

WEST ALMANOR COMMUNITY CLUB

POLICY #60

MARKUP #1 ->

ARCHITECTURAL RULES & REGULATIONS

Instructions to Owners and Contractors on Improvements to Developed and Undeveloped Lots:

Attention is directed to the Amended Declaration of Covenants, Conditions and Restrictions (CC&Rs)effective August 18, 1998 and any subsequent amendments for all activities relative to maintenance of undeveloped lots, construction of new building, clearing of trees, additions to buildings, fences and drainage.

- 3.10 Signs
- 3.14 Construction, Storage of Building Materials
- 3.15 Outbuildings
- 3.16 Building Standards
- 3.17 Building Specifications
- 3.18 Building Location
- 3.19 Clearing of Trees
- 5.8 Enforcement Assessments
- 8.1 Submission of Plans and Specifications
- 8.6 Applications
- 8.8 Grant of Approval
- 8.9 Board Review, Variances
- 8.11 Commencement
- 8.12 Completion
- 8.13 Inspection and Correction
- 9.0 Enforcement

CC&R Clarifications

Signs: ~~Noncommercial signs and posters are prohibited if they are more than 9 sq. feet in size;~~
noncommercial flags or banners are prohibited if they are more than 15 sq. feet in size.
Sign Restrictions are in compliance with Civil Code 1353.6. Refer to CC&R 3.10.

Fences: Chain link fencing, where otherwise approved by the Architectural Committee, shall not be installed on the street side of the lot and shall be painted a natural color (green or brown). Where approved, split-rail fencing shall not exceed three ~~(3) feet in height.~~

Outbuildings: Any second building submitted for approval to the Architectural Committee must meet the following: (1) Conform to the existing residence in style, materials and general looks; (2) Be built on a permanent foundation of either block or poured concrete; (3) Conform to all other building requirements in the CC&Rs and as required by the County. Auto and boat canopies for any purpose, whether canvas, plastic or metal are considered tents and/or temporary structures and are prohibited. Tarps used to cover wood piles, or other outdoor use should be brown, green or clear.

Work Hours and Noise Restrictions: There shall be no construction work that creates a noise disturbance

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9.0 (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) & Cal. Civ. Code §§ 4000 - 6150 (Davis-Stirling Common Interest Development 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:

noncommercial flags or banners are prohibited if they are more than 15 sq. feet in size. Sign Restrictions are in compliance with Civil Code 1353.6. Refer to CC&R 3.10. Fences: Chain link fencing, where otherwise approved by the Architectural Committee, shall not be installed on the street side of the lot and shall be painted a natural color (green or brown).

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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