

**GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS,  
SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES,  
FLAGS, AND RELIGIOUS ITEMS**

*for*  
**KARANKAWA TOWNHOUSE OWNERS ASSOCIATION, INC.**

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THE STATE OF TEXAS     §  
  §  
COUNTY OF GALVESTON   §

I, Ivonne Dominguez, Secretary of Karankawa Townhouse Owners Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board"), duly called and held on the 22 day of December, 2011, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following "Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items" was duly approved by a majority vote of the members of the Board in attendance:

**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 amendments relating to solar energy devices, storm and energy efficient shingles, flags and religious items became effective on June 17, 2011 and the amendments relating to rain barrels and rain harvesting systems became effective on September 1, 2011.
3. The Board of Directors of the Association desires to adopt 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:**

**Section 1. Definitions.** Capitalized terms used in these Guidelines have the following meanings:

- 1.1. **Board** - The Board of Directors of Karankawa Townhouse Owners Association, Inc.
- 1.2. **Declaration** – shall mean the following:
  - Documents:
    - (1) Declaration of Amended and Restated Covenants, Conditions and Restrictions for Karankawa Townhouses.
    - (2) First Amendment to Declaration of Amended and Restated Covenants, Conditions and Restrictions for Karankawa Townhouses.

Any subsequent amendments and supplements thereof.

- Recording Information:
  - (1) Galveston County Clerk's File No. 2007053496.
  - (2) Galveston County Clerk's File No. 2010032565.

- 1.3. **Dedictory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Karankawa, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.4. **Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for Karankawa Townhouse Owners Association, Inc.
- 1.5. **Karankawa** – Karankawa Subdivision, Section 2, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 16, Page 46 of the Map records of Galveston County, Texas and all amendments to or replats of said maps or plats, if any.

Other capitalized terms used herein have the same meanings as that ascribed to them in the Declaration.

**Section 2. 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 202.007 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 regulating rain barrels and rain harvesting devices in specified manners.

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

- 2.1. **Board Approval.** In order to confirm the proposed rain barrel or rain harvesting device is in compliance with these Guidelines, Owners are encouraged to apply to the Board for prior approval. If a downspout is proposed to be utilized with a rain barrel it must first be approved in writing by the Board. The Association may require an Owner to remove a rain barrel or rain harvesting device that does not comply with requirements of these Guidelines.
- 2.2. **Location.** A rain barrel or rain harvesting system must be located on an Owner's Lot and is not permitted on a Lot between the front of the Townhouse and an adjacent street.
- 2.3. **Color and Display.** A rain barrel or rain harvesting system is not permitted:
  - a. unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the Townhouse on the Owner's Lot; or

- b. 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.

**2.4. Regulations if Visible.** If a rain barrel or rain harvesting system is located on the side of the Townhouse 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:

a. Rain Barrel:

- (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
- (ii) 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. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
- (iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other earthtone color.
- (iv) Screening: The rain barrel must be screened with evergreen landscaping or other screening approved by the Board to minimize its visibility from a street, another Lot, and common area, unless otherwise approved in writing by the Board.
- (v) Downspout: If a downspout is to be utilized it must be approved by the Board and if approved be the same color and material as the gutters on the Townhouse, if any.

- b. 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 (or other improvement approved by the Board) to minimize visibility from a street, another Lot, and common area, unless otherwise approved in writing by the Board.

Provided that, the regulations in this Section 2.4 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 3. 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 therein. 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.

However, Section 202.010 of the Texas Property Code further provides that a property owner's association may (i) enforce a provision in a dedicatory instrument that prohibits a solar energy device that is located on property owned or maintained by the property owner's association, and (ii) requires a solar energy device to be located in a fenced yard or patio owned and maintained by the Owner.

The Declaration obligates the Association to maintain, repair and replace the roofs of all Townhouses within Karankawa and further there are no fenced yards or patios the Owner maintains. **Accordingly, Owners and occupants of Townhouses CANNOT install solar energy devices in Karankawa.**

**Section 4. 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 who is otherwise authorized to install shingles on the roof of the Owner's property from installing shingles that:

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

The Declaration obligates the Association to maintain, repair and replace the roofs of all buildings within Karankawa. **Accordingly, Owners and occupants of Townhouses CANNOT install storm or energy efficient shingles on the roofs of the Townhouses.**

**Section 5. 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 therein. Section 202.011 of the Texas Property Code further provides that a property owners' association may prohibit an owner from locating a flag or flagpole on property owned or maintained by a property owners' association.

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

- 5.1. **Board Approval.** The Declaration obligates the Association to maintain and repair all exterior building surfaces and the Association maintains other exterior areas of land on an Owner's Lot. **Accordingly, a flagpole may not be attached or**

mounted on an exterior wall of a Townhouse or elsewhere on a Lot without the prior written approval of the Board.

- 5.2. **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.
- 5.3. **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.
- 5.4. **Flagpoles.**
  - a. Not more than two (2) flagpoles attached to the Townhouse (on a permanent or temporary basis) are permitted on a Lot, which may not exceed two inches (2") in diameter and six feet (6') in length.
- 5.5. **Flags.**
  - a. Only the three (3) types of flags addressed in this Section shall be displayed on a flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Association or as otherwise permitted by the Board.
  - b. Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.
  - c. The maximum dimensions of a displayed flag on a flagpole attached to the Townhouse shall be three (3) feet by five (5) feet.
  - d. A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
  - e. A flag must be displayed on a flagpole. A flag shall not be attached to the wall of the Townhouse or other structure on a Lot or a fence, or be displayed in a window of the Townhouse or other structure on a Lot.
- 5.6. **Illumination.** Illumination of a flag is permitted but the lighting must be approved by the Board. 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 subdivision 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.
- 5.7. **Noise.** An 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 clang against the flagpole.

**Section 6. 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, except as otherwise provided therein. 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 Karankawa:

- 6.1. **Board Approval.** As authorized by the Declaration and, therefore, allowed by Section 202.018(c) of the Texas Property Code, any alteration to the entry door or door frame must first be approved by the Board.
- 6.2. **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 Townhouse. A religious item shall not extend past the outer edge of the door frame.
- 6.3. **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 not have a total size of greater than twenty-five (25) square inches.
- 6.4. **Content.** A religious item shall not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.
- 6.5. **Limitation.** A religious item shall not be displayed or affixed on an entry door or door frame if it threatens the public health or safety or violates a law.
- 6.6. **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 Townhouse or change the color of an entry door or door frame that is not authorized by the Board.
- 6.7. **Other.** Notwithstanding the above provisions these Guidelines shall not prohibit or apply to temporary seasonal decorations related to religious holidays.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Galveston County, Texas.

TO CERTIFY which witness my hand this the 23 day of December, 2011.

KARANKAWA TOWNHOUSE OWNERS  
ASSOCIATION, INC.

By:   
Ivonne Dominguez, Secretary

THE STATE OF TEXAS     §  
  §  
COUNTY OF Harris     §

BEFORE ME, the undersigned notary public, on this 23 day of December, 2011 personally appeared Ivonne Dominguez, Secretary of Karankawa Townhouse Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.

  
Notary Public in and for the State of Texas

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