

Flying the Stars and Stripes

The purpose of this article is to provide information concerning the installation of Flagpoles within the Dominion and the protocol related to flying the United States Flag.

In the Dominion Community Manual under *Attachment 4*, it is stated that by Texas law a property owner is allowed to install a flagpole on their property, but that a Homeowners Association may regulate its placement location, material specifics, height, and Permitted Flags.

If a homeowner wishes to install a Freestanding Flagpole, they must submit an application for approval to the Architectural Control Committee. The application must include the height of the pole, the materials it is made from, and the location they wish to install it. The property owner may install either a freestanding pole, or a pole attached to the house with a bracket. The display conditions are as follows:

(a) No more than one (1) Freestanding Flagpole OR no more than two (2) Permitted Flagpoles are permitted per residential lot, on which only Permitted Flags may be displayed;

(b) Any Permitted Flagpole must be no longer than five feet (5') in length and any Freestanding Flagpole must be no more than twenty feet (20') in height;

(c) Any Permitted Flag displayed on any flagpole may not be more than three feet in height by five feet in width (3'x5');

(d) With the exception of flags displayed on common area owned and/or maintained by the Association, the flag of the United States of America must be displayed in accordance with 4 U.S.C. Sections 5-10 and the flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code;

(e) The display of a flag, or the location and construction of the flagpole must comply with all applicable zoning ordinances, easements and setbacks of record;

(f) Any 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;

(g) a flag or a flagpole must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced, or removed;

(h) any flag may be illuminated by no more than one (1) halogen landscaping light of low beam intensity which shall not be aimed towards or directly affect any neighboring property; and

(i) any external halyard of a flagpole must be secured so as to reduce or eliminate noise from flapping against the metal of the flagpole.

Additionally, the only Permitted Flags within the Dominion are the flag of the United States of America, the flag of the State of Texas, an official or replica flag of any branch of the United States Military, or one (1) flag with the insignia of a college or university.

The U. S. Congress has specified the rules pertaining to display and care of the United States Flag in U. S. Codes Title 4 and 36. These rules, commonly referred as “The Flag Code”, are basically:

- Always fly the U. S. Flag with respect and in the place of honor. The U. S. Flag is never dipped in honor of anyone or anything. No other flag is displayed above the U. S. Flag – in accordance with international protocol.
- When displayed with other flags, the U. S. Flag is either on the right in a line of flags, in the center if in front of a line of flags, or in a position above other flags.
- When displayed in a hall or auditorium, the U. S. Flag is to the right of the podium.
- The Flag is displayed only during daylight unless properly lighted, and is not display in inclement weather unless designed for weather.
- Never allow the Flag to touch the ground.

For additional details regarding Flagpoles and Flag display, please refer to the Dominion Community Manual.