

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

5.2.10 Trash Containers and Collection. No garbage or trash shall be placed or kept on any Lot, Parcel, or other area in SaddleBrooke Ranch, except in covered containers of a type, size and style approved by the Architectural and Landscape Committee or Declarant (so long as Declarant or any of its affiliates owns any property in SaddleBrooke Ranch in fee or beneficially). Unless otherwise approved by the Architectural and Landscape Committee or Declarant (so long as Declarant or any of its affiliates owns any property in SaddleBrooke Ranch in fee or beneficially), such containers shall be maintained and stored so as to not be Visible From Neighboring Property except to make them available briefly for collection. All rubbish, trash and garbage shall be removed from Lots, Parcels and other areas in SaddleBrooke Ranch and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained in SaddleBrooke Ranch. Without limiting Declarant’s exemption set forth in Section 17.2 hereof, Declarant shall be exempt from the provisions of this Section 5.2.10.

5.2.11 Clothes Drying Facilities. No outside clotheslines or other ~~outside facilities for drying or airing clothes shall be placed or maintained in SaddleBrooke Ranch unless they are not Visible From Neighboring Property.~~

5.2.12 Machinery and Equipment. Except as may be provided in an applicable Tract Declaration, no machinery or equipment of any kind shall be placed, operated or maintained in SaddleBrooke Ranch except (a) such machinery or equipment as is usual and customary in connection with the use, maintenance or construction (during the period of construction) of an approved building, appurtenant structures, or other Improvements; and (b) that which Declarant or the Association may require for the operation and maintenance of SaddleBrooke Ranch.

5.2.13 Signs and Flags. No signs or flags that are Visible From Neighboring Property shall be erected or maintained in SaddleBrooke Ranch except:

- (a) Signs required by legal proceedings;
- (b) Identification signs for individual residences, provided the number and ~~specifications of the signs satisfy criteria set forth in the Architectural and Landscape Guidelines from time to time;~~
- (c) “For sale” or “for rent” signs for individual residences, provided the number and specifications of the signs satisfy criteria set forth in the Architectural and Landscape Guidelines from time to time;
- (d) Political signs, provided the number, specifications and timing of the signs satisfy any criteria set forth in the Architectural and Landscape Guidelines from time to time, in accordance with Arizona law;
- (e) Such signs as may be erected by Declarant or its affiliates from time to time including, but not limited to, construction job identification signs, directional signs and subdivision identification signs;

Sec. 5.2.13 (p. 28): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & A.R.S. §§ 33-1801 to 33-1819 (Arizona Planned Communities Act)

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) prohibits community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:
Signs and Flags. No signs or flags that are Visible From Neighboring Property shall be erected or maintained in SaddleBrooke Ranch except:
(a) Signs required by legal proceedings;
(b) Identification signs for individual residences, provided the number and

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243), any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.

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