

**RAIN BARREL AND RAINWATER HARVESTING SYSTEM POLICY  
FOR AUSTIN'S COLONY HOMEOWNERS ASSOCIATION OF BRYAN, INC.**

STATE OF TEXAS           §  
  §                   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BRAZOS       §

WHEREAS, the Austin's Colony Homeowners Association of Bryan, Inc. ("Association") is charged with enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a policy to regulate rain barrels and rainwater harvesting systems ("Rain Barrels and Rainwater Harvesting Systems") consistent with Section 202.007 of the Texas Property Code and to provide clear and definitive guidance to Owners; and

NOW, THEREFORE, the Board has duly adopted the following *Rain Barrel and Rainwater Harvesting System Policy*:

1. **Prohibited Rain Barrels and Rainwater Harvesting Systems.** Rain Barrels or Rainwater Harvesting Systems are prohibited in the following circumstances:
  - a. Rain Barrels or Rainwater Harvesting Systems that are located on property owned by the Association;
  - b. Rain Barrels or Rainwater Harvesting Systems that are located on property that is owned in common by the members of the Association;
  - c. Rain Barrels or Rainwater Harvesting Systems that are located between the front of the Owner's home and an adjoining or adjacent street;
  - d. Rain Barrels or Rainwater Harvesting Systems that are of a color not consistent with the color scheme of the home; and
  - e. Rain Barrels or Rainwater Harvesting Systems that display language or content other than the manufacturer's typical display.
  
2. **Rain Barrels or Rainwater Harvesting Systems Located in Areas Visible from a Street, Lot or Common Area.** If a Rain Barrel or Rainwater Harvesting System is located on the side of a house or at any other location that is visible from a street, another lot, or a common area, it 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 earth tone color.
- iv. Screening: The Rain Barrel must be screened with appropriate landscaping to minimize its visibility from a street, another lot, and common area, unless otherwise approved in writing by the Architectural Control Committee (“ACC”).
- v. Downspout: The downspout which provides water to the Rain Barrel must be the same color and material as the gutters on the residential dwelling. Further, the downspout must be vertical and attached to the wall against which the Rain Barrel is located.

- b. Rainwater Harvesting Systems: A Rainwater Harvesting System must collect and store the water underground. The portion of a Rainwater Harvesting System that is above-ground must appear to be a landscape or water feature. The above-ground portion of the Rainwater Harvesting System shall not extend above the surface of ground by more than thirty-six (36) inches. The above-ground portion of the Rainwater Harvesting System must be screened with appropriate landscaping to minimize visibility from a street, another lot, and common area, unless otherwise approved in writing by the ACC.

Provided that, the regulations in this Section shall be applicable only to the extent that they do not prohibit the economic installation of the Rain Barrel or Rainwater Harvesting System on the lot and there is a reasonably sufficient area on the lot on which to install the Rain Barrel or Rainwater Harvesting System.

3. **ACC Approval:** In order to confirm the proposed Rain Barrel or Rainwater Harvesting System is in compliance with this Policy, Owners are encouraged to apply to the ACC for approval prior to installation. Applicant’s submission of plans should include a completed application for ACC review and a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer’s brochures or sample of material, if applicable. The color of the materials being used in relation to the house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern to the Association and the ACC.

Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Rain Barrel and Rainwater Harvesting System Policy does not apply to property that is owned or maintained by the Association.

This policy is effective upon recordation in the Public Records of Brazos County, and supersedes any policy regarding the regulation of Rain Barrels and/or Rainwater Harvesting Systems which may have previously been in effect. Except as affected by Section 202.007 and/or this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Rain Barrel and Rainwater Harvesting System Policy 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 Brazos County, Texas.

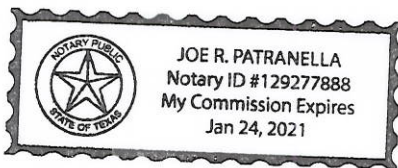
Approved and adopted by the Board on this 16<sup>th</sup> day of May, 2017.

AUSTIN'S COLONY HOMEOWNERS ASSOCIATION OF BRYAN, INC.

By: Charles Grimes  
President

STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

BEFORE ME, the undersigned notary public, on this 16<sup>th</sup> day of May, 2017 personally appeared Charles Grimes, President of Austin's Colony Homeowners Association of Bryan, Inc., 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.



Joe R. Patranella  
Notary Public, State of Texas

Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Rain Barrel and Rainwater Harvesting System Policy does not apply to property that is owned or maintained by the Association.

This policy is effective upon recording in the Public Records of Brazos County, and supersedes any policy regarding the regulation of Rain Barrels and/or Rainwater Harvesting Systems which may have previously been in effect. Except as affected by Section 502.007 and/or this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Rain Barrel and Rainwater Harvesting System Policy 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 Brazos County, Texas.

*[Signature]*  
\_\_\_\_\_  
day of *May*, 2017.

Filed for Record in:  
BRAZOS COUNTY

On: May 19, 2017 at 03:00P

As a  
NO LABEL RECORDING

Document Number: 01297834

Amount 34.00

Receipt Number - 603029

By:  
Patsy Montalbano

AUSTIN'S COLONY HOMEBOWNERS  
ASSOCIATION OF BRYAN, INC.

*[Signature]*  
\_\_\_\_\_  
By: *[Signature]*  
President

STATE OF TEXAS COUNTY OF BRAZOS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me  
and was duly recorded in the volume and page  
of the Official Public records of:

BRAZOS COUNTY

as stamped hereon by me.

BEFORE ME, the undersigned notary public, on this *19th* day of *May*, 2017 personally appeared *Charles Carter*, President of Austin's Colony Homeowners Association of Bryan, Inc., known to me to be the person whose name is on the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

Karen McQueen, Brazos County Clerk  
BRAZOS COUNTY

*[Signature]*  
\_\_\_\_\_  
Notary Public, State of Texas

