

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

*for*  
**RIVER OAKS COUNCIL OF CO-OWNERS**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

I, Laura Hunter Pirthe, Secretary of River Oaks Council of Co-Owners (the "Council"), do hereby certify that at a meeting of the Board of Directors of the Council (the "Board") duly called and held on the 25 day of April, 2012, 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 Council 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. Declaration** – shall mean the following:

- River Oaks Gardens Declaration of Condominium, recorded in Volume 76, Page 91, *et seq.* of the Condominium Records of Harris County, Texas.
- First Amendment to River Oaks Gardens Declaration of Condominium, recorded in Volume 81, Page 25 *et seq.* of the Condominium Records of Harris County, Texas.
- Second Amendment to River Oaks Gardens Declaration of Condominium, recorded in Volume 82, Page 40 *et seq.* of the Condominium Records of Harris County, Texas.

- Third Amendment to River Oaks Gardens Declaration of Condominium, recorded in under Film Code No. 188075 *et seq.* of the Condominium Records of Harris County, Texas.

- 1.2. **Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within River Oaks Gardens, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.3. **Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for River Oaks Council of Co-Owners.
- 1.4. **River Oaks Gardens** - The condominium development located in Harris County, Texas as described, delineated and defined 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 property. 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 property owned in common by the members of the property owners' association.

Accordingly, a rain barrel or rain harvesting system is not permitted to be installed on, or attached to, any portion of the Common Elements or Limited Common Elements, as those terms are defined in the Declaration, which includes patios and balcony areas.

**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 owners' association is not required to permit a solar energy device to be installed on property owned in common by the members of the property owners' association.

Accordingly, a solar energy device is not permitted to be installed on, or attached to, any portion of the Common Elements or Limited Common Elements, as those terms are defined in the Declaration, which includes patios and balcony areas.

**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 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 roofs of the buildings within River Oaks Gardens are Common Elements and the Council, acting through the Board, is responsible for maintaining, repairing and replacing the roofs. Therefore, no Owner has the right or authority to install storm or energy efficient shingles on the roof of a building within River Oaks Gardens.

**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. However, Section 202.011 of the Texas Property Code further provides that a property owners' association is not required to permit flags or flagpoles on property owned in common by the members of the property owners' association.

Accordingly, flags and flagpoles are not permitted to be installed on, or attached to, any portion of the Common Elements or Limited Common Elements, as those terms are defined in the Declaration, which includes exterior walls, patios and balcony areas.

**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 River Oaks Gardens:

- 6.1. Board Approval.** The Declaration prohibits an Owner from altering the exterior appearance of the Owner's Unit. Thus, as authorized by the Declaration and 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 of Directors.
- 6.2. Location.** Except as otherwise provided in this Section, a religious item is not permitted anywhere except on the entry door or door frame of the Unit. 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 Unit or change the color of an entry door or door frame that is not authorized by the Board of Directors.
- 6.7. **Other.** Notwithstanding the above provisions, these Guidelines shall not prohibit or apply to temporary seasonal decorations related to religious holidays, as otherwise permitted by the Board of Directors.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Council 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 Council, to be effective upon recording in the Condominium Records of Harris County, Texas.

TO CERTIFY which witness my hand this the 5 day of May, 2012.

RIVER OAKS COUNCIL OF CO-OWNERS

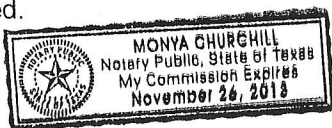
By: Laura Hunter Pirtle

Printed: LAURA HUNTER PIRTLE

Its: Secretary

THE STATE OF TEXAS §  
 COUNTY OF Harris §

BEFORE ME, the undersigned notary public, on this 5th day of May, 2012 personally appeared Laura Hunter Pirtle Secretary of River Oaks Council of Co-Owners, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Monya Churchill  
 Notary Public in and for the State of Texas

212425

11-11-11

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time  
stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris  
County, Texas

MAY 11 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS