

**ORGANIZATION OF TIFFANY PARK HOMEOWNERS, INC.  
GUIDELINES FOR RAIN BARREL AND RAIN HARESTING SYSTEMS**

STATE OF TEXAS  
COUNTY OF BRAZOS

§  
202.007

WHEREAS, ORGANIZATION OF TIFFANY PARK HOMEOWNERS, INC. (the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions as provided for in the governing documents of the Association, including but not limited to the following:

- a) Covenants, Conditions and Restrictions for Organization of Tiffany Park Homeowners, Inc., recorded in Volume 6528, Page 91 of the Official Records of Brazos County, Texas, applicable to Phases Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Eight A (8A), and Ten (10) of the Tiffany Park Subdivision;
- b) Amendment, Ratification and Adoption of Covenants, Conditions and Restrictions for Tiffany Park, Phase Two (2), recorded in Volume 9489, Page 3 of the Official Records of Brazos County, Texas,
- c) Declaration of Covenants, Conditions and Restrictions and Ratification of Lienholder for Tiffany Park Subdivision, Phase Eleven (11), recorded in Volume 7179, Page 161 of the Official Records of Brazos County, Texas;
- d) Declaration of Covenants, Conditions and Restrictions and Ratification of Lienholder for Tiffany Park Subdivision, Phase Twelve (12), recorded in Volume 7179, Page 180 of the Official Records of Brazos County, Texas;
- e) Declaration of Covenants, Conditions and Restrictions and Ratification of Lienholder for Tiffany Park Subdivision, Phases Thirteen (13), Fourteen (14) and Fifteen (15), recorded in Volume 8774, Page 92 of the Official Records of Brazos County, Texas;
- f) and all amendments, modifications and supplements thereto (collectively the "Declaration"); and

WHEREAS, Texas Property Code § 202.007(a)(2) provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing rain barrels or a rainwater harvesting system (collectively, "Rain Systems");

WHEREAS, Texas Property Code § 202.007 was amended to add subsection (d)(6)-(7), effective September 1, 2011;

WHEREAS, Section 202.007(d)(6)-(7) specifically sets forth certain restrictions that a property owners' association can include and/or enforce in a dedicatory instrument regarding Rain Systems;

WHEREAS, the Association's Board of Directors ("Board") desires to establish guidelines consistent with Section 202.007(d)(6)-(7) in order to provide clear and definitive guidance regarding the installation of Rain Systems in Tiffany Park Subdivision (the "Subdivision");

NOW, THEREFORE, the Board has duly adopted the following "Guidelines for Rain Barrels and Rainwater Harvesting Systems" (the "Guidelines"):

1. A Rain System or any shielding/screening associated with a Rain System may not

be installed on a Lot without the prior written approval of the Association's Architectural Control Committee (the "ACC"), which approval shall be subject to these Guidelines.

2. A Rain System shall not be installed in or on the following property:
  - a. Property owned by the Association;
  - b. Property owned in common by the members of the Association; or
  - c. Property located between the front of the Owner's home and an adjoining or adjacent street.
3. All Rain Systems must be of a color that is consistent with the color scheme of the Owner's home.
4. All Rain Systems must not display any language or content that is not typically displayed by such a System as it is manufactured.
5. All Rain Systems must be maintained in good condition and must not threaten the health of other Owners. Unused Rain Systems must be drained and disconnected from any gutters.
6. All materials used in the construction of a Rain System and all components of a Rain System (including but not limited to tanks, pumps, motors, pipes and hoses) must be shielded so that they are not visible from a street, another lot, or any part of the common area owned by the Association.
7. If an Owner is proposing to install a Rain System on the side of the Owner's house or at any other location that is visible from a street, another Lot, or any part of the common area owned by the Association and the Owner believes that the foregoing Guidelines prohibit the economic installation of a Rain System on the Owner's property and that there is not a reasonably sufficient area on the Owner's property in which to install a Rain System or related appurtenance, then the Owner's request to the ACC shall contain any and all reasons supporting such belief.
8. These Guidelines are effective upon recordation in the Official Records of Brazos County, Texas and supersede any guidelines regarding Rain Systems that may have previously been in effect. Except as affected by Section 202.007(d)(6)-(7) and/or by these Guidelines, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.