

ISSUE #1

MARKUP #1 ->

Section 1: [Chenal Valley Residential Design Guidelines, Section 5.8] Strict Prohibition on Political Signs and Banners

No signs, banners, flags, or advertising devices of any nature shall be erected or maintained on any Lot, except one (1) standard real estate 'For Sale' sign approved by the Architectural Control Committee. Political signs, contractor signs, and commercial signs are prohibited on all Lots and Common Areas.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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) & Ark. Code Ann. §§ 18-13-101 et seq. & Title 4, Ch. 33

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:

[Chenal Valley Residential Design Guidelines, Section 5.8] Strict Prohibition on Political Signs and Yard Disp No signs, banners, flags, or advertising devices of any nature shall be erected or maintained on any Lot, except one (1) standard real estate 'For Sale' sign approved by the Architectural Control Committee. Political signs, contractor signs, and commercial signs are prohibited on all Lots and Common Areas.

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.