

**SPINNAKER RUN CONDOMINIUM ASSOCIATION, INC.
SIGN AND FLAG DISPLAY POLICY**

The following Sign and Flag Display Policy ("Policy") was adopted by the Board of Directors of the Spinnaker Run Condominium Association, Inc. ("Association") pursuant to C.R.S. § 38-33.3-209.5.

("Association"), at a meeting of the Board of Directors.

Effective Date: 9-15-22

Recitals

A. The Board of Directors of the Association has the authority to adopt rules and regulations, pursuant to Article IV, Section 2 (b) of the Bylaws and C.R.S. § 38-33.3-302(1)(a).

B. Regarding flags, the Association may not do the following, pursuant to C.R.S. § 38-33.3-106.5(a):

- i. Prohibit the display of a flag on a Unit Owner's property, in a window of the Unit, or on a balcony adjoining the Unit;
- ii. Prohibit or regulate the display of flags on the basis of their subject matter, message, or content; or
- iii. Prohibit the installation of a flag or flagpole.

C. Regarding signs, the Association may not do the following, pursuant to C.R.S. § 38-33.3-106.5(c):

- i. Prohibit the display of a sign by the Owner or occupant of a Unit on property within the boundaries of the Unit or in a window of the Unit; or
- ii. Prohibit or regulate the display of window signs or yard signs on the basis of their subject matter, message, or content.

D. Regarding both flags and signs, the Association may adopt reasonable content-neutral rules regulating the number, location/placement, and size. Additionally, the Association may prohibit signs and flags bearing commercial messages.

E. The purpose of this Policy is to balance the Association's interest in maintaining the aesthetic value of the community with residents' freedom of expression.

F. The Board of Directors of the Association believes that it is in the Association's best interests to adopt this Policy.

Policy

NOW, THEREFORE, The Board of Directors adopts the following:

1. **Definitions.** As used in this Policy:

a. "Content-neutral rules" mean rules that apply to all flags and signs without regard to the substance or message stated thereon.

b. "Sign" means any display, notice, bulletin, figure, painting, writing, drawing, message set forth on a placard, poster, or other thing that is designated, intended, or used to advertise or inform and is displayed in any manner whatsoever whether outdoors (e.g. yard sign) or indoors (e.g. window sign) in such a manner as to be visible from any sidewalk, street, or other Unit.

c. "Flag" means a piece of woven cloth or other material with a depiction or emblem designed to be flown from a pole or mast or that is displayed in any manner whatsoever whether outdoors or indoors in such a manner as to be visible from any sidewalk, street, or other Unit.

d. "Commercial Message" means any message that promotes a business or attempts to generate good will for a business, any message that advertises a product or service for sale, and any message that proposes a commercial transaction. A "commercial message" includes but is not limited to "for sale" Signs and "for rent" Signs. ~~*(The Board must choose whether to allow flags and signs with a sports team's logo. At least one court has ruled that such a logo is a commercial message.) A "Commercial Message" does not include a sports team's logo.*~~

e. Neither "Flag" nor "Sign" include a depiction or emblem made from lights, roofing, siding, paving materials, flora, paint, chalk, or other item, or from balloons, or any other building, landscaping, or decorative component.

2. **Content-Neutral Rules – Signs.** Signs are subject to the following rules.

a. **Number of Signs.** At any given time, no more than ~~*(The Board must choose, based on content-neutral aesthetic grounds for the community. The following suggested options are based on common limits designed to preserve the aesthetics of the community while allowing the signs to convey a message.) three (3)/four (4)/five (5)*~~ Signs shall be displayed at a Unit. A double-sided Sign shall constitute one (1) Sign. A Sign with three (3) or more sides is prohibited.

b. **Placement of Signs.** Signs may be placed on or in a Unit and on Limited Common Elements appurtenant to such Unit. No more than one (1) Sign shall be placed on the Unit door. Signs may not be permanently attached to any portion of the Unit or Limited Common Elements for which the Association has a maintenance obligation. Signs may not be placed on the Common Elements.

c. **Size of Signs.** Signs shall not exceed a maximum dimension of ~~*(The Board must choose, based on content-neutral aesthetic grounds for the community. The following~~

suggested options are based on common limits designed to preserve the aesthetics of the community while allowing the signs to convey a message.) one and one half (1.5) feet by two (2) feet (typical size) / three (3) feet by four (4) feet (larger size for larger lots)*

d. **Height of Signs.** Signs shall not exceed *(The Board must choose, based on content-neutral aesthetic grounds. The following suggested options are based on limiting the height while allowing the signs to convey a message.) four (4) / five (5) / six (6)* feet in height, measured from the top of the Sign to the lowest adjacent grade.

3. **Content-Neutral Rules – Flags.** Flags are subject to the following rules.

a. **Number of Flags.** At any given time, no more than *(The Board must choose, based on content-neutral aesthetic grounds. The following suggested options are based on limiting the number of flags while allowing the flags to convey a message.) two (2) / three (3) / four (4)* Flags shall be displayed at a Unit.

b. **Location of Flags.** Flags may be displayed at a Unit on a flagpole, in a window, or along railing adjacent to balconies, decks, or patios.

c. **Size of Flags.** Flags shall not exceed a maximum dimension of *(The Board must choose, based on content-neutral aesthetic grounds. The following suggested options are based on limiting the size of flags while allowing the flags to convey a message.) three (3) feet by five (5) feet (typical size) / five (5) feet by nine and one half (9.5) feet (larger size for larger lots)*.

d. **Size of Flagpoles.** Flagpoles may be placed in a Unit and on Limited Common Elements appurtenant to such Unit. Prior to installation, Owners must obtain approval of a proposed flagpole from the Association, in accordance with provisions of the Association's governing documents regarding architectural control. Flagpoles shall be limited to *(The Board must choose, based on content-neutral aesthetic grounds. The following suggested options are based on limiting the number of flagpoles while allowing the flags to convey a message.) two (2) / three (3) / four (4)* per Unit. Flagpoles shall not exceed *(The Board must choose, based on content-neutral aesthetic grounds. The following suggested options are based on limiting the size of flagpoles while allowing the flags to convey a message.) ten (10) / fifteen (15) / twenty (20) / twenty-five (25)* feet in height. Flagpoles may not be permanently attached to any portion of the Unit or Limited Common Elements for which the Association has a maintenance obligation. Signs may not be placed on the Common Elements.

4. **Commercial Messages.** A Sign or Flag bearing at least one (1) Commercial Message is deemed to bear Commercial Messages for purposes of this Policy. By way of example and not limitation, a double-sided Sign with a Commercial Message on one side and a non-Commercial Message on the other side is deemed to bear Commercial Messages for purposes of this Policy.

5. **Supersedes Previous Rules.** This Policy shall replace and supersede all previous policies, rules, and regulations regarding the subject matter of this Policy, if any.

6. **Severability.** In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing Sign and Flag Display Policy was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the 15 day of Sept, 2012.

Spinnaker Run Condominium Association, Inc.

Barbara Barratt
(Signature)

By: Barbara Barratt, its: President
(printed name) (officer)