

# MELODY RANCH HOMEOWNERS ASSOCIATION

Landscape Guidelines  
And  
Rules & Regulations

## Table of contents

### Overview

Community Organization

Design Review Process

Application Procedure

### DESIGN GUIDELINES

General Principles

Design Compatibility

Workmanship

Building Architecture

Building Repairs

Awnings

Basketball Goals

Clotheslines

Driveway Extensions

Flagpoles

Fences and Walls

Gates

Gutters and Downspouts

HVAC

Outdoor Fireplaces

Outdoor Lighting

Patio Covers

Ramadas and Gazebos

Play Structures

Pools and Spas

Pool Fencing

Satellite Dishes

Screen Doors

Signs

Solar Panels

Storage Sheds

Window Coverings Criteria

### LANDSCAPE GUIDELINES

Maintenance

Hardscape

Rock Ground Cover

Fine Grading and Mounding

Water Features, Statuary, Etc.

Lighting

Plant Requirements

Irrigation

### ASSOCIATION RULES

General Property Restrictions

Trash/Recycling

Pets

Holiday Lighting

Seasonal Flags

Machinery and Equipment

Vehicles and Parking

OVERVIEW

### Community Organization

Every resident of Melody Ranch is a member of Melody Ranch Homeowners Association (the "Association"), the entity responsible for the management of all common areas as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions and Easements (the CC&R's). The CC&R's set forth Procedures and Rules & Regulations, which govern the community. The Association Rules and Design Guidelines are an extension of the CC&R's and are to be used in harmony.

The Board of Directors (the "Board") is charged with responsibility for overseeing the business of the Association and has a wide range of powers. The Design Review Committee (or Board of Directors) reviews all improvements within Melody Ranch including modifications to existing properties. The Committee has adopted Design Guidelines and standards to evaluate proposed construction activities.

### Design Review Process

Any change, addition or modification to a site or a building exterior of a residential property requires prior written approval of the Committee. Residents with proposed changes should contact the Management Company, with whom the Association has contracted for full Association Management, to obtain the necessary architectural guidelines and submittal documentation.

Simply stated, no improvements, alterations, repairs, additions or other work, including changes in exterior color, is to occur on any lot or exterior of any home from its improved state existing on the date such property was first conveyed by Builder to a purchaser without prior written approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Melody Ranch is implemented and maintained. Any owner requesting approval of any construction, installation, addition, alteration, repair, change or other work to their lot or home shall follow the application procedures listed below. Approved submittals will be returned to the applicant within sixty (60) days of receipt. Applicant shall diligently pursue approved work so that it is completed within sixty (60) days of issuance of the approval or such additional period of time as may be approved by the Committee at the time of issuance.

### Application Procedure

The following information should be included:

- Application Form completed and signed (copy enclosed). Additional copies can be obtained from the Management Company.
- Plot Plan - A site plan indicating dimensions relating to the existing dwelling and property lines (setbacks, etc.) and the improvement to be installed.
- Elevation Plans - Plans showing finished appearance of the improvements in relation to the existing dwelling and property lines.
- Specifications - Description detailing materials to be used with color samples, a drawing or a brochure of structure indicating dimensions and color.

Submit the application and plans to:

Melody Ranch Homeowners Association  
C/O City Property Management Company  
4645 East Cotton Gin Loop  
Phoenix, AZ 85040  
Office: (602) 437-4777 Manager:  
Fax: (602) 437-4770 E-mail:

Virginia Davey  
[vdavey@cityproperty.com](mailto:vdavey@cityproperty.com)

It is the Homeowner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the Management Company and the Association assume no responsibility for obtaining these reviews and approvals.

An approval by the Committee does not indicate or imply the request complies with local zoning or building code requirements.

## DESIGN GUIDELINES

### General Principles

The purpose of the Committee is to ensure consistent application of the Design Guidelines. The Committee monitors any portion of any lot or parcel that is visible from other lots or parcels, the street or the Association common areas. The Design Guidelines promote those qualities in Melody Ranch that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

### Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, material, color and construction details.

