

## RULES AND REGULATIONS OF BROOK HOLLOW HOME OWNERS' ASSOCIATION

These Rules and Regulations ("Rules") are made this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Board (the "Board") of Brook Hollow Home Owners' Association, a Texas nonprofit corporation ("Brook Hollow HOA" or the "Association").

**WHEREAS**, Section 5.04 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions of Brook Hollow Home Owners' Association (the "Declaration") gives the Board authority to establish rules and regulations for the Association and for Brook Hollow (the "Subdivision"); and

**WHEREAS**, the Board has determined that it is in the best interest of the Association to set forth clear, definitive rules and guidelines regarding the statutory regulations listed herein; and

**WHEREAS**, Chapter 202.018 of the Texas Property Code was amended regarding regulation of display of certain religious items; and

**WHEREAS**, Chapter 202.023 was added to the Texas Property Code addressing the installation of certain security measures; and

**WHEREAS**, Chapter 202.022 of the Texas Property Code was added regarding regulation of swimming pool enclosures; and

**WHEREAS**, Chapter 209.016 of the Texas Property Code was amended regarding the information a property association may request regarding leases; and

**WHEREAS**, Chapter 202.010 of the Texas Property Code regulates the rules a property association may make regarding the installation of solar energy devices; and

**WHEREAS**, the Board wishes to impose rules regulating the types of leases and rental arrangements which are allowed by the Association within the Subdivision;

**NOW, THEREFORE**, the Board hereby adopts the following rules and guidelines, in order to conform with the Texas Property Code, which will be enforceable on the recording of this document in the real property records of Brazos County, Texas. On violation of these Rules, Owners may be subject to penalties.

### 1. Religious Display Policy.

- 1.1. An Owner or resident may display or affix one or more religious items on the Owner's or resident's Lot or Living Unit, so long as the display is motivated by the Owner's or resident's sincere religious belief.
- 1.2. To the extent allowed by the constitutions of Texas and the United States, the following religious items may not be displayed or affixed to an Owner's or resident's Lot or Living Unit:
  - a. Religious items that threaten the public health or safety;
  - b. Religious items that violate a law other than a law prohibiting the display of religious speech;
  - c. Religious items that contain language, graphics, or any display that is patently

- d. offensive to a passerby for reasons other than its religious content;
- 1.3 Religious items that violate any applicable building line, right-of-way, setback, or easement.
- 1.4 Religious items may not be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

2. **Security Measures Policy.**

An Owner may build or install security measures (security cameras, motion detectors, etc.) on the Owner's Lot or Property. Such devices must be built or installed on the Owner or resident's private property only.

3. **Swimming Pool or Spa Enclosures Policy.**

- 3.1. For purposes of these Rules, the term "Swimming Pool or Spa Enclosure" means a fence that:
  - a. surrounds a water feature, including a swimming pool or spa;
  - b. consists of transparent mesh, brick or clear panels set in metal frames;
  - c. is not more than six (6) feet in height; and
  - d. is designed to not be climbable.
- 3.2 An Owner may install a Swimming Pool or Spa Enclosure that conforms to all applicable state and/or local safety requirements.
- 3.3 All Swimming Pool Enclosures installed by an Owner must be brick, clear panels set in metal frames, or must be black in color and consist of transparent mesh set in metal frames.

4. **Leasing Information Policy.**

Any Owner leasing his Lot or Living Unit must provide to the Association the following information on the lease or rental applicant: (1) contact information, including the name, mailing address, phone number, and email address of each person who will reside at a Lot or Living Unit in the Subdivision under a lease, and (2) the commencement date and term of the lease.

5. **Solar Energy Devices.**

- 5.1 For purposes of these Rules, the term "Solar Energy Devices" is defined 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 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.

- 5.2 No Solar Energy Device shall be installed, placed, added or altered on any Lot or Living Unit without the prior written approval of the Association's Architectural Review Board (the "ARB"). All ARB approvals of Solar Energy Devices must be in accordance with the Declaration and are subject to these Rules.
- 5.3 A Solar Energy Device must be removed from a Lot or Living Unit if a court adjudicates that the Solar Energy Device threatens the public health or safety or violates any applicable law.
- 5.4 No Solar Energy Device shall be installed or located on property owned or maintained by the Association, or on property owned in common by the members of the Association.
- 5.5 A Solar Energy Device must be installed and located only in the following locations:
  - a. on the flat roof of a Living Unit;
  - b. On a side gable roof not facing a street;
  - c. in a fenced or walled yard or patio owned and maintained by the property Owner.
- 5.6 If a Solar Energy Device is mounted on a roof, then it must comply with the following:
  - a. the Solar Energy Device must not extend higher than or beyond the roofline of the roof on which it is mounted. The height of the "roofline" for the flat roof is determined by the height of the common wall between units;
  - b. the Solar Energy Device must conform to the slope of the roof on which it is mounted;
  - c. the Solar Energy Device must have a top edge that is parallel to the roofline of the roof on which it is mounted;
  - d. the Solar Energy Device must be located in an area on the roof designated by the Association or the ARB, unless the alternate location increases the estimated annual energy production of the Solar Energy Device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10% above the energy production of the Solar Energy Device if located in an area on the roof designated by the Association or the ARB; and
  - e. any frame, support bracket, or visible piping or wiring in connection with the Solar Energy Device must be in a silver, bronze, or black tone commonly available in the marketplace.
- 5.7 If a Solar Energy Device is located in a fenced or walled yard or patio, then the Solar Energy Device must not be taller than the fence or wall line.
- 5.8 All Solar Energy Devices must be installed in accordance with the manufacturer's instructions and in a manner which does not void material warranties. If required by law: (a) a licensed professional or craftsman must install a Solar Energy Device; and (b) all necessary permits must be obtained.
- 5.9 Placement of a Solar Energy Device must not constitute a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. Even if an Owner's request to the ARB for a proposed Solar Energy Device meets the foregoing Guidelines, the ARB may withhold approval of the Solar Energy Device

