

BROOK MEADOWS HOMEOWNERS ASSOCIATION, INC.  
POLICIES, GUIDELINES, PROCEDURES AND REGULATIONS REGARDING  
SOLAR ENERGY DEVICES; ROOFING MATERIALS;  
FLAGS AND FLAG POLES, DISPLAY OF CERTAIN RELIGIOUS ITEMS  
AND RAIN BARRELS AND/OR RAINWATER HARVESTING SYSTEMS

STATE OF TEXAS                   §  
  §  
COUNTY OF TARRANT         §

WHEREAS, Brook Meadows Homeowners Association, Inc. (the “Association”), is governed by the Board of Directors (the “Board”); and

WHEREAS, Section 202.010 of the Texas Property Code permits Associations to adopt and enforce certain limitations on solar energy devices; Section 202.011 of the Texas Property Code permits Associations to adopt and enforce certain limitations on certain roofing materials; Section 202.011 of the Texas Property Code permits Associations to adopt and enforce certain limitations on certain flag displays; Section 202.018 of the Texas Property Code permits Associations to adopt and enforce certain limitations on the display of religious items and Section 202.007 of the Texas Property Code permits Associations to adopt and enforce certain limitations on rain barrels and/or rainwater harvesting systems, and

WHEREAS, the Association’s Board of Directors (the “Board”) has determined that it is in the best interest of the Association to adopt Policies, Guidelines, Procedures and Regulations regarding solar energy devices; certain roofing materials; flags and flag poles; the display of religious items, and rain barrels and rainwater harvesting systems;

NOW THEREFORE, BE IT RESOLVED THAT Pursuant to Section 202.010 of the Texas Property Code which permits Associations to adopt and enforce certain limitations on solar energy devices; Section 202.011 of the Texas Property Code which permits Associations to adopt and enforce certain limitations on certain roofing materials; Section 202.011 of the Texas Property Code which permits Associations to adopt and enforce certain limitations on certain flag displays; Section Chapter 202.018 of the Texas Property Code which permits Associations to adopt and enforce certain limitations on the display of religious items and Section 202.007 of the Texas Property Code which permits Associations to adopt and enforce certain limitations on rain barrels and rainwater harvesting systems the Board hereby adopts, in accordance with the foregoing, the following Policies, Guidelines, Procedures and Regulations regarding Solar Energy Devices; Roofing Materials; Flags and Flag Poles; the Display of Certain Religious Items and Rain Barrels and Rainwater Harvesting Systems:

**I. Policies, Guidelines, Procedures and Regulations Regarding Solar Energy Devices.**

- 1) As used herein "Solar Energy Device" has the meaning assigned by Section 171.107 of the Texas Tax Code, meaning 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 energy. 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. "Solar Energy Device" as used herein shall include solar panels.
- 2) The owner shall first apply to and receive written approval from the Architectural Control Committee or Architectural Review Committee (herein referred to as the "ARC") prior to installation of any Solar Energy Device.
- 3) Solar Energy Devices shall be located in a fenced-in yard or patio OR on the roof of the house or other approved structure, not visible from the front of the structure, and in a location approved by the ARC (subject to any limitation imposed by 202.010).
- 4) Solar Energy Devices shall be located entirely on the property of the owner erecting the Solar Energy Devices.
- 5) When mounted on a structure, no Solar Energy Device may be higher or wider than the roofline of the structure it is mounted on.
- 6) When mounted on a structure, the top edge of all Solar Devices shall be parallel with the roofline and shall conform to the slope of the roofline.
- 7) If located in a fenced-in yard or patio, the Solar Energy Devices shall be lower than the fence line of the yard or patio.
- 8) No Solar Energy Device shall be installed if as installed, such Solar Energy Device voids material warranties
- 9) Solar Panel frames, brackets, wires and pipes shall be a shade of silver, bronze or black.
- 10) The placement of the Solar Energy Device as proposed by the Owner shall not cause a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.
- 11) Unless installed by the Association no Solar Energy Devices may be installed on any property owned by the Association or any common area.
- 12) The policies set forth herein are effective upon recordation and supersede any policies, guidelines, procedures and/or regulations regarding Solar Energy Devices that may have previously been in effect. Except as affected by Section 202.010 of the Texas Property Code and/or by these Policies, Guidelines, Procedures and

Regulations all other provisions contained in the operative dedicatory instruments of the Association shall remain in full force and effect.

