



**GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS,
SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES,
FLAGS, RELIGIOUS ITEMS, XERISCAPE LANDSCAPING,
AND STANDBY ELECTRIC GENERATORS**

for

COVINGTON WEST HOMEOWNERS ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, Barry L. Young, being the President of the Board of Directors of Covington West Homeowners Association (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association duly called and held on the 28th day of September, 2026, 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, Religious Items, Xeriscape Landscaping, and Standby Generators" were duly approved by a majority vote of all members of the Board:

RECITALS:

1. Chapter 202 of the Texas Property Code sets forth requirements relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, religious items, and xeriscape landscaping, which were adopted by the Board of Directors of the Association on May 7, 2015, and recorded in the Official Public Records of Real Property of Fort Bend County, under Clerk File No. 2015048585.

2. The Board of Directors of the Association desire to expand on these guidelines relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, religious items, and xeriscape landscaping and supplement them with standby electric generators consistent with the current applicable provisions in Chapter 202 of the Texas Property Code.

3. These guidelines replace and supersede any previously recorded and implemented guidelines that addresses the subjects contained herein, adopted by the Association.

GUIDELINES:

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

1.1. Board - The Board of Directors of Covington West Homeowners Association.

1.2. Covington West – shall mean the following:

Lots 1 through 5, inclusive in Block 1;
Lots 1 through 11, inclusive in Block 2;
Lots 1 through 13, inclusive in Block 3;
Lots 1 through 31, inclusive in Block 4;
Lots 1 through 57, inclusive in Block 5;
Lots 1 through 18, inclusive in Block 6;

Lots 1 through 11, inclusive in Block 7;
Lots 1 through 6, inclusive in Block 8;
Lots 1 through 4, inclusive in Block 9;

All in Covington West, a subdivision in Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 15, Page 1 of the Plat Records of Fort Bend County, Texas and all amendments to or replats of said maps or plats, if any.

- 1.3. Declaration** – shall mean the “2026 Declaration of Amended and Restated Covenants, Conditions and Restrictions for Covington West a Subdivision in Fort Bend County, Texas” recorded in the Official Public Records of Fort Bend County, Texas.
- 1.4. Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Covington West, as more particularly defined in Section 202.001 of the Texas Business Property Code.
- 1.5. Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, Religious Items, Xeriscape Landscaping, and Standby Electric Generators for the Covington West Homeowners Association.
- 1.6. Enforcement** – Non-adherence to the provisions of these Guidelines is subject to the Covington West Fining Policy until the violation is resolved to the satisfaction of the Board.

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 Covington West:

- 2.1 ACC 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 ACC for prior approval. 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 is not permitted on a Lot between the front of the Residential Dwelling on the Lot 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 Residential Dwelling 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 Residential Dwelling 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:

c. 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 to minimize its visibility from a street, another Lot, and common area, unless otherwise approved in writing by the 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.

- d. 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 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 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.

The following Guidelines shall be applicable to solar energy devices in Covington West:

- 3.1. ACC Approval.** The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if these Guidelines are met or exceeded, unless the ACC determines in writing

that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.

- 3.2. Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the Residential Dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- 3.3. Devices Mounted on a Roof.** A solar energy device mounted on the roof of the Residential Dwelling or other permitted structure on a Lot:
- a. shall not extend higher than or beyond the roofline;
 - b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
 - d. shall be located on the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- 3.4. Visibility.** A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.
- 3.5. Warranties.** A solar energy device shall not be installed on a Lot in a manner that voids material warranties.
- 3.6. Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

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.

- 4.1. ACC Approval.** In order to confirm the proposed shingles, conform to the foregoing Guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove shingles that do not comply with these Guidelines.
- 4.2. Regulations.** When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in Covington West. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

Section 5. Flags. Section 202.012 of the Texas Property Code provides that a property owners' association may not adopt or enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting the display of: (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, except as otherwise provided therein.

The following Guidelines shall be applicable to flagpoles and the three (3) types of flags listed above and in Section 202.012 of the Texas Property Code:

- 5.1. ACC Approval.** A flagpole that does not comply with all setbacks, above-ground flagpole stands and/or footings, and illumination under Section 5.6 must be approved by the ACC. Additionally, in order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with these Guidelines.
- 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 one (1) freestanding flagpole or three (3) flagpoles attached to the Residential Dwelling or garage (on a permanent or temporary basis) is permitted on a Lot.
 - b. A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
 - c. A flagpole attached to the Residential Dwelling or garage shall not exceed six (6) feet in length.
 - d. A flagpole, whether freestanding or attached to the Residential Dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the Residential Dwelling on the Lot on which it is located.

- e. A flagpole shall not be located in an easement or encroach into an easement.
- f. A freestanding flagpole shall not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Declaration. Provided, however, on a case-by-case basis (depending on the size and configuration of the Lot) a freestanding flagpole may be located in front of the front building setback line for a Lot, if approved in writing by the ACC. Any above ground stands and/or footings must also be approved by the ACC in accordance with Section 5.1.
- g. A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
- h. An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
- i. A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
- j. If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ACC may require the installation of landscaping to screen the stand and/or footing from view.
- k. No flagpoles shall be mounted on trees or mailboxes or other structures except the Residential Dwelling or garage.

