

**Flag & Sign Policy for
Saguaro Canyon Subdivision Homeowners' Association, Inc. ("Policy")**

Adopted on May 16, 2023

I. Basis for the Policy:

A uniform policy governing signs and flags within the community is in the best interests of all Owners and residents. It is the intent that this Policy compliments and comply with 4 U.S.C. § 5 (the Freedom to Display the American Flag Act of 2005) and Idaho Code §§ 55-3209-3210.

II. Defined Terms:

- A. "Association"** shall mean Saguaro Canyon Subdivision Homeowners' Association, Inc., a nonprofit corporation organized under the laws of the state of Idaho, and, as the context requires, the officers or directors of that Association.
- B. "Board"** shall mean the Board of Directors of the Association.
- C. "Declaration"** shall mean the Declaration of Covenants, Conditions and Restrictions of Saguaro Canyon Subdivision, recorded on August 8, 2005, in the office of the Ada County Recorder, Instrument No. 105110395, as amended.
- D. "Governing Documents"** shall mean the Declaration, Articles of Incorporation, Bylaws, and rules and policies adopted by the Association.
- E. "Owner"** shall mean the owner(s) of a Lot in the Association and shall also include residents for purposes of sign and flag requirements and restrictions.
- F. "Political Sign"** shall mean any fixed, ground-mounted display in support of or in opposition to a candidate for office or a ballot measure.
- G. "State Permitted Flag"** shall mean one each of the following flags, in good repair, not to exceed four feet by six feet (4' x 6') in dimension: the flag of the state of Idaho, the POW/MIA flag, or an official or replica flag of any branch of the United States armed forces.
- H. "U.S. Flag"** shall mean one standard United States of America flag, in good repair, not to exceed four feet by six feet (4' x 6') in dimension.

III. Legal Authority

Article 6.6(i) of the Declaration empowers the Board to adopt rules governing the community. Idaho Code Idaho Code §§ 55-3209-3210 authorize the Association to adopt certain rules governing signs and flags.

IV. Rules & Regulations.

- 1. Commercial Signs.**
 - a. Article 4.13 of the Declaration prohibits commercial billboards or advertising signs from public view on a Lot.
 - b. Article 4.13 of the Declaration allows a single, neat reasonable sized vacancy sign or for sale sign. The Association interprets "reasonable sized" to mean 18 by 24 inches or smaller.
 - c. Signs required by governing authority.

2. **Prohibited Signs.**
 - a. Any sign or display not expressly authorized by this Policy.
 - b. Article 4.13 of the Declaration prohibits “lighted, moving or flashing signs.”
3. **Political Signs.** Political Signs are subject to the following restrictions
 - a. No Political Signs may be placed in the Common Areas;
 - b. The maximum size per Political Sign is 18” x 24” inches.
 - c. A maximum of two (2) total Political Signs for an Owner’s Lot (including all structures thereon);
 - d. Political Signs must not be posted in a manner so as to cause any safety hazard;
 - e. Political Signs may not be accompanied by sound, music, or other materials attached to the Political Sign.
 - f. Political Signs can be posted a maximum of eight (8) weeks prior to election day/ballot approval deadline;
 - g. Political Signs must be removed no later than one (1) week after election day/ballot approval deadline; and
 - h. Political Signs must otherwise comply with applicable Idaho law.
4. **Other Signs.** All other signs and similar displays are prohibited regardless of their politics, message or viewpoint.
5. **U.S. Flag.** One U.S. Flag shall be allowed to be displayed provided it complies with the Freedom to Display the American Flag Act of 2005 and this Policy.
 - a. The U.S. Flag shall be displayed consistent with all legal requirements including, but not limited to, illumination, order, and respect.
 - ii. Given the size and proximity of the neighboring residences, as well as safety and visibility concerns, the flag dimensions should be no larger than four feet by six feet (4’ x 6’).
 - iii. Prior approval for poles, equipment, and lighting for the flag must be received from the Board prior to any installation or construction.
 - iv. The flag may not be displayed in a manner that causes a safety hazard.
6. **State Permitted Flags.** State Permitted Flags shall be allowed to be displayed provided it complies with state and local ordinances and this Policy.
7. **Other Flags.** Collegiate and Professional sports flags are allowed in typical sizes. (The Board may determine if such flag is too large). All other flags and similar displays are prohibited regardless of the message or viewpoint.
8. **Holiday Lights & Displays.** Owners may reasonably decorate their Lot with typical holiday lighting and displays starting no more than 30 days in advance of any officially state or federal recognized holiday, and such lights and displays are to be

removed within 30 days following the same holiday. In all cases of Holiday Lights and Displays setup and take down in any season, owners and residents should strive to meet the requirements of 30 days prior for installation and 30 days post-holiday for takedowns. Holiday Lights and Displays are not allowed to be left installed beyond 30 days when reasonable breaks in the weather have been available for safe takedowns.

All other local ordinance and safety measures should be followed. If necessary, the Board may supplement and modify this provision with additional details and requirements.

V. Reporting Violations. All violations should be reported through the managing agent for the Association and should be in writing, accompanied by a photo and signed by the reporting owner or resident.

VI. Interpretation & Enforcement. The Board of Directors retains sole authority to interpret the application of this rule, and to issue such other policies and guidance as may be necessary to effectuate the purposes stated herein. Failure to abide by the Policy may result in enforcement action by the Association, which can include notices, fines, limited assessments, removal of the flags or signs, and other appropriate legal action consistent with state law. The Association may consider the appropriate enforcement response, including the response for repeat offenders of the Policy. The Association may seek recovery of all applicable fines, attorney fees and other costs incurred in enforcing this Policy. The Association and Board shall be indemnified and held harmless from any loss, damage or claim caused by or arising out of the good faith enforcement of this Policy.

A copy of this Policy shall be provided to Owners in the Association consistent with the Governing Documents and/or Idaho law.

Adopted by the Board this 16th of May, 2023.

SAGUARO CANYON SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.

Angella Tiffany

By: Angella Tiffany
Its: President, Board of Directors