

11-14-24

BEXAR COUNTY HIGHLANDS RANCH HOMEOWNERS ASSOCIATION, INC.

POLICY ON VEHICLE USE OF STREETS

STATE OF TEXAS §
§
COUNTY OF BEXAR §

A. RECITALS

1. WHEREAS, the Board of Directors (“Board”) of Bexar County Highlands Ranch Association, Inc. (“HOA”) adopted a rule many years ago setting the speed limit for drivers on the streets of the HOA at a maximum of 30 miles per hour (which the Board can from time-to-time review and change at its discretion);
2. WHEREAS, continuous speeding by some HOA members and others (some going over 50 miles per hour) has been a safety issue of concern to the Board and to many of the HOA members for many years and the Board has implemented a number of measures over the years to encourage individuals not to exceed the speed limit, such as adding speed humps and digital speed signs, which have helped but not stopped the violations by some individuals;
3. WHEREAS, vehicles moving at excessive speeds is dangerous to individuals walking on the streets, to such things as mailboxes (a number of which have been destroyed--some more than once), to animals (some of which have been hit), and to other vehicles;
4. WHEREAS, some individuals have used vehicles on HOA streets whose use is generally limited on public streets and highways (such as golf carts, go carts, mini bikes, scooters, motorcycles, and all-terrain vehicles---hereinafter called “non-standard vehicles”) and such use on the HOA streets can be dangerous to the occupants of such vehicles, other vehicles and other individuals;
5. WHEREAS, the Board has the authority under Article IX, Section 3, “Entry Gates, Streets and Security,” in the Declaration of Covenants, Conditions and Restrictions of Highlands Ranch Units 4 Through 6 Planned Unit Development (“DCCR”) and under Item 6 in the Schedule of Fines for Violations of the DCCR to make rules governing access to the subdivision and the use of subdivision streets;
6. NOW, therefore, the Board adopts the following policies as an additional effort to make the use of the subdivision’s streets safer, which policies shall apply to each HOA owner/member and non-resident using Highlands Ranch roadways. Further, these policies in no way negate owner/member responsibility for damage by non-residents to Common Areas or Common Facilities as described under DCCR Article III, Section 27.

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B. POLICY

1. Speeding violators of this Policy driving any type of vehicle shall be subject to penalties for violations as per B.9 of this Policy. Owners/members shall not be held responsible for speeding violations committed by non-residents under this Policy.
2. Speeding violations shall be determined by the Board using properly calibrated third party camera equipment which can accurately identify vehicle speed, location, time of day, and license plate information. Other verifiable means may be adopted by the Board as needed.
3. Any non-standard vehicle operated on HOA streets must be operated only by an owner/member and must have a licensed driver as an occupant in that vehicle at all times, and:
 - a. These vehicles are subject to all rules applicable to other vehicles, including speeding (see other sections herein which will apply to speeding violations) and driving in a safe manner customary for the type of vehicle (the remainder of this section shall apply).
 - b. Violations must be reported in writing to the Board by any other owner/member, including the identification of the occupants of the vehicle, vehicle license (if one), type of vehicle, nature of the violation, and date and time of violation.
 - c. On the first occurrence of a reported violation, the Board will send the violator a notice per B.4, requesting that the owner/member not commit such violation again, each of which is considered an incurable violation in that it is not possible for the violator to cure the violation once it has occurred.
 - d. If subsequent violations are reported, the Board may assess the violator an appropriate fine for each such violation, unless a different decision is made by the Board based on a hearing, if one, per B.5. If no hearing is requested, any assessed fine will be charged to the owner/member's account with the HOA within 45 days after the violation. If a hearing is held, any assessed fine will be charged to the owner/member's account with the HOA within 30 days after the hearing.
4. The HOA's Enforcement Policy (i.e., relating to violations of provisions of the DCCR, Bylaws, and Board policies) requires that, if the responsible party is an owner/member, they shall be sent by certified mail a Notice of Enforcement Action (including an opportunity for a hearing before the Board) that sets forth the details of the violation. The Board has determined that any violation of this Policy is an incurable violation in that it is not possible for the violator to cure the violation once it has occurred.
5. Per DCCR Article IX and the Board's Enforcement Policy, if an owner/member requests a hearing before the Board, (a) the owner/member must, by written request, ask for a hearing within thirty (30) days after the date of the Notice sent to owner/member, (b) the hearing date shall be set not later than the 30th day after the Board receives the hearing request, and (c) the Board shall notify the owner/member no later than the 10th day before

