

Elk Springs Homeowners Association, Inc.
Policy and Procedure for Flag and Sign Display

Pursuant to the authority granted by Article 4.14 (A) and (B) of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, Colorado (the “Declaration”) and as further authorized and required by the Colorado Common Interest Ownership Act, C. R. S. 38-33.3-106.5 (a) and (c), et seq. (the “Act”), the Board of Directors of Elk Springs Homeowners Association, Inc. adopts the following policy and procedure governing the display of flags and signs. Unless otherwise defined in this Policy and Procedure, initially capitalized or terms defined in the Declaration shall have the same meaning herein. This Policy and Procedure may be amended at any time by the Board of Directors of the Elk Springs Homeowners Association, Inc.

Flag:

Any Unit Owner may display up to two flags. A flag may be no larger than four (4) feet by six (6) feet in size and must be maintained in good condition. All-weather flags may be flown in all weather conditions.

Display of flags bearing commercial messages and/or excessive wear and tear of a displayed flag is grounds for a violation. Violation examples include, but are not limited to, flying a torn or tattered flag, excessive noise being created by flag whipping or lanyard rattling on windy days, or flagpole being in disrepair or leaning from vertical.

Flagpoles:

Flagpoles are subject to local building codes, zoning setbacks and other applicable governmental regulations, including, but not limited to, noise and lighting ordinances within Garfield County and all setback, easement and location criteria contained in the Elk Springs Design Requirements and Guidelines (“DRGs”). The flag may be flown on a staff attached to the Unit Owner’s property or may be flown on a freestanding portable telescopic or retractable flagpole no more than twenty (20) feet high as measured from ground level to the top of the pole. Up to one staff and one flagpole is allowed on each Unit. Portable flagpoles should be supported in the ground by an inground liner or casing buried not less than twenty (20) inches below ground level and encased or set in cement.

The Unit Owner is required to submit a plan with the Architectural Review Committee (“ARC”) of the Elk Springs Board of Directors regarding the placement of a personal flagpole. View lines and view corridors of affected neighbors will be used in the approval/disapproval process. Affected neighbors will be notified by the ARC for their input prior to a final determination.

Elk Springs strives at all times to preserve the natural ambiance of its rural setting, including nightscapes and encourages flag poles to be unlit as aligned with our dark sky

policies. Elk Springs realizes that this policy may be in conflict with certain statutes and protocols in flying certain flags at night. If lighted, no more than one (1) fifty (50) watt spotlight may be used and must be shielded such that the point source is not visible outside a radius of fifteen (15) feet. A luminaire that causes light spill into the sky will not be approved.

Signs:

As used in this Policy and Procedure, a “political sign” shall mean a sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue. Political Sign Posting (“PSP”) within Elk Springs must be consistent and compliant with Colorado law and the Declaration; however, current Colorado law shall supersede any conflicting provisions in the Declaration. Each Unit is allowed only one PSP per political office or ballot issue, plus up to one non-political sign, excluding signage depicting the identifying number of the Unit, signage allowed by the Declaration, and any other construction-related signage required by the Design Requirements and Guidelines. Signs with commercial messages are not allowed except for standard “for sale” signs. Signs may only be placed within the boundaries of the Unit. Any sign that interferes with sightlines at intersections is prohibited. Signs are not allowed on the Common Areas or Common Elements except as specifically authorized by the Board.

The maximum size allowed for any sign is twenty-four (24) inches high and thirty-six (36) inches wide. The wire support structure for the sign must be no more than 1/8 inch diameter.

Enforcement:

If a flag or sign is displayed in violation of this Policy and Procedure, the Unit Owner will be noticed in writing pursuant to the *Enforcement of Rules and Regulations, Hearing Procedures and Schedule of Fines Policy*.

PRESIDENTS CERTIFICATION:

The undersigned, being the President of the Elk Springs Homeowners Association, Inc. Board of Directors certifies that the foregoing Policy and Procedure for Flag and Sign Display was adopted by the Board of Directors at a duly called and noticed meeting of the Board of Directors held on August 15, 2022 and in witness thereof, the undersigned has subscribed his name.

/s/ Patrick Fitzgerald

President, Elk Springs Homeowners
Association, Inc. Board of Directors

August 15, 2022

Date Adopted