

MARKUP #1 ->

cars and smaller ½ ton pick-up trucks. Larger trucks, trailers, and recreational vehicles or boats may not be parked outside a garage on the development overnight within the gates of Loch Lloyd without previous written approval by the Association.

11.2 When a visitor is staying overnight or for several days, the guest must be registered in the gate access system with the respective dates of the visit. Visitors will register their vehicle with Security upon entering through the Guest Lane.

11.3 Vehicles too large to fit inside the garage must be stored off the development.

11.4 No commercial vehicles are allowed overnight, defined as any vehicle that has any of the following:

- 11.4.1** Advertisement on the vehicle;
- 11.4.2** Over 10,000 lbs.;
- 11.4.3** Transports more than 8 persons;
- 11.4.4** Used for commercial transport of goods or services.

11.5 These parking rules apply to new residents ten days after closing on a newly constructed home or an existing home.

11.6 Street parking: Guests may park on the same side of the street as the home being visited provided that doing so does not restrict two-car traffic flow in the street. This means that cars may not be parked on both sides of the street if doing so reduces the traffic lane to less than necessary for two cars to safely pass each other in opposite directions.

12.0 Garage Doors: Garage doors shall be kept closed except for entry and exit, and for short maintenance periods.

13.0 Political Signs: In general, political signs are discouraged. A political sign may be placed in a residence yard up to 4 weeks prior to an election or ballot question and must be removed within 5 days after the election. Only 1 political sign, per residence yard, of the standard size of 2 x 3 feet is allowed, and can be no larger. Political signage must be ground mounted. No sign may be placed on any common area.

ISSUE #1

14.0 Flags: Flags mounted from a pole, hung from a residents home or garage must have prior written approval from the DRC. Political flags are not allowed. The maximum size of a flag is 3x5 feet mounted with a maximum of a six foot pole. The current American Flag is allowed as well as favorite sports teams, or the current state flag. Only one flag is allowed per resident.

14.1 Temporary ground mounted current American flags placed in a resident’s yard for national holidays such as Veterans Day, Memorial Day, Independence Day, and Labor Day, may be in place for 5 days prior and 5 days after the celebrated holiday.

15.0 Basketball Backboard: Basketball goals and their placement are to be sensitive to adjacent homes, the street and common areas and must be approved by the DRC. Basketball goals that are attached to the home will not be approved. Additional screening may be required. All basketball goals must be clear backboard. All goals must be properly maintained. The association can make exceptions when two criteria are met in the judgment of the DRC: (1) The location of the backboard must be such that there will be very minimal potential for noise nuisance for neighbors; and (2) the backboard must not be visible from the street or golf course unless it's design, color and partial screening by trees or other plantings bring it within approval for the exception.

16.0 Swimming Pools: As with all things exterior to the home, swimming pools require DRC approval of plans prior to construction. Pools must be enclosed with fencing of wrought iron or other acceptable material to prevent small children entering the pool area. The fence must be at least four and one-half feet high and must have a latch on the gate that is at least four feet high. The gate must be self-closing and self-latching so that it cannot be left open or unlatched. During the off-season when the pool is not in use, it must be fitted with a cover, (cover should not exceed the height of the deck) of sufficient strength and sufficiently anchored to prevent anyone accidentally falling into the pool and drowning or becoming entangled in the cover itself. Pools are generally restricted along golf course, and prohibited along set-back. Reference current DRC Guidelines and the Pool Addendum.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 14.0 (p. 4): 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) & Mo. Rev. Stat. Ch. 355 & Common-Law Covenants

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:

Flags: Flags mounted from a pole, hung from a residents home or garage must have prior written approval from the DRC. Political flags are not allowed. The maximum size of a flag is 3x5 feet mounted with a maximum of a six foot pole. The current American Flag is allowed as well as favorite sports teams, or the current state flag. Only one flag is allowed per resident.

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.