

ISSUE #1

MARKUP #1 ->

Section 1: [Neighborhood Code of Conduct, Section 1.9] Display of Non-Commercial Signs, Posters, or Banners on Res

1.9 Display of Non-Commercial Signs, Posters, or Banners... No signs shall be placed on a lot that is zoned residential, except for professionally painted signs with not more than approximately six (6) square feet that advertise that the property is for sale. No signage may be displayed on the property or dwelling advertising it as a long- or short-term rental.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. Neighborhood Code of Conduct, Section 1.9 (p. 1): Restriction prohibits the display of U.S./State flags or political signs in violation of Utah Code §§ 57-8a-218 and 57-8-8.1.

Statutory / Legal Reference: Utah Code §§ 57-8a-218(3) - (5) & 57-8-8.1(3) - (5)

Statutory Comparison: Under Utah Code §§ 57-8a-218 and 57-8-8.1, an association rule may not prohibit a lot or unit owner from displaying the United States flag, the Utah state flag, or political/campaign signs on the owner's property (subject only to reasonable time, place, and manner regulations permitted by statute), and all rules must treat similarly situated owners equally.

CURRENT WORDING IN DOCUMENT:

[Neighborhood Code of Conduct, Section 1.9] Display of Non-Commercial Signs, Posters, or Banners on Residential Lots - 1.9 Display of Non-Commercial Signs, Posters, or Banners... No signs shall be placed on a lot that is zoned residential, except for professionally painted signs with not more than approximately six (6) square feet that advertise that the property is for sale. No signage may be displayed on the property or dwelling advertising it as a long- or short-term rental.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Utah Code §§ 57-8a-218 and 57-8-8.1, the Association shall not prohibit an owner from displaying the flag of the United States, the flag of the State of Utah, or political signs on the owner's lot or unit, subject only to reasonable time, place, and manner guidelines permitted under Utah law.