

ESTATES OF WELLINGTON RUN COMMUNITY ASSOCIATION, INC.

GUIDELINES FOR DISPLAY OF FLAGS

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

WHEREAS, the Estates of Wellington Run Community Association, Inc. (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in Declaration of Protective Covenants for the Estates of Wellington Run, filed for record and recorded on January 20, 1995, as Instrument No. 199500130352, Volume 95013, Page 06268 *et seq.* of the Deed Records of Dallas County, Texas (the “Declaration”), as such may be amended and/or supplemented from time to time; and

WHEREAS, Chapter 202 of the Texas Property Code was amended to add Section 202.012 thereto regarding the display of flags; and

WHEREAS, the Board of Directors (the “Board”) of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding flag display within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for the Display of Flags*.

1. An owner or resident may display:
 - a. the flag of the United States of America;
 - b. the flag of the State of Texas;
 - c. an official or replica flag of any branch of the United States armed forces; and/or
 - d. the flag of a school or university.

2. An owner may only display a flag described in 1 above if such display meets the following criteria:
 - a. The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10;
 - b. A flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code;
 - c. A flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;
 - d. The display of a flag or the location and construction of the supporting flagpole must comply with applicable zoning ordinances, easements and setbacks of record; and

- e. A displayed flag and the flagpole on which it is flown must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
3. The Association hereby adopts the following additional restrictions regarding flags and flag poles on an owner's lot:
- a. An owner may not install more than one flagpole on the owner's property. Such flag pole must either:
 - (i) not be greater than twenty feet (20') in height and located in the front yard of the property; "front yard" means a yard within a lot having a front building setback line with a setback of not less than 15 feet extending the full width of the lot between the front lot line and the front building setback line, as provided in Section 202.001 of the Texas Property Code, as such may be amended from time to time; or
 - (ii) be attached to any portion of a residential structure owned by the owner; the owner must make a request in writing to the Association for review and approval of the size of any flag pole proposed to be attached to any portion of a residential structure owned by the owner. An owner must receive written approval from the Association regarding the proposed size of such flag pole prior to the installation of same;
 - b. Any flag displayed must not be greater than 3' x 5' in size;
 - c. Lights used to illuminate a displayed flag must comply with the following:
 - (i) Be ground mounted in the vicinity of the flag;
 - (ii) Utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover;
 - (iii) Points towards the flag and faces the main structure on the property or to the center of the property if there is no structure; and
 - (iv) Provides illumination not to exceed the equivalent of a 300 watt incandescent bulb or per the lighting stipulations of the City.

Lights used to illuminate a displayed flag that do not comply with the above requirements constitute a nuisance and are not permitted on an owners' property.
 - d. An owner may not locate a displayed flag or flagpole on property that is:
 - (i) owned or maintained by the Association; or
 - (ii) owned in common by the members of the Association.
 - e. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

This Policy is effective upon recordation in the Public Records of Dallas County, Texas and supersedes any policy regarding the display of flags which may have previously been in effect. Except as affected by Section 202.012 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instrument of the Association shall remain in full force and effect.

This is to certify that the foregoing Policy was adopted by the Board at a meeting of the same held _____, and has not been modified, rescinded or revoked.

**ESTATES OF WELLINGTON RUN
COMMUNITY ASSOCIATION, INC.**

By: _____

Printed Name

Title: _____