

the prior consent of the Association. The consent may take the form of pre-approved written guidelines. Such guidelines may include specifics as to size, placement and number of plants and other personal property. No outdoor carpeting, artificial grass or similar covering shall be placed on any deck/Balcony or patio.

6.1(f) Each person shall comply with all of the requirements of all governmental authorities, federal, state and local, and all laws, ordinances, rules and regulations applicable to his or her Condominium. Violation of any such law is also a violation of these CC&Rs.

Section 6.2. Use of Common Area. Use of the Common Area is subject to Association rules adopted by the Board. A non-resident Owner's use of the Dining Room, the Swimming Pool, and the Health Care facilities shall be subject to the rules that are currently applicable to guests of Residents. Use of the Common Area is further subject to the following:

6.2(a) There shall be no obstruction of the Common Area. Nothing shall be stored in the Common Area without the prior consent of the Board, and/or in accordance with written guidelines adopted by the Board, or in designated storage areas. Except for reasonable amounts kept for normal household use, no gasoline, kerosene, cleaning solvents or other flammable liquids shall be stored anywhere on the Property.

6.2(b) Nothing shall be done to or in the Common Area which has an adverse effect on its enjoyment, use, value, insurability, condition or appearance. Owners shall be liable for their own acts, as well as jointly and severally liable for the acts of family members, Lessees, Renters, pets, guests, invitees and private employees. Any damage or destruction to the Common Area or areas the Association maintains may result in a Reimbursement Assessment being levied against the Owner and/or Lessee/Renter responsible for such damage or destruction and the Owner's Condominium.

6.2(c) Nothing shall be altered or constructed or removed from the Common Area, except with the written consent of the Board.

6.2(d) There shall be no violation of the rules and regulations relating to the use of the Common Area.

Section 6.3. Signs and Flags. No signs, posters, flags or banners are permitted on Common Area except as provided for by Civil Code §4710, other law or as approved by the Board.

Section 6.4. Animals. Residents may keep no more than one (1) dog or one (1) cat per Unit. There is no restriction on ownership of small pets kept in cages, tanks or bowls. All other animals are forbidden. The keeping of all pets is subject to the rules and regulations adopted by the Board. Such rules may include breed and other restrictions or prohibitions. After notice and hearing, the Board may order the removal of any pet which, in the Board's sole discretion, causes excessive noise or otherwise creates a nuisance. Any animal which displays threatening behavior or attacks a person or other pet may be immediately barred from the Common Area until a hearing can be conducted. The owner of any pet shall promptly remove and

Sec. 6.3. (p. 39): 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 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, posters, flags or banners are permitted on Common Area except as provided for by Civil Code §4710, other law or as approved by the Board.

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.