

# RESOLUTION OF STARGATE HOMEOWNERS ASSOCIATION, INC.

## Policy #10 Flag Policy - Revised January 2021

**SUBJECT:** Adoption of updated policy and procedure to be followed in regard to the display of flags in the Subdivision.

**PURPOSE:** The purpose of this resolution is to adopt the updated standard policy and procedure to be followed by all owners who wish to display flags in a manner that protects the rights of the owners, provides safety of residents and maintains the value of the property.

**AUTHORITY:** The declaration of the Stargate Homeowners Association, as it is written in the article of incorporation and bylaws of the association, any amendments there to the Governing documents, the Colorado Common Interest Ownership Act ("CCIOA") at C.R.S.38-33.3-106.5 and Federal law.

**EFFECTIVE DATE:** April 1st, 2021

**RESOLUTION:** The Association hereby adopts the following policy and procedures:

1. **Display of the American Flag** - The HOA cannot prohibit the display of the American flag on a unit owner's property, in a window of the unit, if the American flag is displayed in a manner consistent with the Federal Flag Code. The HOA is permitted to adopt reasonable rules that regulate the placement and how the American flag is displayed. The HOA cannot prohibit the installation of flagpoles. However, associations are permitted to regulate the location and size of flags and flagpoles.
  - a. The Homeowner is permitted to display the American flag on a pole or mast in a manner consistent with the federal flag code with the Stargate Architectural Control Committee's Approval prior to installation.
  
2. **Display of Service Flags** - The HOA cannot prohibit the display of a service flag bearing a star denoting the service of the owner or occupant of the unit, or a member of the owner's or occupant's immediate family, who is serving in the active or reserve military service of the United States during a time of war or armed conflict. The HOA must permit service flags to be displayed on the inside of the window or door of a unit. The HOA are permitted to adopt reasonable rules regarding the size and manner of display of service flags. However, the maximum dimensions allowed may not exceed 4ft by 6ft.
  - a. The Homeowner is permitted to display the Service flag in a manner that is consistent with the federal flag code with the Stargate Architectural Control Committee's Approval prior to installation.

3. **Display of Political Flags and signs** - any flag or sign that carries a message intended to influence the outcome of an election and or recall of an election or elected official.
  - a. The HOA prohibits political flags and signs displayed earlier than (45) days before an election day, and should be removed no more than (5) days after that election.
  - b. The HOA will permit (1) political sign per political office or ballot issue that is contested in a pending election.
  - c. Any political sign exceeding 36 inches by 48 inches is prohibited.
  
4. **Display of State Flags** - any flag representing any of the 50 US states.
  - a. The Homeowner is permitted to display the state flag of their choosing in a manner that is consistent with the federal flag code with the Stargate Architectural Control Committee's Approval prior to installation
  
5. **Display of all other visible Flags are prohibited in Stargate.**
  
6. **Flag installation policy** -
  - a. **Yard flagpole installations** - any flagpole installed in the ground or attached to any fixture or structure other than the primary dwelling.
    - i. Submit installation plan with Stargate Architectural Control Committee's Approval prior to installation.
    - ii. Flagpole installation in the front of the lot is prohibited, and should be installed only in the rear of the lot.
    - iii. Flagpoles should not exceed the height of 15ft and should not exceed the height of the primary dwelling.
    - iv. Flag dimensions should not exceed 4ft by 6ft.
    - v. Use of temporary or permanent pennants or streamer flags is prohibited within Stargate.
  
  - b. **Structure attached flagpole installations** - any flagpole or mast installed on any structure situated on a Stargate lot.
    - i. Submit installation plan with Stargate Architectural Control Committee's Approval prior to installation.
    - ii. Flagpole installations attached to the primary dwelling are permitted.
    - iii. Flagpoles should not exceed more than (1) installation on the front of the visible structure.
    - iv. Flagpoles should not exceed the height of the attached structure.
    - v. Flag dimensions should not exceed 4ft by 6ft.
    - vi. Use of temporary or permanent pennants or streamer flags is prohibited within Stargate.
  
  - c. **Vehicle flagpole installations** -
    - i. Use of permanent flagpoles installed on parked vehicles visible in driveways, streets and guest parking areas are prohibited within Stargate.

**7. Violations -**

- a. Any violation of this policy will result in written notice from the HOA to remove and take down the flag, flagpole or sign. Failure to comply with this notice will result in fines.

**8. Definitions -**

- a. Unless otherwise defined in this resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

**9. Supplement to Law -**

- a. The provisions of this resolution shall be in addition to and in supplement of the terms and provisions of the Governing Documents and the law of the State of Colorado governing the project.

**10. Deviations -**

- a. The Board of Directors may deviate from the policy and procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

**11. Amendment -**

- a. This policy and procedure may be amended from time to time by the Board of Directors.

**AMENDMENT A**

**12. Additions -**

- a. Any flag or sign not outlined in this policy is subject to variance approval by the Stargate Board. The Board reserves the right to revoke authorization for such variances at any time. An example would include flying a sports team flag during a sporting event or season as outlined on a case by case basis.

**BOARD OF DIRECTORS CERTIFICATION:** The undersigned, being the Board of Directors of the Association, certifies that the foregoing resolution was adopted at a duly called and held meeting for the Board of Directors on April 5th, 2021, and in witness thereof the undersigned has subscribed their names.

**STARGATE HOA, INC.**

Dakota Cole

*Dakota Cole*

Paul Forbes

*Paul Forbes*

Marsha Parker

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