if it finds that the placement of the proposed Solar Energy Device constitutes such a condition.

## **6. Garbage Cans and Collection**

- 6.1 No garbage cans or refuse containers shall be permitted to remain at the front of a dwelling either within street or upon the Properties.
- 6.2 Garbage cans should remain in the alley at the rear of Properties.
- 6.3 Garbage cans should be placed for accessibility by the City of Bryan collection trucks the night before the scheduled garbage pickup date.
- 6.4 Vehicles in the alley must be situated so as not to obstruct the City of Bryan garbage collection trucks on the scheduled day of garbage pickup.
- 6.5 Heavy or big trash items needs to be placed at designated areas on the curb of streets. No heavy trash will be picked up in the alleys due to limited access and maneuverability of the Bryan heavy trash trucks.

## **7. Parking**

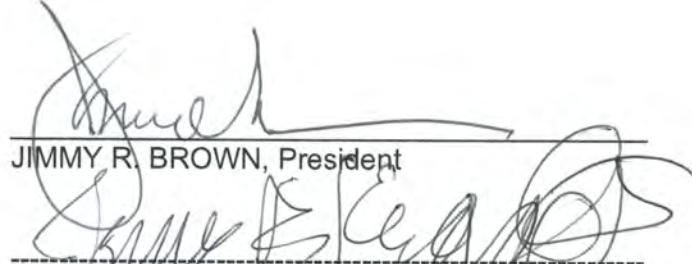
Passenger vehicles may be parked on the street in front of Lots for periods of time not to exceed twelve (12) hours in any twenty-four (24) hour period. Any vehicle parked for a longer time may be towed away by the Association at the Owner's expense. This restriction is not to be construed to prohibit periodic overnight guests from parking on the street but is to specifically prohibit residents from using the street as the usual overnight parking for vehicles. As a rule, Owners should not park their vehicles on the street in front of their Lots.

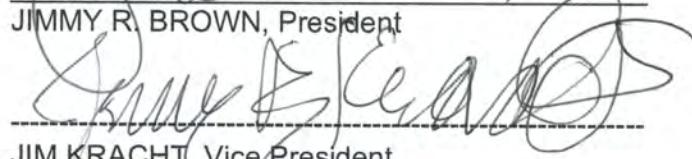
## **8. Short-Term or Game-Day Leases**

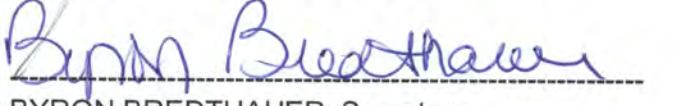
Residences or Living Units within the Subdivision may be leased subject to the occupancy restrictions contained within the Declarations. Leasing must be for single-family residential purposes only. Lots and Living Units may be leased only in their entirety; no fraction or portion of a Lot or Living Unit may be leased separately. All leases shall be in writing and shall be for an initial term of not less than six (6) months. **Short-term leasing, meaning leasing for a term of less than six (6) months, is prohibited. "Game day" or weekend rentals are prohibited. Advertising a residential Lot or Living Unit on websites such as vacation rental by owner (VRBO), Airbnb, HomeAway, and the like is not permitted.**

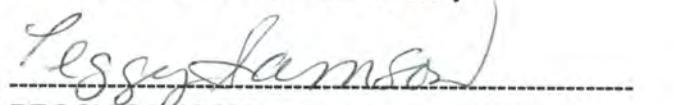
8. These Rules are effective upon recordation in the Official Records of Brazos County, Texas and supersede any conflicting provisions of the Declaration and/or any other dedicatory instruments of the Association. Except as affected by these Rules, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.

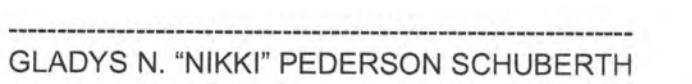
The undersigned Members of the Board of Directors have executed these Rules and Regulations effective the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

  
JIMMY R. BROWN, President

  
JIM KRACHT, Vice President

  
BYRON BREDTHAUER, Secretary

  
PEGGY SAMSOM

  
GLADYS N. "NIKKI" PEDERSON SCHUBERTH