

ISSUE #1

MARKUP #1 ->

Section 1: [Declaration Article XIII, Section 9] Signs

No sign of any character shall be displayed or placed upon any Lot except 'For Sale' signs, which signs may refer only to the particular premise on which displayed, shall not exceed three (3) square feet in size, and shall be limited to one (1) sign per Lot. All other signs, including political and commercial signs, are prohibited unless approved in writing by the Architectural Control Committee.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Declaration Article XIII, Section 9 (p. 1): Prohibiting Political Signs and Limiting Sign Size to 3 Square Feet Violates Tenn. Code § 2-7-143

Statutory / Legal Reference: Tenn. Code Ann. § 2-7-143(b)-(c)

Statutory Comparison: Under the Tennessee Freedom of Speech Act, Tenn. Code Ann. § 2-7-143(b)-(c), an HOA cannot prohibit political campaign signs during the 60 days preceding an election through the day after the election, nor may an HOA restrict the maximum size of a political sign to less than four (4) square feet (here, the Declaration's 3-square-foot cap and political sign ban both violate § 2-7-143).

CURRENT WORDING IN DOCUMENT:

[Declaration Article XIII, Section 9] Signs - No sign of any character shall be displayed or placed upon any Lot except 'For Sale' signs, which signs may refer only to the particular premise on which displayed, shall not exceed three (3) square feet in size, and shall be limited to one (1) sign per Lot. All other signs, including political and commercial signs, are prohibited unless approved in writing by the Architectural Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Declaration Article XIII, Section 9 ([Declaration Article XIII, Section 9] Signs - No sign of any character shall be displayed or placed upon any Lot except 'For Sale' signs, which signs may refer only to the particular premise on which displayed, shall not exceed three (3) square feet in size, and shall be limited to one (1) sign per Lot. All other signs, including political and commercial signs, are prohibited unless approved in writing by the Architectural Control Committee.) to conform with Tenn. Code Ann. § 2-7-143(b)-(c) and the manual attorney audit recommendations for Fairfield Glade Community Club.