### Workmanship

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or livability of the new construction by virtue of design and workmanship.

### Building Architecture

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure.

### Building Repairs

No building or structure shall be permitted to fall into a state of disrepair. The owner of every home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction. Roofs must also be kept in good repair at all times.

### Awnings

The Committee must approve all awnings. Awnings over all windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color, and should only be installed on the sides and/or rear of the homes. All awning submittals must include a drawing with the location of the proposed awning installation, a sample of the material to be used, along with the color and design of the proposed awnings. The owner is responsible for maintenance and repair of awnings. The Association retains all rights to determine when an awning must be repaired and/or replaced due to weather fading, tearing, ripping, etc.

### Basketball Goals

All Basketball Goals requested will be reviewed by the Architectural Review Committee on a case by case basis. Basketball poles must be black, white or painted to match the color of the body of the exterior of the home. In general, the following is needed:

1. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Clear Plexiglas backboards are acceptable.

2. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc. constitute grounds for fine and/or removal.
3. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited.
4. Lighting for night use of equipment is prohibited.
5. No pole-mounted goals are allowed in the front yard.

### Clotheslines

Clotheslines or other outside facilities for drying cloths are not permitted unless they are placed exclusively within the fenced yard and not visible above the top of the block wall or from adjacent properties.

### Driveway Extensions

Driveway extensions will be reviewed on a case to case basis with strong consideration of any impact on the architectural features of the neighborhood. Approved driveway extensions will be for the purpose of access to side/back yard gates only. All driveways must be kept clean and clear of debris, oil, rust and other stains.

### Flagpoles

Flagpoles must be installed in a respectful manner and meet the following guidelines.

1. Poles must not exceed 12 feet in height
2. Poles must be white or painted to match the house
3. No more than 2 flags per pole
4. Flag size must not exceed 3x5
5. American Flag must be illuminated when flown at night
6. American Flag must be removed during inclement weather
7. American Flag may never be allowed to touch the ground
8. American Flag must be in good repair, no tatters, fading, etc.
9. You must submit an architectural request and have prior written approval from the Committee to install a flagpole.

### Fences and Walls

Plans to raise the height of a party wall is not recommended and must be submitted for approval with written permission from the adjacent neighbor(s). Homeowner requesting the height adjustment must be responsible for engineering new wall footings. Plans for new fences or walls must be submitted to the Committee prior to construction along with copies of City Approvals. Walls must be stuccoed and painted to match the existing dwellings or wall in texture and color.

### Garage Sales

A lot may hold up to two (2) garage sales per year for up to two (2) days each. All advertising for the garage sale needs to be removed within twenty-four (24) hours after the sale.

### Gates

Double gates may be installed to allow wider access to rear yards. All gates (double & single) should be the same material, design and color as the originally installed single gate. Shrubs, trees and plant material should be installed and maintained between street and gates whenever possible.

### Gutters and Downspouts

Gutters and downspouts will be considered for approval if the finish matches the color of the house. The Association strongly recommends use of high quality materials that offer long life, and the gutter must be maintained in good condition.

## HVAC

Except as initially installed by the Declarant, no heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any lot without the prior written approval of the Committee. All units shall be ground mounted, located within the perimeter or the rear yard and screened or concealed from view of non-residential neighboring property.

## Outdoor Fireplaces

Installation of outdoor fireplaces requires prior written approval by the Committee. Outdoor fireplaces may not exceed fence height.

## Outdoor Lighting

Any outdoor lighting installed on a lot or dwelling, subsequent to initial lighting installed by the builder, must receive prior written approval by the Committee. Permanent lighting sources shall not be directed towards streets, common areas or neighboring properties.

## Patio Covers

Roofing material color should match that which was installed by the builder on the original roof of the homes. Color of supports and material should match the color of the body or trim of the home.

## Ramadas and Gazebos

Ramadas and gazebos may be erected in rear yards only. They are subject to the following guidelines and prior review and written approval by the Committee.

1. Maximum square footage (under roof area) is 120 square feet
2. Maximum roof height is 10 feet at the highest point
3. The structure must be set back a minimum of 7 feet from any perimeter wall
4. The structure must be painted a natural cedar or match the exterior color of the house and be maintained in good condition
5. Any roof tile must also match the tile on the house
6. Lighting of the structure must be approved by the Committee prior to installation

## Play Structures

Play structures may be erected in the rear yards only. They are subject to the following guidelines and prior review and written approval by the Committee.

1. May be erected in the rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall
2. Maximum height allowed to top support bar or highest point of structure is 10 feet.
3. Maximum height of any deck or platform is to be 4 feet above ground.
4. The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
5. The Committee will take appearance, height and proximity to neighboring properties into consideration
6. Any shade canopy must be solid tan or earth tone color
7. Submit a brochure or picture

## Pools and Spas

Pools and spas do not require approval of the Committee except as provided below.

Perimeter walls on lots bordering common areas and shared Homeowner Association walls may not be torn down to allow access to rear yards without approval from the Architectural Committee. Access must be gained by removing a portion of the front wall on the side of the home. Repairs to the wall must be made in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring properties. Lots with view fencing must submit plan for approval by the Committee. Any pool equipment visible above the fence line (such as slides, etc.) must be approved in advance by the Committee.

## Pool Fencing

The specifications for rear yard wrought iron pool fencing installation on a lot with view fencing shall be a neutral earth tone color to match or blend with the existing home color or match the existing wrought iron fencing color.

## Satellite Dishes

While the Association does not prohibit the use of satellite dishes, the Association does regulate the size and location of the "dish" on the following basis:

1. When ever possible, the satellite must be ground mounted and out of view
2. Any "dish" larger than one meter (39 inches) that is visible from the street, neighboring properties or the common areas is prohibited
3. All dishes are to be located in the rear yard only
4. Homes with view fencing must locate the dish in the most unobtrusive location possible while still receiving a quality signal
5. All dishes that are visible from neighboring property, streets or the common areas are to be painted to match the body color of the house
6. All other antennae, such as those used to receive signals from multi-channel multi-point distribution services and television broadcast stations will be reviewed on a case by case basis
7. All dishes and antennae are to be submitted to the Committee with a diagram showing the location and size of the device

## Screen Doors

All screen and/or security doors must be submitted for approval and should be painted to match the exterior body color or trim of the home, or the color of the exterior door. Silver-colored aluminum screen doors are prohibited.

## Signs

No signs shall be displayed on any lot except for the following:

1. Signs used by Declarant to advertise the lots and residence thereon for sale
2. One residential identification sign with a total face area of eighty square inches or less
3. One temporary "For Sale" or "For Rent" sign with maximum face area of 5 square feet or less
4. Such signs as may be required by legal proceeding

5. Security signs are acceptable but they may not exceed 80 square inches

### Solar Panels

Except as may be initially installed by the Declarant, no solar energy collecting unit or panels shall be placed, installed, constructed or maintained upon any lot without prior written approval of the Committee.

### Storage Sheds

Storage sheds require prior written approval of the Committee and are subject to the following guidelines:

1. Storage sheds are subject to rear setbacks of 5 feet
2. Sheds may not be visible above the top of the block wall
3. Quality materials and construction shall be required
4. Shed must be in harmony with the exterior of the residence including siding, color and roofing materials

### Window Coverings Criteria

Permanent draperies or suitable window treatments shall be installed on all front-facing windows within sixty (60) days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material shall be installed or placed upon the outside or inside of any window. Exterior window coverings, shelf openings or treatments used to decorate must be compatible, with respect to materials and color, with the style and color of the home.

Bronze, gray, charcoal, brown or beige sunscreen material may be installed. The frame for window screens must match the screen material or existing window frames.

