

ISSUE #1

GENERAL RULES

MARKUP #1 ->

- 1. Exterior Antennas or Wires:** No antennas, cables, or wires may be placed outside Units. Exception: a satellite TV antenna may be placed on the roof using a non-penetrating roof mount approved by the HOA. For this, exactly one black-colored cable may be routed from that antenna to the Unit and must be routed in the most unobtrusive way possible. The cable may only be connected to the existing cable connection passing through the exterior wall into the living room of the Unit. No holes may be drilled through the exterior wall.
- 2. Clothes Drying:** No visible exterior clotheslines are permitted at any time. Drying of clothes, towels, carpets, etc., on balconies, stairway railings, or fences is not permitted at any time.
- 3. Common Area Cleanliness:** No waste may be placed in the Common Area, including trash or debris placed outside your door, even temporarily. Entrances and other Common Areas must be clear of litter and must not be blocked nor used for storage of any items. Pathways, sidewalks, and entrances/exits must not be obstructed in any manner.
- 4. Loitering:** No loitering is allowed in any part of the Common Area at any time.
- 5. Damage to Common Area:** Owners are responsible for any damage caused to the Common Area by themselves, their tenants, or their guests.
- 6. Trash:** All containers in the trash enclosures are for residents only. Trash compactors must only be used for household trash. Place all recycling materials into the recycling containers and break down all boxes. Place all composting materials into the designated composting container. All containers have signs indicating the authorized items for that type of container. Please comply with these signs. Furniture, mattresses, box springs, appliances, oil, paint, construction materials, or toxic materials must not be placed anywhere in the trash enclosure or anywhere else on the property.
- 7. Smoking:** No smoking is allowed inside any Unit. Also, no smoking is allowed close enough to any CDA building that allows smoke to enter any Unit window or door.
- 8. Signs:** No decals, signs, plaques, flags, pictures, posters, etc., may be displayed in any window or door. Exception: A single sign of customary design and reasonable dimensions advertising your Unit for sale or rent may be placed in one of your Unit's windows in the front and one more in the back. You may not display any signs of any type anywhere outside your Unit.
- 9. Window/Door Coverings:** Drapes, blinds, curtains, or other window coverings must be white and of a texture or material that is harmonious with the exterior appearance and design of other Units. No windows may be painted or covered by foil, cardboard, or similar materials. Doors and door openings may not be covered with any material, including drapes, curtains, etc., except for approved screen/security doors.
- 10. Holiday Decorations:** Holiday decorations may not be put up more than two weeks before the holiday period and must be removed within one week after the holiday period is over. Do not damage Association property when you put your decorations up. For example, drilling any holes or installing any permanent nails, screws, hooks, etc., is not allowed. Please remember all exterior surfaces, including balconies and back patio areas, are not part of your Unit, they are Association property.
- 11. Business/Commercial Use:** You may conduct business or commercial activities in your Unit, but only if these activities are not visible outside your Unit or affect anything outside your Unit.
- 12. Pests:** The HOA is responsible for combating pests in the Common Area. Owners are responsible for combating pests within their Unit. The only exception is that the HOA is responsible for all termite infestations.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 4): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

GENERAL RULES 1. Exterior Antennas or Wires: No antennas, cables, or wires may be placed outside Units. Exception: a satellite TV antenna may be placed on the roof using a non-penetrating roof mount approved by the HOA.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).