

Beaver Creek Resort Company of Colorado

Regulation of the Display of Flags

Adopted: November 26, 2016

1. Purpose. The purpose of this Regulation is to (i) ensure that the display of flags does not detract from the aesthetic nature and views within Beaver Creek, (ii) ensure no unreasonable light is created by the proper illumination of Flags, (iii) provide a means for Owners and Lessees within Beaver Creek to display certain Flags as outlined herein, and (iv) provide for the enforcement of this Regulation.
2. Definitions. All capitalized terms used herein, unless otherwise defined herein, shall have the meaning as given them in the Beaver Creek Governing Documents.
 - a. Beaver Creek Governing Documents means the Articles of Incorporation of Beaver Creek Resort Company of Colorado (as amended November 14, 2002), the Bylaws of Beaver Creek Resort Company of Colorado (as amended through February 20, 2013), and the Amended and Restated General Declaration for Beaver Creek Eagle County, Colorado recorded in Eagle County, Colorado December 27, 1979 (as amended through December 9, 2010).
 - b. Board means the Board of Directors of the Beaver Creek Resort Company of Colorado.
 - c. Flag means any flag, ensign, banner, standard, colors, or replica or representation thereof which is a recognized symbol of a particular nation, state, movement, cause, or organization, whether or not the Flag is official or commonly recognized, or a decoration in the form of a piece of cloth commonly recognized as a flag.
 - d. Flagpole means any separate stand-alone cylindrical pole affixed to the ground used to hold a flag, whether by design or not.
 - e. Flag Rod means a long cylindrical object used to hold a flag an angle projecting from the side of a building.
 - f. Regulation means this Regulation of the Display of Flags.
3. The Display of Flags. Any Flag displayed in Beaver Creek shall be displayed in compliance with this Regulation.
4. Permitted Flags.
 - a. Only the following flags may be displayed in Beaver Creek (the "Permitted Flags"):
 - i. The Flag of the United States of America;
 - ii. The official Flag of a foreign nation;
 - iii. The Flag of the State of Colorado; and
 - iv. The official Flag of any branch of the United States Armed Forces or military unit thereof.
 - b. This Section 4 shall not apply to:

- i. The display of the flag of the United Nations or the flag of a foreign nation displayed to identify persons officially representing such foreign nation or the property or premises of the person or nation when displayed in accordance with 4 U.S.C. sec. 7;
 - ii. The display of an appropriate flag upon ceremonial or commemorative occasions proclaimed by the president of the United States, the governor of the state of Colorado, the Board of County Commissioners of Eagle County, or the Board; and
 - iii. The display of multiple flags for special, occasional, ceremonial, or commemorative purposes when displayed in accordance with 4 U.S.C. sec. 7 and with prior approval by the Board.
 - c. Flags exempted by Section 4.b. above shall be displayed in accordance with this Regulation absent prior approval from the Board.
- 5. Compliance with Law. The Permitted Flags shall be displayed in a respectful manner in accordance with the current relevant federal (the Flag of the United States of America shall be displayed in accordance with 4 U.S.C. § 5-10), state, or military code.
- 6. Flags; How Displayed.
 - a. Permitted Flags shall be no larger than five feet by eight feet (5'x8') in size.
 - b. Deteriorated Flags shall be removed and promptly replaced.
 - c. Permitted Flags shall be displayed from either a (i) Flagpole, or (ii) Flag Rod.
 - i. Flagpoles shall:
 - 1. Not exceed thirty feet (30') in height;
 - 2. Be vertical;
 - 3. Be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling and surroundings;
 - 4. Be constructed in compliance with applicable zoning ordinances, easements, and setbacks of record;
 - 5. Be constructed in compliance with any design standards then in affect and with prior approval of the Design Review Board;
 - 6. 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. Be maintained in good condition; and
 - 8. Be removed immediately if found to be structurally deteriorated or unsafe.
 - ii. Flag Rods
 - 1. A Flag Rod shall be no longer than six feet (6') long and shall be securely attached to a building with a bracket with an angle of 30 to 45 degrees down from vertical.
 - d. With the exception of Section 6.e., below, Permitted Flags or flag bunting may not be draped over or directly attached to structures.

- e. The Flag of the United States of America, or American Flag-themed flag bunting may be draped over or directly attached to structures only over the Memorial Day weekend (the Saturday before Memorial day through the Monday of Memorial Day, inclusive), during the first week in July (July 1-7), or on Veterans Day (November 11).

7. Lighting.

- a. Every light used to illuminate a Flag is subject to Design Review Board approval, which shall not be unreasonably withheld upon satisfaction of the following conditions:
 - i. The light does not interfere with neighbors' quiet enjoyment of their property;
 - ii. The light does not create excessive light pollution in the night sky;
 - iii. The direct source of the light is not visible from neighboring properties; and
 - iv. The light does not produce excessive glare to pedestrian or vehicular traffic.
- b. This Regulation shall supersede all other Beaver Creek Regulations for lighting only as it pertains to the illumination of Flags.

8. Enforcement. This Regulation shall be enforced by Beaver Creek in the same manner as other design standards and elements subject to design review.

9. Captions. The captions and paragraph headings used throughout this Regulation are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify, or add to the interpretation, construction or meaning of any provision to or the scope or intent of this Regulation.

10. Severability. If any provisions of this Regulation or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of the Regulation, or the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Regulation shall be deemed valid and be enforced to the fullest extent permitted by law.