## LANDSCAPE GUIDELINES

### Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.

### Hardscape

The Committee must approve any hardscape items proposed for front yard installation. Hardscape items that will be visible from neighboring properties in the rear yard will also require approval. Materials included in hardscape are concrete, brick, tile, wood etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

### Rock and Ground Cover

If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green, blue or other bright colors. Artificially colored rock(s) or granite is prohibited. All rock areas should be treated with a pre-emergent weed control at regular intervals to retard weed growth.

River rock shall be three (3) to six (6) inches in diameter. Not more than 10% of the front yard landscape may be river rock.

### Fine Grading and Mounding



Fine grading is a critical aspect of landscaping. Each lot has been graded in such that all storm water will drain away from the house. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the City Grading and Drainage Plan. Every effort should be made to make mounding appear natural.

### Water Features, Statuary, Etc.

Items such as fountains, statuary, etc. are permissible within the rear yard and do not require submittal to the Committee, except on lots with view fences. Such items must be approved by the Committee prior to installation in the front yard. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as the rear yards with view fences. Statuary must be of earth tones with no painted finish, and must be approved in advance by the Committee. All functional and/or decorative items must be approved before being placed in the front or rear yards with view fencing.

### Lighting

The Committee must approve lighting, other than that installed by the builder. The following outlines the minimum standards for lighting:

1. Lighting shall be shielded such that the light shines primarily on the lot on which it is installed. Lights that create a glare, visible from other lots are prohibited.
2. Light fixtures shall not exceed an illumination intensity of more than one (1) foot-candle power as measured from the closest lot line.

### Plant Requirements

Within ninety (90) days of the date of closing, the owner of the lot shall complete installation and irrigation improvements, in compliance with the Melody Ranch Homeowners Association CC&R's and the following guidelines as adopted and amended from time to time. Installation and irrigation improvements shall be completed in that portion of the lot which is between the street(s), adjacent to the lot and the exterior wall of the residential unit or any wall separating the side or back your of the lot from the front yard of the lot. Back yards, which are visible from common areas, shall also adhere to this installation time frame. Those with no view fence must complete installation of the rear yard within 180 days of close of escrow.

#### *Minimum Plant Requirements*

<u>Plant Type</u>	<u>Size</u>	<u>Quantity</u>
Trees	15gal	2
Shrubs or cactus	5gal	5
Shrubs	1gal	0
Ground Cover	1gal	0

1. Select plants for alternating seasons of display and color.
2. Homeowners to select low shrubs/groundcover along driveway and street frontages to maintain visibility. Plants exceeding 2'0" in mature height shall be located at least 8'0" feet back from public sidewalks or curbs.
3. Surface select boulders may be grouped in clusters, with varied sizes, buried 1/3 below grade and incorporated with grades to mimic a natural outcropping. Boulders may not exceed 3' in height and shall have a natural oval character that is compatible with specific decomposed granite. Colored and lava rocks are prohibited.
4. Homeowners may use low voltage lighting to highlight entry walks, or accentuate trees. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare on adjacent properties, common areas or streets.

5. Ornamentation, such as draft wood, skulls, wagon wheels, sculptures; etc. is not permitted in front yards.
6. The Committee must approve special design features such as low walls, trellis, water features or other structures in advance.

### **Irrigation**

With an average rainfall of less than nine inches a year, most plant material requires a supplemental irrigation system to sustain plant life, yet preserve our precious water supply. Each Homeowner should provide a complete irrigation system compatible with the front yard design. Time clocks should be cycled for efficient deep watering. Turf areas shall have spray irrigation with 100% head to head coverage, designed to minimize over spray onto any paved or granite areas. All supplemental plants should be watered by any underground drip system to provide deep watering.

## **ASSOCIATION RULES**

The following Association Rules summarize some of the common provisions found in the CC&R's, as well as, Rules established by the Board. Cooperation on the part of all residents in following these rules will make living in Melody Ranch an enjoyable experience for everyone.