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the hearing date of the date, time and place of the hearing and shall provide them with a package of information containing all documents, photographs and communications relating to the matter that the Board intends to introduce at such hearing. Within ten (10) days after the hearing has been conducted, the Board shall inform the owner/member of its final decision regarding the violation. Enforcement of penalties will begin on the first day of the month following the date of notification of the Board's final decision.

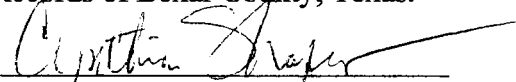
6. If the owner/member does not request a hearing before the Board within the time period set forth in the Enforcement Policy, then the speeding penalties specified herein shall be enforced on the first day of the month following the date of notification by certified mail.
7. For non-resident violators, the Board may, at its sole discretion (after considering B.8 below), grant such violators a hearing like that stated in B.5. If a hearing is not requested, penalties for speeding per B.9 shall be administered as per B.6.
8. Notwithstanding the foregoing, the Board shall have the authority to waive or adjust the penalty based on circumstances. For example, if the owner/member or non-resident speeding because they are engaged in a medical, police, or fire emergency, any otherwise appropriate penalty may be waived or adjusted at the Board's discretion.
9. The schedule of penalties for each traffic speeding violation on HOA streets shall be as follows:
 - a. First notice for speeds over 45 MPH (after three recorded/validated violations during rolling six-month period) – Warning notice only, no suspension of privileges. Notice includes warning that gate transponder privileges (Highlands Ranch residents) or vehicle access (non-residents) will be suspended with the next violation over 45 MPH within the rolling six-month period.
 - b. Second and subsequent notices within a rolling six-month period – all gate transponder privileges associated with that owner/member residence will be suspended for 30 days. Vehicle access for non-residents will be suspended for 30 days (vehicle information will be forwarded to security company to deny gate access) unless dismissed by the Board per the Enforcement policy (see B.5 above).
 - c. Speeds 55+ MPH – Immediate 30-day suspension (no warning notices) of all gate transponder privileges associated with that residence (Highlands Ranch residents) or vehicle access (non-residents). Violators can appeal the violation (see B.5 above).
 - d. All notifications for prior month violations will be sent to vehicle owners via certified mail on the first day of the following month.
 - e. If there is no appeal (see B.6 above), penalties will begin on the 1st day of the month following the date of notification by certified mail.
 - f. If there is an appeal (see B.5 above), penalties will begin on the 1st day of the month following the date of the Board's certified mail notification of their final decision to uphold or change the penalty for the violation. Violations will continue to be recorded and applied against cumulative total during appeal process.

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C. CERTIFICATION

I hereby certify that, as Secretary of the Board of Directors of Bexar County Highlands Ranch Homeowners Association, Inc., the foregoing Policy was adopted and the Policy on Use of Streets dated February 15, 2024 was voided by a majority vote of the Board of the HOA on the 14th day of November, 2024, at a meeting of said Board at which a quorum was present, to be effective upon this Policy being recorded in the Official Public Records of Bexar County, Texas.

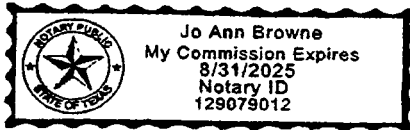

Cynthia Shafer, Secretary

STATE OF TEXAS §
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COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared Cynthia Shafer, Secretary of the Board of Directors of Bexar County Highlands Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 14 day of November, 2024.


Notary Public, State of Texas



AFTER RECORDING RETURN TO:
Bexar County Highlands Ranch Homeowners Association, Inc.
C/o Diamond Management Association & Consulting
14603 Huebner Rd., Bldg. 40
San Antonio, TX 78230

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 11/20/2024 8:40 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk