

**AMENDED FLAG DISPLAY POLICY FOR  
AUSTIN’S COLONY HOMEOWNERS ASSOCIATION OF BRYAN, INC.**

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

WHEREAS, the Austin’s Colony Homeowners Association of Bryan, Inc. (“Association”) is charged with 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, chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.011 (“Section 202.011”) thereto regarding regulation of flag displays (“Flag Display”); and

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish a policy to regulate Flag Displays consistent with Section 202.011 and to provide clear and definitive guidance to owners.

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

1. **Flag Type**. An Owner or resident may display one of the following four flag types:
  - a. the flag of the United States of America;
  - b. the flag of the State of Texas;
  - c. an official or replica flag of any branch of the United States armed forces; or
  - d. any flag associated with an educational institution and/or school.
  
2. **Flag Criteria**. An Owner or resident may only display a flag listed in “1” above if such display meets the following criteria:
  - a. a flag of the United States must be displayed in accordance with federal law as set forth in Title 4 of the United States Code Sections §§5–10;
  - b. a flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code;
  - c. a flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;

- d. the display of the flag or the location and construction of the supporting flagpole must comply with applicable zoning ordinances, easements and setbacks of record; and
  - e. a displayed flag and the flagpole on which it is flown must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
3. **Austin Colony's Homeowners Association's Additional Restrictions:** The Board of Directors adopts the following additional restrictions for the display of flags on the owner's or resident's lot. Unless otherwise approved in writing by the Architectural Control Committee:
- a. a flagpole which is greater than twenty feet (20') in height may not be installed;
  - b. only one flagpole may be installed on the owner's property; however, temporary flags may also be displayed on national holidays or in conjunction with events associated with an educational institution and/or school;
  - c. any flag displayed must not be greater than 3 feet x 5 feet in size;
  - d. lights installed to illuminate a displayed flag which, due to size, location or intensity of the lighting, constitute a nuisance are prohibited; and
  - e. an owner or resident may not locate a flag or flagpole on property that is:
    - i. owned or maintained by the Association; or
    - ii. owned in common by the members of the Association.
4. **Pre-installation Plan Submission.** Prior to erecting or installing a flag and/or flag pole, an owner or resident must first submit plans and specifications to and receive the written approval of the Board of Directors or the Association's Architectural Control Committee. The plans and specifications must show the proposed location, material, size and type of such flag and flagpole (and all parts thereof, including any lights to illuminate a displayed flag).

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

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Amended Flag Display Policy was approved by a majority vote of the Board

of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Brazos County, Texas.

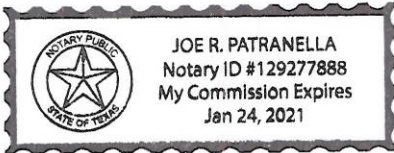
Approved and adopted by the Board on this 1<sup>st</sup> day of August 2017.

AUSTIN'S COLONY HOMEOWNERS ASSOCIATION OF BRYAN, INC.

By: Charles Gines

STATE OF TEXAS §  
  §  
COUNTY OF BRAZOS §

BEFORE ME, the undersigned notary public, on this 1<sup>st</sup> day of August, 2017 personally appeared Charles Gines President of Austin's Colony Homeowners Association of Bryan, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Joe R. Patrella  
Notary Public, State of Texas

Joe R. Patrella  
Printed Name

My commission expires: 1-24-21

Filed for Record in:  
BRAZOS COUNTY  
On: Aug 03, 2017 at 03:50P  
As a  
Recording  
Document Number: 01305278  
Amount 34.00  
Receipt Number - 609323  
By:  
Susie Cohen  
STATE OF TEXAS COUNTY OF BRAZOS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon by me  
and was duly recorded in the volume and page  
of the Official Public records of:  
BRAZOS COUNTY  
as stamped hereon by me.  
Aug 03, 2017  
Karen McQueen, Brazos County Clerk  
BRAZOS COUNTY