is submitted. All other fees and charges are due within 30 days of the date they are assessed. Accounts will be considered delinquent if not paid in full within that 30-day period. A late fee will be added to delinquent accounts each month. A one percent (1%) finance charge will be added to delinquent accounts each month. Gate access devices assigned to the holders of delinquent accounts may be deactivated. Delinquent accounts may be assigned to the Cape's attorney or collection agency.

#### **Schedule of Fees**

After-hours Employee Call-out	\$ 50
Annual Maintenance Fee	\$200 per lot
Building Permit construction	\$ 0 to \$1,000 depending on
Certified Document Fee	\$ 40
Community Center Rental cleaning deposit	\$250 plus \$500 refundable
Copy Service	\$ 0.10 per page

Extended RV Permit, 60-day	\$ 10
Facsimile Service	\$ 1 per page
Finance Charge on accounts 30 days past due	12% per annum
Gate Access, Reactivation of Denied Access	\$ 15
Gate Card, new or additional	\$ 25
Gate Card, replacement	\$ 15
Gate Electronic Transmitter	\$ 60 + tax
Gate Transmitter Replacement Battery	\$ 8 + tax
Late Fee on accounts 30 days past due	\$ 20 per month
Library Meeting Room Rental deposit	\$ 50 plus \$50 refundable cleaning
Lien Fee	Amount of Attorney's fee
Lot Clean-up (brush/weed clearing)	\$ 70 minimum
Map of Cape Carancahua, 24"x36"	\$ 8 + TAX
Mowing Charge, Vacant Lot	\$ 45+ tax
Mowing Charge, Vacant Lot, Annual, paid in advance	\$275 + tax
Mowing Charge, residential additional + tax	\$ 70 or actual costs, first lot; \$45
Non-Compliance Fee	\$ BOD determination per incident
Pavilion Rental deposit	\$ 100 plus 50 refundable cleaning
Pool Pass	\$ 75 per year
Property Transfer Fee	\$ 50 per transaction
Returned Check Fee	\$ 25
Unlicensed Vehicle Permit	\$ 10

### **OPEN FIRE POLICY**

Revised 1/1/12

Open fires are prohibited in Cape Carancahua with the exception of those contained in personal cooking equipment or inside closed or screened outdoor burning receptacles. A violation of this policy may incur non-compliance fees. Such fees will be determined by the Board of Directors for each incident. Property owners are responsible for violations by their guests.

### **GATE ACCESS POLICY – FRONT GATE**

Revised July 14, 2021

Property owners are responsible for the actions of any person admitted to Cape Carancahua through the use of the property owners' gate access device.

Under no circumstances should a property owner open the gate for anyone other than his/her guest or delivery. Property owners are responsible for admitting their guests and deliveries. In the event a property owner will not be available for an expected guest or delivery, he/she may notify the office with that information.

Property owners who do not have a residence in Cape Carancahua are allowed two (2) gate access devices with no annual fee. No additional gate access devices are allowed.

Property owners who have a residential dwelling in Cape Carancahua are allowed two (2) gate access devices with no annual fee and may obtain up to six (6) additional access devices for a total of eight (8). An annual fee will be charged for each device over two.

## **GATE POLICY – CONSTRUCTION GATE**

Revised 1/1/12

Property owners are responsible for providing this information to contractors, sub-contractors, and delivery drivers. Property owners are responsible for violations by contractors, sub-contractors, and delivery drivers. Violations will be subject to non-compliance fees.

No vehicle weighing in excess of 5 tons (10,000 pounds) will be admitted through the main entrance gate to Cape Carancahua. All such vehicles must use the east (construction) gate and use truck routes whenever possible or, if deviation from the truck route is necessary, such vehicles must use gravel roads whenever possible.

Access into and out of Cape Carancahua via the east gate is by use of a keypad with a number code that is changed periodically. The code will be available from the office. The gate closes automatically after a vehicle passes through.

## **GATE POLICY – NON-RESIDENT ENTRY**

Revised 1/1/12

Gate cards may be issued to non-resident contractors and persons doing business inside Cape Carancahua after approval by the Board of Directors. Applications for such cards must be signed by an authorized person and must be accompanied by the appropriate fee.

