



FIRST COLONY
COMMUNITY ASSOCIATION

UNITED STATES AND TEXAS FLAG DISPLAY

Article VIII, Section 5 of the Declaration of Covenants, Conditions and Restrictions for First Colony (the "deed restrictions") require that: "... plans and specifications showing the nature, kind, shape, color, size, materials and locations of such modifications, additions or alterations shall be submitted to the Modifications Committee for approval...." The following guidelines have been developed to assist Property Owners in complying with the above requirement of the deed restrictions.

FOR ALL FLAGPOLES SIX FEET (6') IN LENGTH OR SHORTER, THE FOLLOWING GUIDELINES APPLY:

- (1) The pole may be mounted on the house or garage on a permanent or temporary basis.
- (2) A temporary flagpole may be placed in the ground and kept there only when the flag is displayed.
- (3) Only one flag (either the United States or Texas) may be flown from this pole.
- (4) If evening display of the flag is desired the house mounted flag may be lit from the base of the flagpole (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag, and cannot cause any type of light spillage onto adjoining properties.
- (5) Both the house mounted and in ground flagpoles must be removed from view when no flag is displayed.
- (6) All flags and flagpoles must be properly maintained at all times, including, but not limited to, replacement of faded, frayed or torn flags; and replacement of poles that are bent, rusted or damaged in any way.
- (7) Attaching flagpoles to fences or trees is not permitted. Flags cannot be displayed from fences or shrubbery. All proper flag etiquette must be followed.

For all flagpoles six (6') feet in length or shorter, no submission for approval is necessary provided these guidelines are followed. Any installation of a flagpole or flag not in compliance with these guidelines will be considered a deed restriction violation and will be dealt with accordingly.

FOR ALL PERMANENT AND TEMPORARY IN-GROUND FLAGPOLE INSTALLATIONS WHERE THE POLE IS TALLER THAN SIX (6') FEET, THE FOLLOWING GUIDELINES APPLY:

The following guidelines have been developed to assist the homeowner in complying with the above requirement of the deed restrictions. A modifications application must be submitted for review by the Modifications Committee for all permanent and temporary flagpoles taller than six feet. Formal approval from the Committee will be required before installation may begin.

- (1) Permanent in ground flagpoles are generally defined as those that are installed in an appropriate footing (usually concrete) and are not meant to be removed unless the flagpole is being replaced. Temporary in ground flagpoles are generally defined as those poles that are installed in the ground by a sleeve system that is designed to allow the easy removal and reinsertion of the pole.
- (2) The tops of permanent or temporary flagpoles may not be lower than fifteen (15') feet nor taller than eighteen (18') feet when measured from ground level (including the pole ornamentation). The size of the flag must be appropriate for the height of the flagpole.
- (3) Flagpole halyards must be of a type which does not make noise under any wind conditions. Halyards must be securely fastened.
- (4) Poles must be mounted on an appropriate footing and if this footing is visible, it must be screened with adequate landscaping. All flagpoles must be installed per the manufacturer's guidelines.
- (5) The pole may be white, silver or bronze. Pole material must be metal. The only pole ornament that will be permitted is a ball of the same material and color as the pole.

(6) The preferred location for placement of the pole is within the landscape beds; however under all circumstances, flagpoles may not be placed more than ten (10') feet from the foundation of the house (residential structure, not from the front of an attached garage). On houses that have a front yard fifteen (15) feet or less in depth, the pole may be placed in a position, equidistant from the house's foundation and the sidewalk. Poles may only be installed in front yards and within the established building lines. Poles must be installed in a manner that prevents a view obstruction to neighbors.

(7) If a flag is to be flown daily (from dusk till dawn) then a permanent pole may be installed. If a flag is only going to be flown on specific holidays (as per the Flagpole Etiquette Guidelines) or less frequent than every day, then the pole must be a temporary in ground pole and it must be removed from the ground on those days that a flag is not being flown

(8) If the flag is to be flown after dusk, it must be properly illuminated per the Flagpole Etiquette Guidelines. The may be lit with an in ground light (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag. It cannot cause any type of light spillage onto adjoining properties.

(9) Only the United States and/or Texas flags may be flown on these flagpoles. (For all other type of flag displays - i.e. seasonal, decorative flags - please see the Decorative Embellishment Guidelines).

(10) The flag and flagpole must be properly maintained at all times. Should the flag become faded, frayed or torn; it must be replaced immediately. If the flagpole becomes scratched, dented, leaning; or if the paint is chipped or faded, it must be replaced or repaired immediately.

Submittal Requirements: Include a completed Modification Application, a site plan showing the proposed location of the pole, along with pictures of the front of the house showing existing tree conditions. State the size and color of the pole.

Any installation of a flagpole or flag not in compliance with these guidelines will be considered a deed restriction violation and will be dealt with accordingly. The Modifications Committee may use their discretion in homeowner requests related to flagpole size and location. These decisions will be considered on their merits, on a case by case basis.

Excerpts from the Federal Flag Statute

The following flag laws and regulations are contained in the Public Law as amended July 7, 1976 by the 94th Congress of the United States. They set forth the existing rules, customs and etiquette pertaining to the display and use of the flag of the United States of America.

SECTION 174. TIME AND OCCASIONS FOR DISPLAY; HOISTING AND LOWERING

Display on buildings and stationary flagstaffs in open; night display

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

Particular days of display

The flag should be displayed on all days, especially on: New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

The FCCSA Executive Director approved these guidelines on the 11 of September, 2002 based upon authority granted by the Board of Directors. Changes to these guidelines may be made at any time without prior notice.


Sandra K. Denton, Executive Director