Eagle Trace of Madison HOA · Declaration of Covenants, Conditions & Restrictions (Declaration / CC&Rs) - Page 1

ISSUE #1

Section B-11) - Sample Provision Excerpt (Public Preview)

Signs. No sign of any kind shall be displayed to the public view on any Lot except, one professional sign of not more than one square foot, one sign of not more than six square feet advertising the property for sale or rent or signs without regard to size used by the Declarant, a builder or licensed real estate broker to advertise the property...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. B-11) (p. 1): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under WI and federal law.

Statutory / Legal Reference: Wis. Stat. § 779.70 & Ch. 181 (2021 Wis. Act 199 HOA Notice Law) & Wis. Admin. Code DFI-CCS / ATCP Ch. 134

Statutory Comparison: Under Wis. Stat. § 779.70 & Ch. 181 (2021 Wis. Act 199 HOA Notice Law) & Wis. Admin. Code DFI-CCS / ATCP Ch. 134; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where...

CURRENT WORDING IN DOCUMENT:

Signs. No sign of any kind shall be displayed to the public view on any Lot except, one professional sign of not more than one square foot, one sign of not more than six square feet advertising the property for sale or rent or signs without regard to size used by the Declarant, a builder or licensed real estate broker to advertise the property...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section B-11) to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Wis. Stat. § 779.70 & Ch. 181 (2021 Wis. Act 199 HOA Notice Law) & Wis. Admin. Code DFI-CCS / ATCP Ch. 134; 4 U.S.C. § 5.