## **II. Policies, Guidelines, Procedures and Regulations Regarding Roofing Materials.**

- 1) Owners may install roof shingles designed primarily to be wind and/or hail resistant; shingles that provide heating and cooling efficiencies greater than those provided by customary composite shingles; and shingles that provide solar generation capabilities (“Alternative Shingles”):
- 2) The owner shall first apply to and receive written approval from the ARC prior to installation, alteration or modification of Alternative Shingles.
- 3) Alternative Shingles shall resemble the shingles commonly used on property in the Association.
- 4) Alternative Shingles shall be more durable than and of equal or superior quality than the shingles commonly used on property in the Association.
- 5) Alternative Shingles shall match the aesthetics of the property surrounding the owner’s property.
- 6) The policies set forth herein are effective upon recordation and supersede any policies, guidelines, procedures and/or regulations regarding certain roofing materials that may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these Policies, Guidelines, Procedures and Regulations all other provisions contained in the operative dedicatory instruments of the Association shall remain in full force and effect.

## **III. Policies, Guidelines, Procedures and Regulations Regarding Flags and Flag Poles.**

- 1) The Owner shall first apply to and receive written approval from the ARC prior to installation of any flag pole.
- 2) The following flags may be displayed by an Owner: 1) one flag of the United States of America; 2) one flag of the State of Texas; and 3) one official or replica flag of any branch of the United States armed forces (“Permitted Flags”).
- 3) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.

- 4) The Texas Flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 5) Only Permitted Flags may be displayed within the Association.
- 6) Permitted Flags shall be displayed from a pole attached to a structure OR from a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage or entry door.
- 7) A flag pole attached to a structure shall be limited to one per lot, shall be no more than 6 feet long and shall be securely attached by a bracket with an angle of 30 to 45 degrees down from vertical. The flag pole shall be attached in such a manner as to not damage the structure. One attached flag pole is allowed on the front portion of a structure facing the street in a location approved by the ARC.
- 8) A flag pole, whether attached to a dwelling or freestanding, shall be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flag pole and harmonious with the dwelling.
- 9) The flag display and flag pole shall conform to all setbacks, easements, and zoning ordinances.
- 10) Flags and flag poles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition shall be repaired, replaced or removed.
- 11) Free-standing flag poles, are limited to one per lot, in a location approved by the ARC in writing, and shall not exceed 20 feet in height (including any ornamental cap). Free-standing flag poles shall be permanently installed in the ground according to the manufacturer's instructions.
- 12) Permitted Flags are limited in size to 3 feet tall by 5 feet wide.
- 13) Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting shall be:
  - a) approved in writing by the ARC prior to installation, and
  - b) shall be ground mounted in the vicinity of the flag, and
  - c) shall utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, and

- d) shall point towards the center of the flag and face the main structure on the property or to the center of the property if there is no structure, and
  - e) shall not provide illumination exceeding the equivalent of a 60 watt incandescent bulb.
- 14) Flag poles shall not generate unreasonable noise levels which would disturb the surrounding residents. In order to minimize noise all flag poles shall utilize vinyl or plastic snap hooks, shall utilize snap hook covers and may secure a rope around the flag pole with a flag pole clasp, or do whatever else is necessary to comply.
- 15) Unless displayed by the Association, a flag or flags may not be displayed on any property owned by the Association or common area and unless installed by the Association no flagpole or flagpoles shall be installed on any property owned by the Association or any common area.
- 16) Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flag pole is no longer used on a daily basis it shall be removed by the Owner.
- 17) The policies set forth herein are effective upon recordation and supersede any policies, guidelines, procedures and/or regulations regarding Flags and Flag Poles that may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these Policies, Guidelines, Procedures and Regulations all other provisions contained in the operative dedicatory instruments of the Association shall remain in full force and effect.

