

**LAKES OF BELLA TERRA COMMUNITY ASSOCIATION, INC.  
POLICY REGARDING FLAG DISPLAY**

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

WHEREAS, the LAKES OF BELLA TERRA COMMUNITY ASSOCIATION, 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

WHEREAS, Section 202.011 of the Texas Property Code was added by the 82<sup>nd</sup> Texas Legislature dealing with the display of flags within a property owners’ association community;

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish the procedures for an Owner’s display of a flag;

NOW, THEREFORE, the Board has duly adopted the following *Policy Regarding Flag Display*:

**FLAG DISPLAY**

Pursuant to Section 202.011 of the Texas Property Code, a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

The following Guidelines shall be applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:

- 1.1. **ACC Approval.** Above-ground flagpoles, flagpole stands and/or footings and illumination under Section 1.6 proposed to be placed in front of the front building setback line for a Lot or outside of any other recorded setbacks must be approved by the ACC. In order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the ACC for prior approval for all other flagpoles (freestanding or attached). The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with these Guidelines.
- 1.2. **Flag of the United States.** The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.
- 1.3. **Flag of the State of Texas.** The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or

flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.

**1.4. Flagpoles.**

- a) Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a Lot, which may not exceed five inches (5") in diameter, without the approval of the ACC.
- b) A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
- c) A flagpole attached to the residential dwelling or garage shall not exceed six (6) feet in length.
- d) A flagpole, whether freestanding or attached to the residential dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the residential dwelling on the Lot on which it is located.
- e) A flagpole shall not be located in an easement or encroach into an easement.
- f) A freestanding 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. Provided, however, on a case-by-case basis (depending on the size and configuration of the Lot) a freestanding flagpole may be located in front of the front building setback line for a Lot, if approved by the ACC.
- g) A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
- h) An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
- i) A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
- j) If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ACC may require the installation of landscaping to screen the stand and/or footing from view.

**1.5. Flags.**

- a) Only the three (3) types of flags addressed in this Section shall be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Association or as otherwise permitted by the Association.
- b) Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.
- c) The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the residential dwelling or garage shall be three (3) feet by five (5) feet.
- d) The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
- e) A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
- f) A flag must be displayed on a flagpole. A flag shall not be attached to the wall of the residential dwelling or other structure on a Lot or a fence, or be displayed in a window of the residential dwelling or other structure on a Lot.

**1.6. Illumination.** Illumination of a flag is permitted but the lighting must be in-ground and have a maximum of 150 watts, unless otherwise provided by the ACC. High intensity lighting such as mercury vapor, high pressure sodium, or metal halide is not permitted. The lighting is required to be compatible with exterior lighting within the subdivision and appropriate for a residential neighborhood. Lighting used to illuminate a flag shall be positioned in a manner so that the lighting is not directed toward an adjacent Lot or a street adjacent to the Lot and does not otherwise unreasonably affect an adjacent Lot.

**1.7. Noise.** An external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to clang against the flagpole.

This policy is effective upon recordation in the Public Records of Fort Bend County, and supersedes any conflicting provisions which may have previously been in effect. Except as affected by Section 202.011 and/or by this policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 27 day of April 2023.

**LAKES OF BELLA TERRA COMMUNITY  
ASSOCIATION, INC.**

Signed: Roberta Jones

Name: Roberta Jones

Position: Secretary