5.5. Flags.

- a. Only the three (3) types of flags addressed in this Section shall be displayed on a freestanding flagpole. Other types of flags may be displayed on a flagpole attached to the Residential Dwelling or garage. The approval for any such flag may be conditional.
- b. Not more than two (2) of the permitted types of flags shall be displayed on a freestanding flagpole at any given time. Only one flag shall be displayed on a flagpole attached to the Residential Dwelling or garage.
- c. The maximum dimensions of a displayed flag on a freestanding flagpole or on a flagpole attached to the Residential Dwelling or garage shall be three (3) feet by five (5) feet.
- d. A displayed flag must be maintained in good condition; a deteriorated or torn flag must be replaced or removed.
- e. A flag shall not be displayed in a window of the Residential Dwelling or directly draped over or attached to the Residential Dwelling or other structure or tree on a Lot. Flags must be attached to a flagpole in order to be displayed.
- f. Seasonal display of twelve (12) inch by eighteen (18) inch flags or smaller are permitted on mailboxes as long as they are removed within 30 days of the holiday.

- 5.6. Illumination.** Illumination of a flag is permitted by solar lighting or if lighting is in-ground it must have a maximum of 150 watts. 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 owner's or resident's property or 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 Covington West:

- 6.1. Location.** A religious item is not permitted on property owned or maintained by the Association or owned in common by the Association's Members; or if its installation violates any applicable building line, right-of-way, setback or easement; or is attached to a traffic control device, streetlight, fire hydrant or utility sign, pole or fixture.
- 6.2. Content.** A religious item shall not contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.
- 6.3. Limitation.** A religious item shall not be displayed if it threatens the public health or safety or violates a law other than a law prohibiting the display of religious speech.
- 6.4. Other.** These Guidelines shall not prohibit or apply to temporary seasonal decorations related to religious holidays as otherwise permitted in Covington West.

Section 7. Xeriscape Landscaping. Section 202.007 of the Texas Property Code 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 using drought-resistant landscaping or water-conserving natural turf except as otherwise provided therein.

The following Guidelines shall be applicable to drought-resistant landscaping or water-conserving natural turf on Lots in Covington West:

- 7.1. ACC Approval.** The installation of drought-resistant landscaping and water-conserving natural turf requires the owner to submit a detailed description or plan for prior review and written approval of the ACC.
- 7.2. Criteria.** A proposed installation of drought-resistant landscaping and water-conserving natural turf shall be reviewed by the ACC to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in Covington West.

- 7.3. General Requirements.** Full green lawns (turf) are, as a general rule, required in the front yard space and the space along the side of the Residential Dwelling on a Lot not enclosed by a fence. If a deviation from the general requirement is allowed, non-turf areas must be decomposed granite, hardwood mulch, crushed limestone, flagstone, or loose stone material as approved by the ACC. Concrete surfaces are limited to driveways and sidewalks. Non-turf materials may not be used in an area between a sidewalk and an adjacent street as the material is likely to wash out onto the street.

The area within a particular Lot that may be non-turf shall be determined by the ACC; the non-turf area may vary from Lot to Lot depending upon the size and configuration of the Lot and the objective of preserving maximum aesthetic compatibility with other landscaping in the subdivision. The area should not appear abandoned or overgrown.

Xeriscape Landscaping is subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds kept weed-free and borders must be edged. Leaves and other debris must be cut back to remove dead materials during the winter. This includes most ornamental grasses and other flowering perennials, which go dormant in the winter.

Section 8. Standby Electric Generators. Section 202.019 of the Texas Property Code provides that a property owners' association may not adopt or enforce a dedicatory instrument provision that prohibits, restricts, or has the effect of prohibiting or restricting an owner from owning, operating, installing, or maintaining a permanently installed standby electric generator except as otherwise provided therein. As used in Section 202.019 of the Texas Property Code, "standby electric generator" is defined as a device that converts mechanical energy to electric energy and is:

- 1) Powered by natural gas, liquified petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
- 2) Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- 3) Connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
- 4) Rated for a generating capacity of not less than seven kilowatts.

The following Guidelines shall be applicable to standby electric generators on Lots in Covington West:

8.1 ACC Approval. The installation and operation of a permanent standby electric generator on a Lot is permitted in compliance with manufacturer's specifications and subject to prior ACC approval.

- a. The Owner must obtain all necessary permits.
- b. All electrical, plumbing, and fuel line connections must be installed only by licensed contractors.
- c. The standby electric generator must have a Noise Rating/Noise Level/dB(A) rating not to exceed seventy (70) decibels during operation.
- d. The standby electric generator must be located inside the fence on the property or screened if visible from the street or an adjoining residence.
- e. The standby electric generator must comply with all building set back lines and may not encroach on any utility easement.

I hereby certify that I am the duly elected, qualified and acting President of the Board of Directors 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, Religious Items, Xeriscape Landscaping, and Standby Electric Generators 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 Fort Bend County, Texas.

TO CERTIFY which witness my hand this the 16th day of October, 2026.

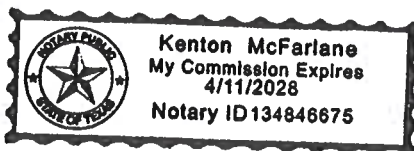
COVINGTON WEST HOMEOWNERS ASSOCIATION

By: _____

Barry L. Young, President
Board of Directors

THE STATE OF TEXAS §
COUNTY OF Fort Bend §

BEFORE ME, the undersigned notary public, on this 16th day of October, 2026, personally appeared Barry L. Young, President of the Board of Directors of Covington West Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



[Signature]
Notary Public in and for the State of Texas

RETURNED AT COUNTER TO:

Henry Clayton
14115 Louisa Ct.
SUGAR LAND, TX 77498

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Laura Richard

Laura Richard, County Clerk
Fort Bend County Texas

October 19, 2026 08:48:30 AM

FEE: \$47.00 BR1

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