

XI. SIGNS & OTHER DISPLAYS

MARKUP #1 ->

A. For Sale / For Rent Signs

Only one (1) professional temporary sign advertising a property for sale or lease, that is no more than six square feet in size and is conservative in color and style may be installed on the lot without ARC approval. At no time shall such signage be installed upon any common area or fencing. No signs shall be placed in the common grass areas, entrance to the community, or any other portion of the community. Open house advertisements are permitted in the front of the subject home only.

All trade signs, which includes, but are not limited to, landscaping, painting, remodeling, etc., may only be displayed while work is in progress and must be removed upon completion of the job. The ARC on a case-by-case basis shall consider requests for placement of one (1) additional temporary sign due to unique circumstances. The ARC must approve all other signs, including address numbers and nameplate signs. The ARC on a case-by-case basis will consider lighted signs.

Commercial - pertaining to the exchange or buying and selling of commodities and/or intending to make a profit. For purposes of this section, a “For Sale” sign or a “For Rent” sign shall not be considered commercial signage.

B. Security / Alarm Monitoring Signs

The display of a home security system sign, maximum of two (2), must be placed in the ground within two feet of the exterior of the home, and be close to the front/rear entrance doors. Small window stickers / decals are permitted. Some lots require a monitored fire alarm system or a fire sprinkler system. In addition, ~~fuels management procedures, as defined in~~ Section 105 in Part 1 of Article 4 of Chapter 20 of the City Code shall be required for all lots within Peregrine.

ISSUE #1

C. Display of Flags or Signs (House Bill 21-1310 Freedom of Speech)

Definitions.

- Sign - A display, such as a lettered board, for public view.
- 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.

Size, Location and Number.

- Signs may not exceed 24” x 36” inches or a total of 6 sq. feet of surface area.
- Flags may not exceed 3’ x 5’ square feet.
- No more than 1 Sign and 1 Flag may be displayed on a Lot/Unit, including in windows and on balconies, patios, or decks. Notwithstanding the preceding, in the event the home is currently being marketed for sale, the Owner may display up to two signs.
- All Signs and Flags shall be professionally manufactured and lettered. No handwritten signs or flags shall be allowed.
- All Signs and Flags must be maintained in good condition, free from fading, fraying, and may not be torn or ripped.
- Signs and Flags may only be displayed within the boundaries of an Owner’s Lot/Home and in windows. Flags may also be displayed on balconies, patios, or decks.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 105 (p. 33): 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:

in Part 1 of Article 4 of Chapter 20 of the City Code shall be required for all lots within Peregrine. C. Display of Flags or Signs (House Bill 21-1310 Freedom of Speech) Definitions. *
* Sign - A display, such as a lettered board, for public view. 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.

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.