

ELK STREAM RANCH

A Colorado Common Interest Community
Located in T36N R13W, T35N R13W, T36N R12W and T35N R12W, N.M.P.M
Montezuma County and La Plata County, Colorado

Elk Stream Ranch Property Owners Association, Inc.
A Colorado Non-Profit Corporation

POLICIES

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POLICY #20-2025: FLAG POLE POLICY

Adopted _____, 20__

The following policy has been adopted by the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation (“Association”) pursuant to C.R.S. §38-33.3-209.5, C.R.S. §38-33.3-308, the Governing Documents of the Association, and the Act, at a regular meeting of the Board.

Purpose: To adopt a policy addressing the installation and use of flag poles within the Common Interest Community, and setting forth procedures for the enforcement of the policy including fines for noncompliance or violation of this policy.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy to govern the installation and use of flag poles:

1. Authority. Pursuant to the Association’s Governing Documents and C.R.S. §38-33.3-302, the authority to create, adopt, enforce, amend and repeal policies, procedures and rules lies with the Board.

2. Solicitation of Information from Owners. In accordance with Policy #1, the Board has taken steps to solicit information regarding the proposed policy from Owners by distributing a draft policy and presenting the proposed Flag Pole Policy at a Regular or Special Board meeting, or at the Annual Member meeting prior to adopting this Policy #20 - Flag Pole Policy.

3. Notice. Following adoption of this Policy by the Board, the Board shall then give notice of the adoption of the policy in writing by e-mail if the Owner has filed an e-mail authorization form with the Association, or by first class mail, postage prepaid, to each Member of the Association at the address for notices to Members as provided for in the Association’s Declaration or Bylaws, and shall publish the policy by any reasonable means available, including but not limited to posting the policy on the Association’s website, physical posting, mail, newsletter, or personal delivery. The policy, along with all other policies of the Association, shall be available for inspection and copying in accordance with the Association’s policy regarding inspection and copying of Association records.

4. Enforcement. Any Owner's failure to receive the policy shall not be a defense to any attempt by the Association to enforce the policy including the levying of fines, expenses, or attorneys' fees, or the placement of a lien on the Owners' property as a result of a violation of the policy.

5. Definitions. As used in the Association policies, capitalized terms shall have the meanings as defined in the Act or Governing Documents. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

6. Conflicts. The policies adopted by the Association are supplemental to the Governing Documents and the Act. In the event of a conflict between the provisions of any policy and other Governing Documents, the Governing Documents and the Act shall control.

a. This policy is specifically supplemental to the provisions of Article 9 of the Declaration, Policy #5, Enforcement of Covenants and Rules; Notice and Hearing Procedure; Policy #17, Exterior Lighting "Dark Sky" Policy.

7. Flag Pole Policy. The following restrictions apply to the installation and use of flag poles within Elk Stream Ranch:

a. Flag poles shall be treated as site improvements and shall be subject to all applicable rules, regulations and restrictions of the Governing Documents for site improvements.

b. A maximum of one (1) flag pole may be installed on any parcel, and only one flag at a time may be displayed on the flag pole. Any flag displayed must be in good condition.

c. Flag poles must be placed within the Building Area and Site Impact Area of a Parcel, and must be located within fifty feet (50') of any point of the Building Footprint of the primary residential structure on the Parcel.

d. Flag poles may not be any higher than the main residence. Additionally, flag pole heights are limited to twenty feet (20') for one-story or one-story multi-level homes, and twenty-five feet (25') for two or more story homes, and may not be installed prior to the construction of the primary residential structure.

e. Flags for one-story or multi-level homes (for up to 20' flag pole) shall be 2 feet x 3 feet, or 3 feet x 5 feet. Flags for two-story homes (for up to 25' flag pole) shall be 3 feet x 5 feet, or 4 feet x 6 feet.

f. Flags displayed on a flag pole are subject to Section §9.20 of the Declaration regarding Public Policy Considerations.

g. Flags displayed on a flag pole may not bear a commercial or political message.

h. Lighting of the flag pole is subject to the provisions of Policy #17, Exterior Lighting "Dark Sky" Policy.

8. Enforcement Procedure. Installation and use of flag poles in violation of this Policy is subject to all available remedies of the Association under the Governing Documents, the Declaration and shall be governed under the provisions of Policy #5, Enforcement of Covenants and Rules. Violations of this Policy shall be a Category 1 Violation as a nuisance and may be subject to Additional Fines and other remedies as addressed in Policy #5.

9. Deviations. The Board may deviate from the procedures set forth in this resolution if in its sole discretion such deviation is reasonable under the circumstances.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on (date) _____ and in witness thereof, the undersigned has subscribed his name.

Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation

By: _____
_____, President

ATTEST
By: _____

Secretary / Treasurer