

Flagpole

**BELMONT COMMUNITY ASSOCIATION  
POLICY RESOLUTION NO. 36**

**FLAGPOLE RESTRICTIONS, AMENDMENT TO DESIGN GUIDELINES**

**WHEREAS**, Article 4, Section 4.1 of the Bylaws states that “The Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Act or the Association Documents to be exercised and done by the owners;” and

**WHEREAS**, Article 9, Section 9.1(b)(5) of the Association’s Declaration of Covenants, Conditions and Restrictions stipulates that the Board of Directors shall adopt Design Guidelines for the property; and

**WHEREAS**, the existing Design Guidelines provide the following with regards to flagpoles located throughout the community: “Permanent, free standing flagpoles are prohibited. Flagpole staffs which do not exceed five feet in length and are attached at an incline to the wall or pillar of the dwelling unit are permitted;” and

**WHEREAS**, in accordance with the Federal Freedom to Display the American Flag Act of 2005, the Association *may not* prohibit any Lot Owner from displaying upon his or her Lot the flag of the United States whenever such display is in compliance with Chapter 1 of Title 4 of the United States Code, or any rule or custom pertaining to the proper display of the flag. The Association may, however, establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag on such property provided such restrictions are necessary to protect a substantial interest of the Association; and

**WHEREAS**, the Board of Directors deems it in the best interest of the Association to adopt revised Design Guidelines related to flagpoles located throughout the community, to ensure compliance with applicable Federal, State and Local law and to preserve the overall uniform aesthetics of the community, which the Board considers to be a substantial interest of the Association; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the following rules and regulations be adopted to amend and replace entirely the existing Design Guidelines provisions related to flagpoles and referenced above.

1. Flagpole staffs which do not exceed five feet in length *and* which are attached at an incline to the wall or pillar of a dwelling unit are permitted.
2. Any other flagpole is prohibited unless an application is submitted to and approved by the Covenants Committee.
3. The display of the American flag shall at all times be in accordance with any and all applicable Federal and State laws.

The effective date of this Resolution shall be October 21, 2010.

**BELMONT COMMUNITY ASSOCIATION**



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Edward Zier, President