### **General Property Restrictions**

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board permission to apply for any rezoning, variances or use permit.

### **Trash/Recycling Containers and Collection**

No garbage or trash shall be kept on any lot except in covered containers as provided by the City of Gilbert. These containers must be stored out of sight except on days of collection.

### **Pets**

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes, and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Dog runs must have prior written approval of the Committee. Dogs must be kept on leashes at all times while on Association property. All owners must clean up after their pets.

### **Holiday Lighting**

Temporary holiday decorations are permitted from Thanksgiving through January 15. Any other temporary holiday decorations are permitted so long as they are removed after a reasonable amount of time.

### **Seasonal and Decorative Flags**

Seasonal and decorative flags, which are house mounted below the roofline, do not require approval. Seasonal flags must be removed within ten days after the date of the holiday. Flags must be maintained in good condition at all times. Torn, ripped, faded, etc. constitute grounds for fines and removal. Flags may not be offensive to neighbors or the Association. The Board shall make this determination.

## Machinery and Equipment

No machinery, fixtures or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment and clotheslines may be placed on any lot or parcel without screening or concealment from view of non-residential neighboring properties or public property. Oil pans, carpet, boards or any other object used to collect oil spills from driveway, must be removed when not in use so as not to be visible.

## Vehicles

Motor vehicles, mobile homes, recreational vehicle, travel trailer, tent trailer, camper shell, detached camper, boat, boat trailer, hang glider, ultra light or other similar equipment or vehicle may not be parked or maintained on any lot, parcel or any street in Melody Ranch so as to be visible from neighboring properties, the common areas or the streets (provided, however, the provisions of this section). This shall not apply to motor vehicles not exceeding 7 feet in height measured from ground level and 18 feet in length which are parked and are used on a regular and reoccurring basis for basic transportation which are not used for commercial purposes and which do not display any commercial name, telephone number or message of any kind. This also shall not apply to trucks, trailers and campers parked in areas designated for parking in non-residential Land Use Classification in connection with permitted commercial activities.

No automobile, motorcycle, motorbike or other vehicle shall be constructed, reconstructed or repaired upon any lot, parcel or street in Melody Ranch. No inoperable vehicle, including, but not limited to, vehicles with flat tires, may be stored or parked on any such lot, parcel or street so as to be visible from neighboring properties, common areas or streets; provided, however, that the provisions of this section shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during and used exclusively in connection with the construction of any improvement approved in writing by the Committee.

## Parking

Vehicles of all owners, lessees, residents and their employees, guests and invitees are to be kept in garages, residential driveways of the owner, designated parking areas, designated spaces in commercial areas and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a lot.

**FLAG POLICY  
FOR  
MELODY RANCH**

**To be inserted in the  
RULES & REGULATIONS BOOKLET**

The Governor signed Senate Bill 1055 into law amending Sections 33-1261 & 33-1808, Arizona Revised Statutes, relating to condominiums and planned communities. This law expands the types of flags that can be flown, in addition to the display of the American Flag. *This Law will become effective September 21, 2006.*

This law provides for Associations to adopt a reasonable policy regulating the display and placement of the American Flag, United States Military Flags, POW/MIA, Arizona State Flag and the Arizona Indian Nations Flag, and any pole necessary to fly the flag.

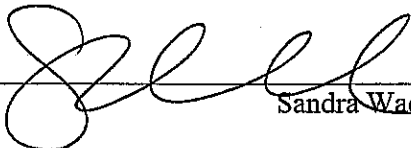
**WHEREAS**, The Board of Directors of Melody Ranch Homeowners Association at a duly called meeting discussed the following, by authority granted in accordance with the Covenants, Conditions and Restrictions, and by the Amendment provided in the Planned Community Act, adopted the following policy to become effective simultaneously with the Planned Community Act amendment on September 21, 2006.