## **GATE POLICY – GATE DAMAGE**

Revised 1/1/12

Cape Carancahua Property Owners' Association, Inc., will reimburse a reasonable amount for damage done by gate malfunction with the following stipulations:

1. Damage must be reported to the office within one hour of the incident. Cape personnel will photographically record the damage or make a visual inspection.
2. If damage occurs while the office is closed, it must be reported the next working day.
3. A written description of the incident must be submitted to the office within 48 hours. This document must be signed and dated.
4. Two bids for repair must be submitted to the office within 14 days of the incident.

## **LIABILITY WAIVER POLICY**

Effective 1/1/18

All persons who volunteer services (currently or in future) to Cape Carancahua Property Owners' Association, Inc., are required to sign a "Volunteer's Accident Waiver and Release of Liability Form".

## **LOT GROUPING POLICY**

Effective 1/1/18

For purposes of property usage and compliance with the Deed Restrictions, Conditions, and Covenants, CCPOA considers that multiple adjoining lots may be grouped as one "property", so long as:

- all of the concerned lots to be grouped about each other and are only separated by interior utility/building easements or drainage easements, and
- all of the lots share exact common ownership.

Lots are not considered to be adjoining and may not be grouped as a single "property" if:

- they are not physically abutting or are separated by a road, public use property owned by CCPOA or CCWSC or a Cape boundary fence; or
- they do not share exact common ownership between all of the lots to be grouped.

Lots which are grouped into one "property" continue to be regarded as individual lots for all other purposes, including all fees, assessments, and voting. Grouping into a "property" does not constitute legal re-platting of the lots.

Individual lots within a grouped "property" continue to be subject to all rules and requirements of the CCPOA, except that the interior building easements may be ignored, with the consent of the Architectural Control Committee and CCPOA Board of Directors.

## **MOTORIZED VEHICLE POLICY**

(Amended July 10, 2019)

### **I. Approved Unlicensed Vehicles**

1. An unlicensed vehicle can be operated in Cape Carancahua only with a licensed driver in the vehicle. A motor vehicle is defined as any vehicle whose primary power source is a motor of any type (electric, gasoline, or diesel) and whose top speed exceeds 5 miles per hour and is meant to be operated as a means of transport and not as a toy.
2. All unlicensed motor vehicles, which include, but are not limited to golf carts, all-terrain vehicles, utility vehicles, etc., must have a Cape Carancahua identification decal displayed in a visible location on the front and rear of the vehicle.
3. All unlicensed motor vehicles operated during the period from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced because of insufficient light or atmospheric conditions must display lighted head lights and taillights.
4. A person may not operate an unlicensed motor vehicle within the Cape Carancahua Subdivision in a careless or reckless manner that endangers, injures or damages any person or property.
5. A Person may not carry a passenger on an unlicensed motor vehicle operated in the Cape Carancahua Subdivision unless the unlicensed motor vehicle is designed by the manufacturer to transport a passenger.

### **II. Unapproved Unlicensed Vehicle**

1. Go-carts, dirt bikes, and mini-bikes are not allowed on Cape Carancahua roadways or public spaces except for officially sponsored parade events.

### **III. Licensed Vehicles**

1. All automobiles and pickups driven on Cape Carancahua roadways must be properly registered, licensed, insured, and operated by a licensed driver.

### **IV. Speed Limits**

1. Posted speed limits must be obeyed by all persons driving on Cape roads.
2. Speed limit on paved roads is 25 miles per hour unless otherwise posted.
3. Speed limit on gravel roads is 15 miles per hour.

## **MOWING POLICY**

Revised 1/1/12

In accordance with CCPOA Restrictions, Conditions, and Covenants, all grass and weeds will be cut to maintain a sanitary, healthful, and attractive environment. This maintenance will be carried out by CCPOA employees or agents as necessary. Property owners will be billed for this service. Property owners who maintain their property will not be billed. Property owners will be offered the opportunity to pay for 12 month's mowing and maintenance service in advance at a discounted rate.

Sections 1 and 5 will be mowed and maintained during the first full week of each month as necessary.  
Section 2 will be mowed and maintained during the second full week of each month as necessary.  
Section 3 will be mowed and maintained during the third full week of each month as necessary.  
Section 4 will be mowed and maintained during the fourth full week of each month as necessary.

