

## Flag Policy of Andover Forest Homeowners Association, Inc.

(the "Flag Policy" or the "Policy")

- I. Whereas the Andover Forest Homeowners Association, Inc. (the "Association") is subject to the Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision of Record in the Fayette County Clerk's Office in Book 1519, Page 302 and recorded August 1, 1989, as amended and supplemented (the "Declaration").
- II. Whereas Article V, Section 15 of the Declaration requires written approval by the Association Board for any flags or flagpoles.
- III. Now, therefore, be it resolved that the Association through its Board of Directors will administer the Declaration in accordance with the following policy:
- IV. **Flags Displayed on Freestanding Flagpoles.** The following rules apply to any flag displayed on a freestanding flagpole, which such flagpole is firmly anchored in the ground, not attached to a home, and has the capability to run the flag up and down (referred to herein as a "Freestanding Flagpole").
  - a. **Limitations on Flags Displayed on Freestanding Flagpoles.**
    1. No Freestanding Flagpole can be larger than 12 feet high.
    2. No flag displayed on a Freestanding Flagpole shall be larger than 3 feet by five feet.
    3. No Freestanding Flagpole can be further than 15 feet from the home.
    4. Lighting around the Freestanding Flagpole should be minimal and not so bright as to be disruptive to neighbors.
    5. No sound accompanying any flag on a Freestanding Flagpole is allowed.
    6. No homeowner can display any flag on a Freestanding Flagpole unless it is on his or her own property.
    7. Any flag displayed on a Freestanding Flagpole must be in good condition and can only be displayed pursuant to generally recognized rules of proper etiquette.
  - b. **Allowed Flags.** No flags of any kind shall be displayed on Freestanding Flagpoles, except the following:
    1. American flag.
    2. Kentucky flag.
    3. Military Flag: U.S. Army, Navy, Marines, Air Force or Coast Guard.
- V. **Flags Displayed By Methods other than Freestanding Flagpoles.** All flags displayed by any method other than a Freestanding Flagpole, including those displayed by any materials attached to a home or stuck in the ground, shall be allowed, **except** that the following flags are **specifically prohibited**: all those that contain any content (including but not limited to a picture, symbol or words) which, in the sole exercise of the discretion of the Board of Directors, is offensive; controversial; divisive; inappropriate; political; aesthetically displeasing; overly large in size; or in support of or opposition to any social, governmental or political individual, group or cause.

- VI. The Association will use reasonable efforts to disseminate this policy to all members of the Association through mailing, emailing, posting to the Association website, or other similar methods designed to provide reasonable notice to Association members.
- VII. In the event that an owner violates this Policy the Association will provide written notice to that owner at the address on file with the Association or, if no address is on file, to the mailing address of record with the Property Valuation Administrator. If a subsequent violation of this Policy occurs, the Association will provide written notice of the violation and proposed sanction. The owner shall have the opportunity to dispute any violation or proposed sanction in writing within the time period set forth in the notice, or if no time period within ten (10) days of the mailing of the notice. Any such dispute must be in writing and include supporting documentation. If the owner fails to dispute any violation or enforcement action in writing, then the violation and enforcement action will become final and unappealable. If an owner disputes the violation in writing, then the Association will either respond in writing, or schedule a hearing in front of the Board of Directors, or committee thereof, to hear the dispute.
- VIII. The Association shall be entitled to use any right, power, or privilege it has pursuant to Kentucky law, the Declaration, or the Association's other governing documents, to enforce violations of this Policy, including the right to assess fines, restrict access to common areas and other privileges, and institute legal proceedings to enforce the Declaration and this Policy. Any fine imposed pursuant to this Policy, and any costs and expenses of enforcement, including attorneys' fees incurred, shall be a valid charge and lien upon the land, as well as the personal obligation of the owner of the lot at the time the violation occurred, and shall be enforceable as a lien as set forth in the Declaration
- IX. In the event that any provision of this Policy is found to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability. In that event, the invalid, illegal, or unenforceable provision shall be reformed in such manner as to render it valid, legal, and enforceable to the extent that it is consistent with the purpose of this Policy.
- X. The Board of Directors reserves the right to modify this Policy from time to time and shall have the right to interpret this Policy, which interpretation shall be binding on the Association's members.

Enacted September 17, 2020.