



BOCA RATON HOMEOWNERS' ASSOCIATION, INC.

**RESOLUTION AND GUIDELINES REGARDING
REGULATION OF FLAG DISPLAY**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GALVESTON §

WHEREAS, THE BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association"), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

WHEREAS, Section 202.011 of the Texas Property Code provides for the regulation of flag display by a property owners' association;

WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

WHEREAS, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the following Guidelines are adopted by the Board of Directors.

GUIDELINES

- I. These Guidelines apply to the display of flags ("Permitted Flags")¹:
 - a. the flag of the United States;
 - b. the flag of the State of Texas; and
 - c. the official flag of any branch of the United States armed forces.
 - d. the historical Six Flags of Texas (US, Texas, Confederate States, Mexican, French, Spanish) displayed as a group.

- II. The flag of the United States shall be displayed in accordance with 4 U.S.C. Sections 5-10.

¹ "Flags" shall be referred to as defined in Texas Property Code Section 202.011 (a).

- III.** The flag of the State of Texas shall be displayed in accordance with Chapter 3100, Texas Government Code.
- IV.** These Guidelines also apply to the following other flags and banners allowed for display including, but not limited to:
- a. flags for schools, sports teams; or
 - b. flags with seasonal, historical, commemorative, nautical, political or religious themes; or
 - c. historical versions of flags permitted in section 1 above; or
 - d. flags of other US States and Territories.
- NOTE: Any flag or banner not on the Section I Permitted Flag List or listed in Item IV must be approved by the Architectural Control Committee (ACC).
- V.** Permitted Flags may be displayed subject to these guidelines. Advance written approval of the ACC is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags. NOTE: Flagpoles erected before the enactment of this resolution are grandfathered, but must be reported to the ACC and removed when the property is sold, unless approved in writing by the ACC.
- VI.** Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
- VII.** Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
- VIII.** All Permitted Flags and those listed in IV above shall be no larger than three foot (3') by five foot (5') in size. Exceptions must be approved by the ACC.
- IX.** Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall. Variances may be approved by the ACC.
- X.** Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
- XI.** A flagpole attached to a structure (home or garage) may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. Only two flagpoles may be attached to a structure. The flagpole(s) must be attached in such a manner as to not damage the structure. Flagpole(s) is allowed on any portion of a structure facing a street and on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.

- XII.** Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
- XIII.** The display of a flag, or the location and construction of the supporting flagpole shall comply with applicable zoning ordinances, easements, and setbacks of record.
- XIV.** Free-standing flagpoles may not be installed in any location described below:
- a. in any location other than the Owner's property; or
 - b. within a ground utility easement or encroaching into an aerial easement; or
 - c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
 - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
- XV.** No owner shall display a flag or flagpole on property that is owned or maintained by the Association or owned in common by the members of the Association.
- XVI.** Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
- a. be mounted in the vicinity of the flag; and
 - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
 - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
- XVII.** Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

XVIII. Flagpoles are allowed solely for the purpose of displaying Permitted Flags and banners. If a flagpole is no longer used on a daily basis, it must be removed.


XIX. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

These guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Duly approved and adopted at a meeting held by the Board of Directors of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., this 3rd day of October, 2013.

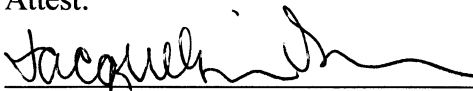
Effective Date: 10 October, 2013.

Signed:

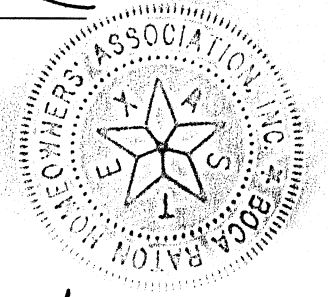


Curt Roberts
President, Board of Directors

Attest:

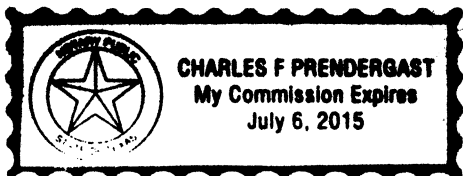


Jacquelyn Gibson
Secretary, Board of Directors



THE STATE OF TEXAS §
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COUNTY OF GALVESTON §

THIS INSTRUMENT was **acknowledged** before me on this the 5th day of October, 2013, by Curt Roberts, President of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.

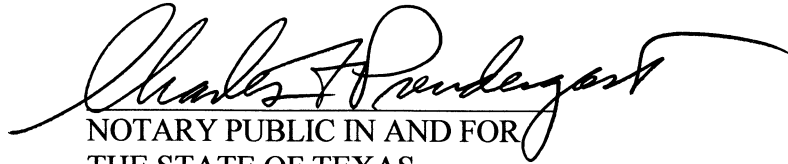


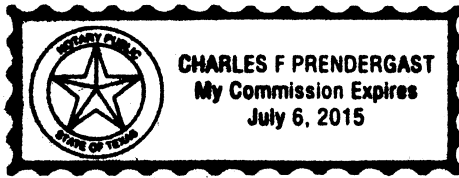


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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THIS INSTRUMENT was **acknowledged** before me on this the 3rd day of October, 2013, by Jacquelyn Gibson, Secretary of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

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October 10, 2013 10:16:22 AM

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Dwight D. Sullivan, County Clerk
Galveston County, TEXAS