

**BRAYS VILLAGE PATIO HOMES MAINTENANCE FUND, INC.  
GUIDELINES FOR DISPLAY OF FLAGS**

STATE OF TEXAS  
COUNTY OF HARRIS

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KNOW ALL PERSONS BY THESE PRESENTS:

The Brays Village Patio Homes Maintenance Fund, Inc. (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

Chapter 202 of the Texas Property Code was amended effective September 1, 2013, to add Section 202.012 (“Section 202.012”) regarding the display of flags; and

The Board of Directors of the Association (“Board”) 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 the display of flags.

The Board has duly adopted the following *Guidelines for Display of Flags* within the community.

**Permitted Flags:**

1. These Guidelines apply to the display of “Permitted Flags”. Permitted Flags are as follows:
  - 1.1. the flag of the United States; and
  - 1.2. the flag of the State of Texas; and
  - 1.3. the official flag of any branch of the United States armed forces.
2. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, State of Texas, or military code.
3. Only the permitted flags listed above are allowed to be flown. These Guidelines do not apply and do not allow any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
  - 3.1. flags for schools, sports teams, businesses or foreign countries; or
  - 3.2. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
  - 3.3. historical versions of flags permitted in section 1 above.

**Advance Written Approval:**

4. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Architectural Control Committee is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.

### **Flag and Flag Pole Rules and Maintenance Requirements:**

5. Only one flag pole is allowed per property. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling. A property owner may have either one free-standing flag pole or one flagpole attached on the residential dwelling or garage.
6. 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.
7. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed. A flagpole is considered not in use if it does not display a permitted flag.
8. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.
9. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.

### **Flag Pole Location:**

10. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
11. Only one Permitted Flag may be displayed on a flagpole attached to a structure. The flag pole must be mounted to the fascia of the home using appropriate flag mounting hardware. One attached flagpole is allowed on any portion of a structure facing a street, except if the portion facing the street is a garage. The flagpole must be attached in such a manner as to not damage the structure. The flag and or flag pole may not extend into common areas or over any property lines.
12. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. Brackets which accommodate multiple flagpoles are not allowed.
13. Free-standing flagpoles may not be taller than twenty feet (20') in height including any ornamental caps. Only one Permitted Flag may be displayed on a free-standing flagpole. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. If the footing and/or stand for a free-standing flagpole extend above the surface of the ground, installation of landscaping to screen the stand and/or footing is required. Except as outlined below, a free-standing flagpole shall not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Declaration. On a case-by-case basis, subject to Architectural Control Committee approval, a free-standing flagpole may be located in front of the front building setback line for a Lot.
14. **Free-standing flagpoles may not be installed in any location described below:**
  - 14.1. **in any location other than the Owner's property; or**

- 14.2. **within a ground utility easement or encroaching into an aerial easement;  
or**
  - 14.3. **in any location owned or maintained by the Association; or**
  - 14.4. **in any location owned in common by members of the Association;**
  - 14.5. **beyond any setback lines or on zero lot lines; or**
  - 14.6. **closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house); or**
  - 14.7. **on any party walls.**
15. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
- 15.1. be installed in an area in accordance with paragraph 15 above;
  - 15.2. be ground mounted in the vicinity of the flag; and
  - 15.3. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - 15.4. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - 15.5. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

The guidelines are effective upon recordation in the Public Records of Harris County, and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.007(d) and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

I, the undersigned, being the Secretary of Brays Village Patio Homes Maintenance Fund, Inc., hereby certify that the foregoing resolution was adopted by at least a majority of the Association's Board of Directors. Approved and adopted by the Board on this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

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\_\_\_\_\_, Secretary of  
Brays Village Patio Homes Maintenance Fund, Inc.

STATE OF TEXAS                   §  
   §  
COUNTY OF HARRIS           §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, Secretary of Brays Village Patio Homes Maintenance Fund, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, State of Texas

[Notarial Seal]

\_\_\_\_\_  
Printed Name

My commission expires: \_\_\_\_\_