

**VISTA AT MONTAINE COMMUNITY ASSOCIATION, INC.
SIGN AND FLAG DISPLAY POLICY**

The following Sign and Flag Display Policy (“Policy”) was adopted by the Board of Directors of the Vista at Montaine Community Association, Inc. (“Association”), at a regular meeting of the Board of Directors.

Effective Date: September 13, 2021

Recitals

A. The Board of Directors of the Association has the authority to adopt rules and regulations, pursuant to Article V, Section 5.2(i) 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 Lot Owner’s property, in a window of the Lot, or on a balcony adjoining the Lot;
- 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 Lot on property within the boundaries of the Lot or in a window of the Lot; 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 Lot.

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 Lot.

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. Sports team logos are not considered Commercial Message.

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 two (2) Signs shall be displayed on a Lot. 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 a Lot. Signs shall be placed at least two (2) feet from the Lot boundary. Signs may not be placed on the Common Elements.

c. **Size of Signs.** Signs shall not exceed a maximum dimension of one and one half (1.5) feet by two (2) feet (typical size)

d. **Height of Signs.** Signs shall not exceed four (4) 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 two (2) Flags shall be displayed on a Lot.

b. **Location of Flags.** Flags may be displayed on a Lot 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 three (3) feet by five (5) feet.

d. **Size of Flagpoles.** Flagpoles may be placed on a Lot. 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 may be freestanding or mounted on a building, and the flagpole installation may be temporary or permanent. Flagpoles shall be limited to two (2) per Lot. Flagpoles shall not exceed the height of the roofline of the residence. Flagpoles shall be placed at least ten (10) feet from the Lot boundary. Flagpoles may not be placed on the Common Elements. Approval is required for any freestanding flagpole.


4. **Commercial Messages.** A Sign or Flag bearing Commercial Messages is prohibited. 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 13th day of September, 2021.

VISTA AT MONTAINE COMMUNITY ASSOCIATION, INC.



(Signature)

By: Eric Lehman, its: President.