**NOW, THEREFORE, LET IT BE RESOLVED:** that the following be adopted by the Board of Directors:

1. The display of the American Flag will be done so in accordance with the Federal Flag Code.
2. The display of the following flags are permissible with the same guidelines as the American Flag: United States Army, Navy, Air Force, Marines or Coast Guard, POW/MIA, Arizona State Flag, and an Arizona Indian Nations Flag.
3. The association must approve any lighting in writing, prior to installation.
4. Flag poles are allowed as long as the height of the pole is no greater than the distance between the point of placement of the pole in the yard and the closest point of either of the following; (1) any sidewalk or driveway, (2) any common area, or (3) any neighbor's property line.
5. All flag pole installations must be submitted to the Board of Directors for prior approval.

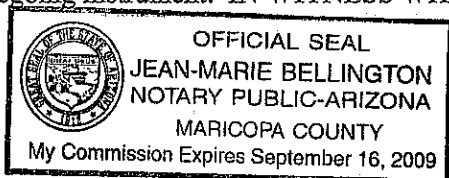
**FURTHER RESOLVED:** that this resolution takes effect on November 8, 2006.

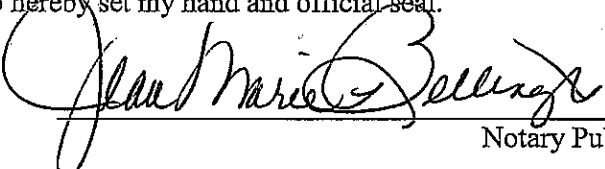
This **RESOLUTION** is adopted on this 8th day of November, 2006, by a majority of the Board at a meeting where a quorum of the Board was present.

  
\_\_\_\_\_  
Sandra Waddle, Secretary

STATE OF ARIZONA )  
                                  )  
Maricopa County    )

This 8<sup>th</sup> day of November, 2006, Sandra Waddle, personally appeared as said Secretary, and being authorized to do so, executed the foregoing instrument. IN WITNESS WHEREOF, I do hereby set my hand and official seal.



  
\_\_\_\_\_  
Notary Public

# Steve Anderson...for You!

## Steve's American Flag Page

# United States "FLAG CODE"

[Online Copy - CLICK HERE](#)

Previous to Flag Day, June 14, 1923 there were no federal or state regulations governing display of the United States Flag. It was on this date that the National Flag Code was adopted by the National Flag Conference which was attended by representatives of the Army and Navy which had evolved their own procedures, and some 66 other national groups. This purpose of providing guidance based on the Army and Navy procedures relating to display and associated questions about the U. S. Flag was adopted by all organizations in attendance.

A few minor changes were made a year later during the Flag Day 1924 Conference, It was not until June 22, 1942 that Congress passed a joint resolution which was amended on December 22, 1942 to become Public Law 829; Chapter 806, 77th Congress, 2nd session. Exact rules for use and display of the flag (36 U.S.C. 173-178) as well as associated sections (36 U.S.C. 171) Conduct during Playing of the National Anthem, (36 U.S.C. 172) the Pledge of Allegiance to the Flag, and Manner of Delivery were included.

This code is the guide for all handling and display of the Stars and Stripes. It does not impose penalties for misuse of the United States Flag. That is left to the states and to the federal government for the District of Columbia. Each state has its own flag law.

Criminal penalties for certain acts of desecration to the flag were contained in Title 18 of the United States Code prior to 1989. The Supreme Court decision in Texas v. Johnson; June 21, 1989, held the statute unconstitutional. This statute was amended when the Flag Protection Act of 1989 (Oct. 28, 1989) imposed a fine and/or up to 1 year in prison for knowingly mutilating, defacing, physically defiling, maintaining on the floor or trampling upon any flag of the United States. The Flag Protection Act of 1989 was struck down by the Supreme Court decision, United States vs. Eichman, decided on June 11, 1990.

While the Code empowers the President of the United States to alter, modify, repeal or prescribe additional rules regarding the Flag, no federal agency has the authority to issue 'official' rulings legally binding on civilians or civilian groups. Consequently, different interpretations of various provisions of the Code may continue to be made. The Flag Code may be fairly tested: 'No disrespect should be shown to the Flag of the United States of America.' Therefore, actions not specifically included in the Code may be deemed acceptable as long as proper respect is shown.

