

ADDENDUM C

PLAYSETS

The Scioto Reserve Master Association will allow play sets to be installed on single family lots as long as they meet the requirements that have been established herein:

- 1) Playset must be applied for and receive approval from the Design Review Board.
- 2) Play sets are to be models from **RAINBOW PLAY SYSTEMS, INC.**, **BACKYARD ADVENTURES**, **WOODPLAY PLAYSETS** or a manufacturer deemed to be equal in quality.
- 3) Canopies for golf course lots are to be dark green and replaced as necessary due to weathering.
- 4) All slides for golf course lots are to be dark green. The Design Review Board may grant variances for non-golf course view lots.

ISSUE #1

- 5) No flags are to be used on the play sets on golf course view lots.
- 6) On lots having any portion of any lot line in common with the Golf Course, play sets may be required to be erected no closer than 20 feet from the adjacent Golf Course property line(s).

For non-golf course lots, the Association requires for approval an all wood play set equal in quality to the play sets listed above. Variables that will be compared include but are not limited to support beam construction, climbing ring installation, weight restrictions, wood part warranty, and lumber treatment. The Association may require a redwood stain to be applied to non-Woodplay play sets.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ADDENDUM C (p. 10): 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) & Ohio Rev. Code Ch. 5312 (Ohio Planned Community Law) & Ohio Admin. Code 1301:5-6

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:

5) No flags are to be used on the play sets on golf course view lots. 6) On lots having any portion of any lot line in common with the Golf Course, play sets may be required to be erected no closer than 20 feet from the adjacent Golf Course property line(s).

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.