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P. Miller

**GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS,  
SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES,  
FLAGS AND RELIGIOUS ITEMS IN  
WESTLAKE VILLAGE OWNERS ASSOCIATION, INC.**

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The following uniform Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items in Westlake Village Owners Association, Inc. have been adopted by the Board of Directors of the property owners' association.

The Guidelines have also been adopted by the Board of Directors of Westlake Village Owners Association, Inc. The Guidelines are based upon new sections in Chapter 202 of the Texas Property Code.

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add sections relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items.
2. The sections relating to solar energy devices, storm and energy efficient shingles, flags and religious items have become effective on June 20, 2011 and the sections relating to rain barrels and rain harvesting systems became effective on September 1, 2011.
3. The Board of Directors of the neighborhood association identified in the certificate attached to these Guidelines desires to certify the adoption of these guidelines relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

**GUIDELINES:**

Capitalized items used in these Guidelines have the following meanings:

**ACC**- The Architectural Control Committee for the Association

**Association** – The neighborhood association identified in the certificate attached to these Guidelines.

**Declaration** – The Declaration of Covenants, Conditions and Restrictions applicable to each subdivision under the jurisdiction of the Association.

**Dedictory Instrument (or dedicatory instrument)** – Each document governing the establishment, maintenance or operation of the properties within Autumn Run, as more particularly defined in Section 202.001 of the Texas Property Code.

**Guidelines** – These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items in Autumn Run.

Section 1. Rain Barrels and Rain Harvesting Systems. Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing rain barrels or a rain harvesting system on the property owner's lot. However, Section 202.07 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a lot in particular circumstances or restricted from regulation rain barrels and rain harvesting devices in specified manners.

The following Guidelines shall be applicable to rain barrels and rain harvesting systems in the community:

- a. Location. A rain barrel or rain harvesting system is not permitted on a lot between the front of the residential dwelling on the lot and an adjacent street.
- b. Color and Display. A rain barrel or rain harvesting system is not permitted:
  1. Unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the residential dwelling on the owner's lot; or
  2. If the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured
- c. Regulations if Visible. If a rain barrel or rain harvesting system is located on the side of the residential dwelling on the lot or at any other location on the lot that is visible from a street, another lot, or a common area, the rain barrel or rain harvesting system must comply with the following regulations:
  1. Rain Barrel:
    - (a) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
    - (b) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall.
    - (c) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other earth tone color.
    - (d) Screening. The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another lot, and common area, unless otherwise approved in writing by the ACC.
  2. Rain harvesting System: A rain harvesting system must collect and store the water underground. The portion of a rain harvesting system that is above-ground must appear to be a landscape or water feature. The above-ground portion of the rain harvesting system shall not extend above the surface of the ground by more than thirty-six (36) inches. The above ground portion of the rain harvesting system must be screened with evergreen landscaping to minimize visibility from a street, another lot, and common area, unless otherwise approved in writing by the ACC.

Provided that, the regulations set forth in part c of this section shall be applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the lot and there is a reasonably sufficient area on the lot in which to install the rain barrel or rain harvesting system.

Section 2. Solar Energy Devices: Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device except as otherwise provided in that section. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The following Guidelines shall be applicable to solar energy devices in the community:

- a. ACC Approval. The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if these Guidelines are met or exceeded, unless the ACC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all owners of property adjoining the lot in question constitutes prima facie evidence that substantial interference does not exist.
- b. Location. A solar energy device is not permitted anywhere on a lot except on the roof of the residential dwelling or other permitted structure on the lot or in a fenced yard or patio within the lot.
- c. Devices Mounted on a Roof. A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a lot:
  1. Shall not extend higher than or beyond the roofline;
  2. Shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
  3. Shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
  4. Shall be located on the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- d. Visibility. A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.
- e. Warranties. A solar energy device shall not be installed on a lot in a manner that voids material warranties.
- f. Limitations. A solar energy device is not permitted on a lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

Section 3. Storm and Energy Efficient Shingles. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing shingles that:

1. are designed to:
  - (a) be wind and hail resistant;
  - (b) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
  - (c) provide solar generation capabilities; and
2. when installed:
  - (a) resemble the shingles used or otherwise authorized for use on property in the community;
  - (b) are more durable than and are of equal or superior quality to the shingles described in (A), above; and
  - (c) match the aesthetics of the property surrounding the owner's property.

Accordingly, when installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in the community. In addition, the storm or energy efficient shingles must match the aesthetics of the lots surrounding the lot in question.

Section 4. Flags. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided in that section.