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## UNITED STATES CODE

### TITLE 4

### CHAPTER 1 - THE FLAG

**§1. Flag; stripes and stars on**

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

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**§ 2. Same; additional stars**

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

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**§ 3. Use of flag for advertising purposes; mutilation of flag**

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words 'flag, standard, colors, or ensign', as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

**§170. National anthem; Star-Spangled Banner**

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

**§171. Conduct during playing**

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

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**§172. Pledge of allegiance to the flag; manner of delivery**

The Pledge of Allegiance to the Flag, 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

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**§173. Display and use of flag by civilians; codification of rules and customs; definition**

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of title 4 and Executive Order 10834 issued pursuant thereto.

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**§174. Time and occasions for display**

- (a) Display on buildings and stationary flagstaffs in open; night display

It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

- (b) Manner of hoisting

The flag should be hoisted briskly and lowered ceremoniously.

- (c) Inclement weather

The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

- (d) Particular days of display

The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25;

and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

- (e) Display on or near administration building of public institutions

The flag should be displayed daily on or near the main administration building of every public institution.

- (f) Display in or near polling places

The flag should be displayed in or near every polling place on election days.

- (g) Display in or near schoolhouses

The flag should be displayed during school days in or near every schoolhouse.

### §175. Position and manner of display [Click here for Displaying the United States Flag](#)

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

- (a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.
- (b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.
- (c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.
- (d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.
- (e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.
- (f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.
- (g) When flags of two or more nations are displayed, they are to be flown from separate staffs of

32



- the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.
- (h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.
  - (i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.
  - (j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.
  - (k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.
  - (l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.
  - (m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. As used in this subsection -
    - (1) the term 'half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff;
    - (2) the term 'executive or military department' means any agency listed under sections 101 and 102 of title 5; and
    - (3) the term 'Member of Congress' means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.
  - (n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.
  - (o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east

and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

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### §176. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

- (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
  - (b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.
  - (c) The flag should never be carried flat or horizontally, but always aloft and free.
  - (d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
  - (e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
  - (f) The flag should never be used as a covering for a ceiling.
  - (g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
  - (h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
  - (i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
  - (j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.
  - (k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.
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### §177. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

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**§178. Modification of rules and customs by President**

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

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**§179. Design for service flag; persons entitled to display flag**

The Secretary of Defense is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

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**§180. Design for service lapel button; persons entitled to wear button**

The Secretary of Defense is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged.

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**§181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties**

Upon the approval by the Secretary of Defense of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of Defense for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179 to 182 of this title, shall, upon conviction thereof, be fined not more than \$1,000.

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**§186. National motto**

The national motto of the United States is declared to be 'In God we trust.'

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**§187. National floral emblem**

The flower commonly known as the rose is designated and adopted as the national floral emblem of the United States of America, and the President of the United States is authorized and requested to declare such fact by proclamation.

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**§188. National march**

The composition by John Philip Sousa entitled 'The Stars and Stripes Forever' is hereby designated as the national march of the United States of America.

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**§189. Recognition of National League of Families POW/MIA flag**

The National League of Families POW/MIA flag is hereby recognized officially and designated as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation.

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**UNITED STATES CODE****TITLE 18****Part I. CRIMES AND CRIMINAL PROCEDURE****CHAPTER 33 - EMBLEMS, INSIGNIA, AND NAMES**

THIS TITLE WAS ENACTED BY ACT JUNE 25, 1948, CH. 645, SEC. 1, 62 STAT. 683

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**§ 700. Desecration of the flag of the United States; penalties**

- (a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.
  - (2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.
  - (b) As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.
  - (c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.
  - (d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order issued by a United States district court ruling upon the constitutionality of subsection (a).
  - (2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.
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36