

RULE 30. FLAGS / FLAGPOLES

- ISSUE #1
- MARKUP #1 ->
- A. **Ground-Mounted Flagpoles:** One flagpole, not exceeding 25 feet in height, is permitted with ACC approval. Only the official national flag of the United States and/or official flags of the U.S. military branches may be displayed, and all flags must be flown in accordance with federal flag regulations. A maximum of two official flags may be displayed at any time, with the U.S. flag flown above all others. The U.S. flag must be illuminated if displayed at night.

B. House mounted flagpoles: Up to 2 house mounted flagpoles are permitted and do not need ACC approval. Flagpoles must be maintained in good repair. Please see Rule 12 LAWN / BED ORNAMENTS, PLANTERS / DECORATIONS for rules on Garden Flags.

C. Flags shall be flown only from flagpoles and must be replaced when they become worn or unsightly. Political flags are prohibited, and any flag deemed offensive by the Association may not be displayed.

D. All flagpoles and flags should be maintained in good repair.

RULE 31. GARAGE / DOOR SCREENS

- A. Only permanently installed, manually operated, or motorized retractable garage door screens are permitted, and they may include a screen door.
- B. The screen color must be compatible with the base color of the house.
- C. Magnetic garage door screens, including any style with a mesh curtain, are not permitted.

RULE 32. GENERATORS

(Covenant 17) (ACC and TWP)

- A. Temporary and whole-house generators shall be used only during power outages and may be fueled only by gasoline or natural gas. The use of propane as a fuel source is prohibited.
- B. ACC and TWP approval shall be obtained prior to the installation of any whole-house generator, and installation must comply with manufacturer specifications.
- C. Portable generators should be located outdoors with adequate ventilation and shall not be placed near windows or within a garage, even if the door is open.

RULE 33. EXTERIOR LIGHTING

- A. Outdoor lighting is limited to lighting attached to the house, walkways, landscape lighting, either side of the driveway, accented features, i.e. trees, and lampposts. Landscape lighting can be a maximum of 18" high and spaced a minimum of three feet apart.
- B. Lighting is not permitted along the edges of sidewalks or anywhere near or along curbs.
- C. Lighting must be maintained in good repair.
- D. Lighting cannot be directed nor remain illuminated in such a manner as to create an annoyance to neighbors or a danger to drivers.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. C (p. 15): 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) & N.J.S.A. 45:22A-21 to 45:22A-56 (PREDFDA & Radburn Election Law) & N.J.A.C. 5:26-1.1 et seq. (NJ DCA PREDFDA Regulations) & N.J.A.C. 5:20

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 shall be flown only from flagpoles and must be replaced when they become worn or unsightly. Political flags are prohibited, and any flag deemed offensive by the Association may not be displayed.

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.