



ARTICLE X: FLAG & SIGN POLICY

DEFINITIONS

- (a) Sign – A display, such as a lettered board, for public view.
- (b) Flag—A piece of cloth or similar material, typically rectangular, oblong, or square, attachable by one edge to a pole or rope, with a distinctive design.
- (c) Commercial—pertaining to the exchange or buying and selling of commodities and/or intending to make a profit.

ISSUE #1

SIZE, LOCATION AND NUMBER

- (a) Signs may not exceed 16” x 18” or 2 square feet.
- (b) Flags may not exceed 3’ x 5’ or 15 square feet.
- (c) No more than 1 Sign and 1 Flag may be displayed on a Lot, including in windows and on balconies, patios, or decks.
- (d) All Signs and Flags shall be professionally manufactured and lettered. No handwritten signs or flags shall be allowed.
- (e) All Signs and Flags must be maintained in good condition, free from fading, fraying, and may not be torn or ripped.
- (f) Signs and Flags may only be displayed within the building envelope of an Owner’s Lot and in windows. Flags may also be displayed on balconies, patios, or decks.
- (g) Flags may be displayed on flagpoles as follows:
 - Flagpoles may not be installed without the prior written approval from the Association.
 - Freestanding flagpoles may not exceed 20’ in height and may only be located within the building envelope lines.
 - Flagpoles may not be placed on or attached to Common Elements.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. SIZE, LOCATION AND NUMBER (p. 29): 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) & Colo. Rev. Stat. §§ 38-33.3-101 to 38-33.3-402 (CCIOA)

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:

SIZE, LOCATION AND NUMBER

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- (d) All Signs and Flags shall be professionally manufactured and lettered.

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.