

COMSTOCK VILLAGE HOMEOWNERS' ASSOCIATION (CVHA) POLICY ON THE DISPLAY OF THE U.S. FLAG, SERVICE FLAGS, AND OTHER FLAGS

To comply with an owner's or occupant's rights under Federal law, Colorado law, and ordinances adopted by El Paso County and the City of Colorado Springs, if any, the Comstock Village Homeowners' Association Board of Directors adopts the following rules to regulate the display of the U.S. flag, the Colorado State flag, service flags, and other flags, whether on flagpoles or attached to a house. The Board of Directors recognizes the fact that Federal statutes and Colorado statutes state that homeowners' associations can reasonably restrict the time, place, and manner flags are displayed, when necessary to protect a "substantial interest" of the Association.

1. Definitions:

- a. **U.S. Flag.** The official flag of the United States of America.
- b. **Service Flag.** A flag bearing a star or stars denoting the service of an owner or occupant, or a member of an owner or occupant's immediate family, who is in the active or reserve military service of the United States during a time of war or armed conflict.
- c. **Banner.** A nonrectangular flag, a windsock, or a rectangular flag that does not generally have the height and width ratio of a U.S. flag.
- d. **Flagpole.** Any pole on which to raise or display a flag. A "freestanding" flagpole is installed in the ground. An "attached" flagpole is attached to something other than the ground.

2. Installation of a flagpole:

- a. **Attached flagpoles.** Owners and occupants may attach one flagpole to their residence or garage without obtaining prior approval from the CVHA Architectural Control Committee (or the CVHA Board of Directors acting as the Architectural Control Committee) that does not exceed six (6) feet in length. This flagpole will be known as an "attached flagpole," and it may be permanent or removable.
- b. **Freestanding flagpoles.** Freestanding flagpoles may not be installed without prior written approval from the CVHA Architectural Control Committee (or the CVHA Board of Directors acting as the Architectural Control Committee). Only one freestanding flagpole may be approved per lot. Roof-mounted flagpoles are prohibited. Location, height, diameter, method of installation, and material will be taken into consideration when consideration is given to applications submitted by owners or occupants who seek permission to install a freestanding flagpole.

(1) **Location of freestanding flagpoles.** The CVHA Architectural Control Committee (or the CVHA Board of Directors acting as the Architectural Control Committee) will work with owners and occupants who submit requests to erect a freestanding flagpole to determine a location on the owner's or occupant's property that permits proper display of flags, as permitted by Federal, State, and local law, while preserving the appearance of the neighborhood and the value of adjacent properties. Adequate setback from public access sidewalks and streets will be a consideration to maintain unobstructed access and clear fields of vision, and to discourage vandalism.

c. **Height of flagpoles.** A freestanding flagpole may not exceed eighteen (18) feet in height, and no flagpole (freestanding or attached) may extend a horizontal plane extending from the highest point on the residence.

d. **Diameter of flagpoles.** Freestanding flagpoles may not exceed six (6) inches in diameter at the base and may maintain a steady diameter or be tapered smoothly or in even steps to a smaller diameter at the top. Attached flagpoles may not exceed two (2) inches in diameter.

e. **Installation.** The base in which a flagpole is mounted shall be unobtrusive and blend with the surrounding landscaping. If the flagpole is broken off or permanently removed, the remaining base must be removed or made to blend with the surrounding landscaping.

f. **Materials.** Flagpoles shall be made of durable materials and finishes such as anodized aluminum, colored steel, wood, or fiberglass, and be capable of enduring winds experienced in the Comstock Village area. Flagpole colors must meet color standards that are applicable to residences under the Comstock Village Covenants (i.e., "earthtone colors"). Silver and bronze are recognized and accepted as traditional colors for flagpoles. Flagpoles shall be maintained to the same standards for maintenance and repair that apply under the Comstock Village Covenants to residences. Flagpoles with lanyards and fittings must be constructed to minimize noise generated by lanyards and fittings slapping against the flagpole. If noise created by a flagpole is loud enough to disturb an owner or occupant's neighbors, the Board of Directors reserves the right to require the owner or occupant to remove the flagpole, replace it, or otherwise take any action necessary to eliminate the noise.

g. **Lighting.** If a flagpole is lighted, the light source shall not be visible from the windows of adjacent residences or to passing traffic. For upward-shining lights, minimum wattage should be used in order to minimize light pollution of the night sky.

3. **Display of the U.S. Flag.**

a. The U.S. Flag must be displayed in accordance with the Federal Flag Code, Pub. L. No. 94-344, 90 Stat. 810 (codified in 4 U.S.C. ch. 1.)

- b. A U.S. Flag flown on a freestanding flagpole may not exceed four (4) feet by six (6) feet.
- c. A U.S. flag flown on an attached flagpole may not exceed three (3) feet by five (5) feet.
- d. Flags flown on the same flagpole as a U.S. Flag may not exceed the size of the U.S. Flag that is being flown on the same flagpole.
- e. One U.S. Flag of the sizes specified in paragraphs 3.a and 3.b above may be flown on each freestanding and attached flagpole without prior approval.
- f. A reasonable number of smaller U.S. Flags may be displayed in good taste three days before, and two days after, the following dates: Memorial Day, July 4th, Labor Day, Flag Day, and Veterans Day. Display of additional flags on other dates must be approved by the Board of Directors.
- g. The U.S. Flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property. See 36 U.S.C. § 176(a). For these purposes, "dire distress" is defined to mean events that have a reasonable possibility of causing immediate harm to an owner or occupant's life or property. Display of the U.S. Flag with the union down for any other purpose is considered political signage and is prohibited.

4. Display of Service Flags.

- a. Only an owner or occupant who is, or whose immediate family member is, serving in the armed forces of the United States during a period of war or hostilities in which the Armed Forces of the United States are engaged may display a Service Flag.
- b. Service flags may be displayed without prior approval on the inside of a window or door or flown from a freestanding or attached flagpole, and must be displayed in accordance with the Federal Flag Code if flown with the U.S. Flag.
- c. Service Flags may not exceed the size limitations specified in sections 3.b, 3.c., and 3.d above.

5. Display of historical American flags, state flags, military branch and unit flags, school pride flags, and other flags.

- a. American flags, state flags, and military branch and unit flags may be flown on a freestanding or attached flagpole and must be displayed in accordance with the Federal Flag Code if flown with the U.S. Flag. Such flags may not

exceed the size specifications for U.S. Flags stated in sections 3.b, 3.c, and 3.d above.

b. School flags, sports or sports team flags, decorative thematic flags, and banners may be displayed on freestanding or attached flag poles. These flags do not include flags that carry a political message, advertise a business or service, or are obscene. Those flags are prohibited, except to the extent they carry a political message and are displayed immediately before or after an election, as permitted by Colorado law. The Board of Directors reserves the right to ask an owner or occupant to remove any flag that carries a political message, advertises a business or service, or is offensive or obscene.

6. **Enforcement.** The CVHA Board of Directors is responsible for enforcing these rules. The Board may deviate from the policies and procedures set forth in these rules if, in its sole discretion, such deviation is warranted under the circumstances. However, there must be a clear and compelling reason for a deviation.

7. **Amendments.** These rules may be amended from time to time by the Board of Directors.