

supplies out-of-doors; (v) does not require remodeling or construction of Lot improvements or facilities to accommodate the activity or use that changes the exterior of the Dwelling from a residential appearance to a commercial appearance when viewed from the front of the building; and (vi) does not result in any visible evidence of the conduct of such home occupation outside the Dwelling structure.

MARKUP #1 ->

Section 9. Garbage and Storage. No rubbish, trash, or garbage shall be allowed to accumulate on Lots; and any trash placed outside the interior walls of a Dwelling temporarily shall be stored entirely within appropriate covered disposal containers maintained in good, clean condition and screened from view from any adjoining property. No visible disposal containers, other than those maintained by the Association, shall be allowed on any Lots, city streets or within the Common Areas except on days when refuse is collected or during those periods when repair, reconstruction or improvements are being made by the Association or by an Owner-Member. Any accumulation of rubbish, trash, garbage or debris (such as is often generated upon vacating of premises or during holidays) shall be promptly removed from the Properties to a public dump or trash collection area by the Owner or Lessee at his or her expense. The Association shall be entitled to impose reasonable fines and penalties for collection of garbage and refuse which is disposed of in any manner inconsistent with this section.

Nothing in this section shall be interpreted so as to preclude the Association from establishing and maintaining within the Properties appropriate storage yards and storage buildings for the maintenance and retention of materials and equipment needed for planting, building, repair, maintenance and preservation of the structures, gardens and other improvements of the Lots and the Common Areas.

Section 10. Clotheslines, etc. No exterior clothesline shall be erected or maintained, and there shall be no drying, airing or laundering of clothes on the balconies, decks, porches, or patios or on other such exterior areas in any manner which is visible from any neighboring Lot. In addition, no item that alters the exterior appearance of any Lot shall be hung, kept or displayed outside any Dwelling without approval of the Architectural Control Committee pursuant to article VII hereof.

Section 11. No Alterations Without Architectural Approval. In order to insure adequate aesthetic controls and to maintain the general attractive appearance of the Properties, no Owner or Lessee shall, at his expense or otherwise, construct fences, walls, or make any alterations, additions or modifications to or on any part or portion of the Common Areas or exterior surfaces of any Dwelling structures (including, without limitation, the erection of awnings, exterior window coverings, hangings and the like), or ~~place or maintain any objects, such as masts, towers, poles, television and radio antennas or satellite transmission or reception equipment of any kind, on or about the exterior of any building or on any Lot within the Properties unless authorized by the Architectural Control Committee in accordance with article VII hereof.~~

ISSUE #1

Section 12. Vehicle, Boat, Trailer and Parking Restrictions.

The following restrictions shall apply to the use, storage or parking of boats, trailers and vehicles within the Properties:

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VII (p. 55): 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:

radio antennas or satellite transmission or reception equipment of any kind, on or about the exterior of any building or on any Lot within the Properties unless authorized by the Architectural Control Committee in accordance with

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).