

MISCELLANEOUS

Section

MARKUP #1 ->

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1. **Notices & Signage:** No notices or signage of any kind may be attached to or otherwise displayed in the Common Elements without approval of the Board. No signs, displays or advertising materials may be placed in any Unit where visible from the exterior of the Unit. No signs, advertising posters, billboards, canopy or awnings, or any variation of the foregoing of any kind shall be erected, placed, or permitted to remain on the Project without the prior written approval of the Board. The Board shall have the right to erect reasonable and appropriate signs on behalf of the Association.
2. **Noise:** All Owners, Occupants and their Guests shall reduce noise levels between the hours of 10:00 PM and 8:00 AM so that neighbors are not disturbed. At no time are musical instruments, radios, stereos, or televisions to be so loud as to create a nuisance.
3. **Yard Sales:** Yard sales, garage sales, or similar activities are not permitted.
4. **Waterbeds:** Waterbeds are prohibited on the 2nd and 3rd floors.
5. **Number of Occupants per Unit.** Number of residents per Unit cannot exceed the number of bedrooms in the Unit. Nothing in this Rule shall supersede any applicable law or ordinance regarding families.
6. **Window Treatments.** Unless otherwise approved in writing by the Board, all windows which are part of a Unit shall have window treatments and any portion thereof visible from outside the Unit shall be white or off-white in color.
7. **Affixing Items:** No items are to be affixed to the exterior walls or ceilings. No items shall be hung inside windows. ~~No air conditioning unit shall be affixed to the building inside or outside.~~ No flags or poles shall be placed on any building or railing. Portable screens are not allowed to be affixed to the frame of the door (Updated 12/1/2023).
8. **Firearms and Fireworks.** The display or discharge of firearms or fireworks anywhere in the Project is prohibited; provided, however, that the display of lawful firearms on the Common Elements is permitted for the limited purpose of transporting the firearms across the Common Elements to or from a Unit. The term "firearms" includes "B-B" guns, pellet guns, and other firearms of all types, regardless of size.

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. MISCELLANEOUS (p. 22): 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) & Tenn. Code Ann. §§ 66-27-201 to 66-27-507 (Tennessee Condominium Act of 2008) & Tenn. Comp. R. & Regs. 1260-02-.09

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 or poles shall be placed on any building or railing. Portable screens are not allowed to be affixed to the frame of the door (Updated 12/1/2023). 8. Firearms and Fireworks. The display or discharge of firearms or fireworks anywhere in the Project is prohibited; provided, however, that the display of lawful firearms on the Common Elements is permitted for the limited purpose of transporting the firearms across the Common Elements to or from a Unit.

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.