The following Guidelines shall be applicable to three (3) types of flags listed in Section 202.011 of the Texas Property Code:

- a. Flag of the United States. The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.
- b. Flag of the State of Texas. The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.
- c. Flagpoles.
  1. Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a lot.
  2. A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
  3. A flagpole attached to the residential dwelling or garage shall not exceed six (6) feet in length.
  4. A flagpole, whether freestanding or attached to the residential dwelling or garage, must be constructed of aluminum, fiberglass or steel and be harmonious with the residential dwelling on the lot on which it is located. A freestanding flagpole must be concreted into the ground.
  5. A flagpole shall not be located in an easement or encroach into an easement.
  6. A freestanding flagpole shall not be located nearer to a property line of the lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Declaration. If the front elevation of the residential dwelling on a lot is behind, not adjacent to, the front building setback, the flagpole must be located in a landscape bed between the front of the residential dwelling and the front building setback.
  7. If a flagpole is otherwise permitted by the provisions of these Guidelines in front of the residential dwelling or garage, the flagpole must be located on the interior side of the driveway on a lot, meaning the side of the driveway that is farthest from the side property line adjacent to the driveway.
  8. A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
  9. An owner is prohibited from locating a flagpole on property owned or maintained by the Association.
  10. A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
  11. If the base for a freestanding flagpole extends above the surface of the ground, the ACC may require the installation of landscaping to screen the flagpole base from view.

- d. Flags.
  - 1. Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.
  - 2. The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the residential dwelling or garage shall be three (3) feet by five (5) feet.
  - 3. The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
  - 4. A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
- e. Illumination. Illumination of a flag is permitted but the lighting must be in ground and have a maximum of 150 watts. High intensity lighting such as mercury vapor, high pressure sodium, or metal halide is not permitted. The lighting is required to be compatible with exterior lighting within the community and appropriate for a residential neighborhood. Lighting used to illuminate a flag shall be positioned in a manner so that the lighting is not directed toward an adjacent lot or a street adjacent to the lot and does not otherwise unreasonably affect an adjacent lot.
- f. Noise. A external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to make noise against the flagpole.

Section 5. Religious Items. Section 202.018 of the Texas Property Code provides that a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items, the display of which is motivated by the owner's or resident's sincere religious belief. Section 202.001(4) of the Texas Property Code defines "restrictive covenant" to mean any covenant, condition, or restriction contained in a dedicatory instrument.

The following Guidelines shall be applicable to the display of religious items in the community:

- a. Location. Except as otherwise provided in this section, a religious item is not permitted anywhere on a lot except on the entry door or door frame of the residential dwelling. A religious item shall not extend past the outer edge of the door frame.
- b. Size. The religious item(s), individually or in combination with each other religious item displayed or affixed on the entry door or door frame, shall have a total size of greater than twenty-five (25) square inches.
- c. Content. A religious item shall not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.
- d. Limitation. A religious item shall not be displayed or affixed on an entry door or door frame it threatens the public health or safety or violates a law.
- e. Color of Entry Door and Door Frame. An owner or resident is not permitted to use a color for an entry door or door frame of the owner's or resident's residential dwelling or change the color of an entry door or door frame that is not authorized by the ACC.

In the event any provision in these Guidelines conflicts or is inconsistent with a provision in previously adopted Architectural Guidelines for the Subdivision, the provision in these Guidelines shall control.

**CERTIFICATE OF ADOPTION OF GUIDELINES  
RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS, SOLAR ENERGY DEVICES,  
STORM AND ENERGY EFFICIENT SHINGLES, FLAGS, AND RELIGIOUS ITEMS IN  
WESTLAKE VILLAGE OWNERS ASSOCIATION, INC.**

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

FILED FOR RECORD  
8:00 AM  
APR - 9 2012

Robert Hall

*Stan Stewart*  
County Clerk, Harris County, Texas

Westlake Village Board Director **Robert Hall**

Before me, the undersigned authority, on this day personally appeared ROBERT HALL {position} PRESIDENT of Westlake Village Owners Association, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated. *pub*

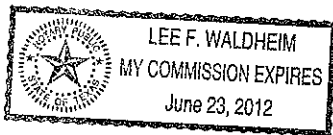
Given under my hand and seal of office this 28 day of November, 2011.

**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Lee F Waldheim

Notary Public, State of Texas

[Notarial Seal]



Lee F WALDHEIM

Printed Name

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY DECLARED UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was placed in the Public Records on the date and at the time stamped herein by me, and was duly recorded, in the Public Records of Real Property of Harris County, Texas.

My commission expires: June 23 2012

APR - 9 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

*✓ At: AP III INC  
11118 Cypress North Houston RD  
Houston TX 77065*