

ISSUE #1

MARKUP #1 ->

of wood, leaves, trash, garbage, or household refuse shall be permitted, except during the construction period.

- H. No structure of a temporary character, trailer, basement, tent, or shack shall be used at any time as a residence either temporarily or permanently. There shall be no occupancy of any dwelling until the interior and exterior of the dwelling is completed and a certificate of occupancy issued by the appropriate Governing Agency.
- I. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than two (2) square feet, one sign of not more than six (6) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. All signs shall comply with design specifications of the ARC. No signs shall be nailed to trees. This provision shall not apply to the developer or builders or their assigns during the sales period.
- J. When the construction of any building is once begun, work thereon must be prosecuted diligently and continuously and must be completed within 12 months.
- K. No garage doors shall be permitted on the front of houses.
- L. Outside air conditioning units may not be located in the front yard or any required side yard.
- M. Wood frame windows will be used exclusively on the front of the dwelling being constructed.
- N. No foundation block shall be exposed on any structure sides, front, or rear.
- O. No vertical siding shall be used on the construction of any dwelling unless approved in writing from the ARC.
- P. No fencing shall extend nearer the street than the rear line of the dwelling.
- Q. No shrubs or trees shall be planted on street corners that will impede view of sight or pedestrians or automobiles.
- R. No automobiles or similar vehicles will be stored on any lot or kept on blocks unless in the basement of a structure.
- S. No satellite or microwave dishes shall be placed on a lot, which shall be visible from the street.
- T. No walls above the grade of the lot shall be erected, nor growing hedges planted and maintained on said property in front of the front line of the residence. No wall or fence shall be erected on the rear of the property which exceeds six (6) feet in height. The ARC must approve any walls on the rear of the property above the line of site in writing.
- U. Upon the completion of a residence, all front and side yards will be landscaped with solid sod. The rear yard may, at builder's or owner's option, be sprigged.
- V. The roof pitch on any residence shall not be less than 7/12 pitch, unless first approved in writing by the ARC.
- W. All mail boxes located on the street are to be brick or stone, unless otherwise approved by the ARC.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. I (p. 4): Clause prohibits the display of the United States flag, military/state flags, or residential political signs in violation of 4 U.S.C. § 5 and Ala. Code §§ 35-20-5, 35-8A-302.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Ala. Code §§ 35-20-1 to 35-20-14 (Alabama Homeowners' Association Act)

Statutory Comparison: Under the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5), a condominium, cooperative, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive use. Additionally, under Ala. Code § 35-20-5, any restriction on residential political signs must be expressly set forth in the recorded declaration and subject only to reasonable time, place, and manner limits.

CURRENT WORDING IN DOCUMENT:

No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than two (2) square feet, one sign of not more than six (6) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. All signs shall comply with design specifications of the ARC. No signs shall be nailed to trees. This provision shall not apply to the developer or builders or their assigns during the sales period. J. When the construct

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 4 U.S.C. § 5 and Ala. Code §§ 35-20-5 and 35-8A-302, nothing in the Governing Documents shall prohibit an Owner from respectfully displaying the flag of the United States, the State of Alabama, or Armed Forces flags, or displaying temporary political signs on the Owner's Lot or exclusive-use area subject to reasonable size and placement guidelines.