

Section 1: [Preamble & Section B (Complaint Procedure Policy Resolution)] Statutory Authority & Adverse Decision Review

MARKUP #1 ->

WHEREAS, in accordance with Va. Code Ann. § 55-530(E), Battlefield Green Community Association, Inc. ('the Association') is required to have a written process for resolving Association complaints from members and citizens... Pursuant to Chapter 29 of Title 55 of the Code of Virginia, the Board of Directors ('Board') hereby establishes the following procedure... The notice shall be filed within 30 days of the date of the final adverse decision... and shall be accompanied by a \$25 filing fee.

Section 2: [Section 4.2.13 (2018 Community Design Standards)] Solar Panels

SOLAR PANELS: Roof Solar panels are permitted on the roof plane of any house. Criteria for review includes color, method of attachment, proposed orientation and elevation above the roof plane.

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Section 3: [Section 8.1.3 (2018 Community Design Standards)] Flag Poles

FLAG POLES Approval is required for any detached flag pole. The following must be submitted with the completed ARC application: A. Site plan showing proposed location, size, height and material. B. United States, Virginia State, Military branch and County flags are the only permissible flags allowed. All other should be house mounted.

Section 4: [Section 2.3 (2018 Community Design Standards)] Review Basis

Due to time constraints, ARC review of all applications occurs without personal presentations by the applicants.

Section 5: [Sections 7.1.4, 7.2.6, and 7.2.7 (2018 Community Design Standards)] Fencing Materials

7.1.4 Materials must be treated wood... 7.2.6 Fences shall be constructed of treated wood, vinyl or redwood... 7.2.7 The following fences are not permitted: a. Chain link, barbed wire, stock, split rail, wrought iron, vinyl and bamboo fences.

Section 6: [Age Guidelines & Guest Policy (2025 Pool Rules)] Pool Age Guidelines, Child Safety Break, and Grandchild

No child under the age of 13 may use the Battlefield Green Community Pool unless accompanied by: a) A parent or legal guardian. b) A qualified resident sibling of at least 16 years of age or older... For 15 minutes at the top of each hour, a child safety break will be called by the Lifeguard on duty. All children under 18 years of age must completely exit the main pool... Only persons 18 years old or older may swim at this time... Grandchildren pass is available for \$25.00 for the 1st grandchild, \$15.00 for the 2nd grandchild, and \$10.00 for each additional grandchild. Only 6 grandchildren allowed at one time.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Section 8.1.3 (2018 Community Design Standards) (p. 1): Flag or flagpole restriction fails to include statutory exemption for the United States flag under the Freedom to Display the American Flag Act.

Statutory / Legal Reference: Freedom to Display the American Flag Act (4 U.S.C. § 5 Note) & Fla. Stat. § 720.304(2) / § 718.113(4)

Statutory Comparison: The federal Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note, Pub. L. 109-243) and applicable state statutes prohibit community associations from adopting or enforcing any policy that prevents a member from displaying the flag of the United States on residential property to which the member has a separate ownership interest or right to exclusive possession or use.

CURRENT WORDING IN DOCUMENT:

[Section 8.1.3 (2018 Community Design Standards)] Flag Poles - FLAG POLES Approval is required for any detached flag pole. The following must be submitted with the completed ARC application: A. Site plan showing proposed location, size, height and material. B. United States, Virginia State, Military branch and County flags are the only permissible flags allowed. All other should be house mounted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

In accordance with the Freedom to Display the American Flag Act of 2005 (4 U.S.C. § 5 Note) and applicable state law, any homeowner may respectfully display the official United States flag on residential property under their ownership or exclusive use.