#### **IV. Policies, Guidelines, Procedures and Regulations Regarding Display of Certain Religious Items.**

- 1) Owners may not affix on the entry to the Owner's dwelling one or more religious items that:
- a. threatens public health or safety;
  - b. violates a law;
  - c. contains language, graphics, or any display that is patently offensive to a passerby;
  - d. is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the Owner's dwelling;
  - e. Individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size greater than 25 square inches;
  - f. Violates any deed restrictions that do not conflict with the Texas Property Code.

- 2) The Association may remove any item that is in violation of these Policies, Guidelines, Procedures and Regulations.
- 3) The policies set forth herein are effective upon recordation and supersede any policies, guidelines, procedures and/or regulations regarding the display of certain religious items on the entry of an Owner's dwelling that may have previously been in effect. Except as affected by Section 202.018 of the Texas Property Code and/or by these Policies, Guidelines, Procedures and Regulations all other provisions contained in the operative dedicatory instruments of the Association shall remain in full force and effect.

**V. Policies, Guidelines, Procedures and Regulations Regarding Rain Barrels and/or Rainwater Harvesting Systems:**

- 1) The Owner shall first apply to and receive written approval from the ARC prior to installation of any Rain Barrels and/or Rainwater Harvesting Systems.
- 2) The Rain Barrels and/or Rainwater Harvesting Systems must be of a color that is consistent with the color scheme of the owner's home.
- 3) The Rain Barrels and/or Rainwater Harvesting Systems cannot be located between the front of the owner's home and an adjoining or adjacent street. (the front yard)
- 4) The Rain Barrels and/or Rainwater Harvesting Systems must not display any language or other content that is not typically included on the item when it is manufactured.
- 5) The Association may regulate the size, type, materials and manner of screening for Barrels/System that are visible from the street, another lot, or common area.
- 6) There must be sufficient area on the owner's property to install the Rain Barrels and/or Rainwater Harvesting Systems, no Rain Barrels and/or Rainwater Harvesting Systems shall be located on or extend onto any property other than the owner's lot.
- 7) Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Rain Barrels and/or Rainwater Harvesting Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area.
- 8) Screening may be accomplished by an approved solid fence, structure or vegetation; by burying the tanks/barrels; or by placing the equipment in an outbuilding approved by the ARC.

- 9) A Rain Barrel and/or Rainwater Harvesting System may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above, so long as:
  - a) the Rain Barrel and/or Rainwater Harvesting System does not exceed 55 gallons, and
  - b) the Rain Barrel and/or Rainwater Harvesting System is installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle, and
  - c) the Rain Barrel and/or Rainwater Harvesting System is fully painted in a single color to blend with the adjacent home or vegetation, and
  - d) any hoses attached to the Rain Barrel and/or Rainwater Harvesting System discharge must be neatly coiled and stored behind or beside the Rain Barrel and/or Rainwater Harvesting System in the least visible location when not in use.
- 10) Overflow lines from Rain Barrels and/or Rainwater Harvesting Systems must not be directed onto or adversely affect adjacent properties or common areas.
- 11) Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are prohibited, however, where space allows and where appropriate as determined by the Association, ARC approved ponds may be used for water storage.
- 12) Harvested water must be used and is not allowed to become stagnant or a threat to health.
- 13) All Rain Barrels and/or Rainwater Harvesting Systems shall be maintained in good repair. Unused systems should be drained and disconnected from the gutters. Any unused Rain Barrels and/or Rainwater Harvesting Systems in public view must be removed from public view of any street or common area.
- 14) The policies set forth herein are effective upon recordation and supersede any policies, guidelines, procedures and/or regulations regarding Rain Barrels and/or Rain Harvesting Systems that may have previously been in effect. Except as affected by Section 202.007 of the Texas Property Code and/or by these Policies, Guidelines, Procedures and Regulations all other provisions contained in the operative dedicatory instruments of the Association shall remain in full force and effect.