### **Mowing Policy, Right-of-Way**

Effective 2/11/18

Property owners are required to mow and otherwise maintain their lot(s) to community wide standards developed by CCPOA. 'Lot', for maintenance purposes, is defined as land within the property lines and all areas public right-of- way adjacent to and extending beyond the property lines of said lot(s):

1. to the edge of the pavement or gravel surface of adjacent roads, streets, or parking area, and
2. to the center of adjacent drainage rights-of-way.

Property owners who are unable to maintain the rights-of-way due to steepness of the area or to physical inability may apply to the CCPOA for assistance. Failure to properly maintain a lot or lots will result in non-compliance fees being assessed against the owners of said lot(s).

### **NON-COMPLIANCE FEE POLICY**

Effective 1/1/12

Confirmed and documented incidents of any violation of Cape Carancahua rules, policies, bylaws, or Restrictions, Conditions, and Covenants may result in non-compliance fees being charged to the offending property owners' account.

### **PET POLICY**

Effective 11/1/09

1. Property owners must maintain control of their animals at all times.
2. Pets not confined to their owners' property must be on a leash.
3. No animals are permitted inside swimming pool fences.
4. Property owners are responsible for damage caused by their pets.
5. Property owners are responsible for disturbances caused by their pets.
6. Property owners are responsible for pets belonging to their guests.

### **POOL POLICY – Private Residential Pools**

Revised 1/1/12

Above-ground private swimming pools and spas are limited to 500 gallon capacity.

### **POOL POLICY – CCPOA Swimming Pools**

Revised May 19, 2019

Property owners may purchase one or two access devices to Cape Carancahua swimming pools for an annual fee. Property owners are responsible for the actions of their guests. Pool access may be denied by the CCPOA Board of Directors and non-compliance fees may be assessed for violation of pool rules.

### **Cape Carancahua Pool Rules**

**NO LIFEGUARD ON DUTY - NO DIVING - CCPOA IS NOT LIABLE FOR ACCIDENTS**

1. No more than 6 persons admitted per card

2. Children under 12 must be accompanied by an adult
3. All non-swimmers must wear flotation devices
4. No glass containers. No food
5. No pets inside pool enclosure
6. No running; no diving or jumping from pool furniture
7. No public drunkenness, lewdness, profanity, or abusive language
8. Swimming attire must be designed as swimwear; no casual outerwear, unhemmed cut-offs, diapers, etc.
9. Disabling the locking mechanism on a pool gate will result in non-compliance fees being assessed and/or suspension of pool privileges.

Members are responsible for their guests and will be charged for damage and/or pool cleaning resulting from violations. Violation of Pool Rules can result in immediate removal from the pool, loss of future pool privileges, and non-compliance fees.

### **POSTAL SERVICE RECEPTACLE POLICY**

September 21, 2012

Cape Carancahua property owners can receive U. S. Mail by applying to the U. S. Postal Service Postmaster at Palacios, Texas. The Post Master will assign a locked postal service box at the mail kiosk provided by Cape Carancahua Property Owners' Association, Inc. Residential postal delivery receptacles are not allowed in Cape Carancahua.

### **RENTAL POLICY**

Revised 1/1/12

1. No dwelling in Cape Carancahua may be rented or leased to more than one family.
2. No dwelling may be rented or leased for a period of less than four (4) consecutive months.
3. All tenants must register with the CCPOA office within ten days of the effective date of the lease or rental agreement. It is the property owner's responsibility to ensure that tenants register.
5. All tenants must agree to abide by CCPOA Bylaws; Policies; and Restrictions, Conditions & Covenants.
6. Property owners are responsible for the actions of their renters and lessees. Property owners are responsible for informing tenants about CCPOA restrictions and policies. Any non-compliance fee incurred for violations will be charged to the property owner's account.

### **RECREATIONAL VEHICLE POLICY**

Revised 7/14/2021

1. Property owners who have a residence in Cape Carancahua may store their personally owned recreational vehicles on their property adjacent to the residence.
2. A recreational vehicle stored on residential property may not be occupied.
3. A recreational vehicle may not be stored or occupied on property during residential construction.
4. A recreational vehicle may not be occupied during demolition of a residence that is considered unlivable.
5. A recreational vehicle may be installed on non-residential property for a period of no more than fourteen (14) consecutive days out of any thirty-day period unless an extended permit has been obtained by the property owner. One 60-day extended permit per year is permissible if all requirements are met.
6. No recreational vehicle may be moved onto any property that does not have a culvert for vehicular access and a hardscape pad for parking.
7. A recreational vehicle installed on a non-residential property must be removed from Cape Carancahua after the permitted time period for at least sixteen (16) consecutive days before it can be brought back inside. No other recreational vehicle may be placed on the property during that 16-day period.

8. All disposal, pumping or transporting of recreational vehicle sewage inside the cape must be done by a TCEQ (Texas Commission on Environmental Quality) registered transporter.

### **SPECIAL ASSESSMENT POLICY**

Effective May 6, 2012

In addition to regular assessments, the following items will be subject to special assessments in appropriate amounts determined by the Board of Directors:

#### **Damage to Association property or equipment**

**Facility Use** - including, but not limited to office space, Community Center, Meeting Room (Library), and Pavilion

**Mowing** -as required by Article 1.09 of the Restrictions, Conditions and Covenants of Cape Carancahua Subdivision

**Non-Compliance** - violation of bylaws, restrictions, conditions, covenants, policies, rules, guidelines, & regulations

**Office Services** - including, but not limited to, document and records reproduction, research time, certified document production, finance charge on past due account, late fee on past due account, facsimile transmission, filing fees, Notary Public services, property transfer, and returned check

**Permit, Building** - including, but not limited to the following: Addition to House, Bulkhead, Carport, Concrete Slab, Culvert, Deck, Driveway, Garage, Mobile Home, New Home, Pier, Pool, Septic System, Storage Building,

**Permit, Unlicensed Vehicle**

**Permit, Recreational Vehicle Extended Stay**

**Property Clean-up** - as required by Article 1.09 of the Restrictions, Conditions and Covenants of Cape Carancahua Subdivision)

**Subdivision Gate Access** - card or electronic transmitter

**Swimming Pool Access**

**Other Special Assessments promulgated and approved by the Cape Carancahua Property Owners' Association Board of Directors.**

### **STORM SHUTTER POLICY**

Effective 9/11/09

Storm shutters and protective window coverings may be installed for a period of no more than fourteen (14) consecutive days unless the material used is fitted to the opening and painted attractively to match or compliment the exterior of the dwelling to maintain the harmony and aesthetics of the Cape. Exceptions to this policy may be granted in the event of a natural disaster.

### **TRANSFER OF PROPERTY POLICY**

Effective July 9, 2004 by action of Cape Carancahua BOD  
Amended October 12, 2007 by action of Cape Carancahua BOD  
Amended December 1, 2011 by action of Cape Carancahua BOD  
Amended February 12, 2017 by action of Cape Carancahua BOD

The purchaser of any property in Sections 1, 2, 3, 4, or 5 and the Business Park in Cape Carancahua is responsible for paying a transfer fee of \$50.00 to the Cape Carancahua Property Owners Association. A "property" is defined as one or more lots recorded on a single deed.

The purchaser of any property in Sections 1, 2, 3, 4, or 5 and the Business Park in Cape Carancahua is responsible for providing a copy of the recorded deed to the Association office.



The seller of any property in Sections 1, 2, 3, 4, or 5 and the Business Park in Cape Carancahua will provide written notice to the purchaser that reads substantially similar to the following:

*"NOTICE OF MEMBERSHIP IN CAPE CARANCAHUA PROPERTY OWNERS' ASSOCIATION, INC. CONCERNING THE PROPERTY AT.... As a purchaser of property in Cape Carancahua Subdivision, Jackson County, Texas, you are obligated to be a member of the Cape Carancahua Property Owners' Association, Inc. Restrictive covenants governing the use and occupancy of the property and all dedicatory instruments governing the establishment, maintenance, or operation of Cape Carancahua Property Owners Association, Inc., have been recorded in the Real Property Records of Jackson County. Copies of the restrictive covenants and dedicatory instruments may be obtained from the County Clerk.*

*You are obligated to pay assessments to the Cape Carancahua Property Owners' Association. The amount of the assessments is subject to change. Your failure to pay the assessments could result in enforcement of the Associations' lien on and the foreclosure of your property."*