VISTA POINT OWNERS ASSOCIATION

Rules and Regulations

Authority: Pursuant to the authority granted by the Colorado Common Interest Ownership Act, the Bylaws of Vista Point Owners Association, and by Article V (Section 5.2) of the Declaration of Covenants, Conditions, Restrictions and Easements for Vista Point (the "Declaration"), together with any amendments, which are in full force and effect as of 10 July, 2023, the Board of Directors of Vista Point Association hereby enacts the following rules and regulations. These rules and regulations shall replace all existing rules and regulations, as of 10 July, 2023. If any provision herein conflicts with current applicable Colorado State Laws, or the contents of the Declaration, the State Laws and/or Declaration shall take precedence.

Purpose: It benefits all owners in the Vista Point community to establish, and abide by, Rules and Regulations to promote the common good, provide for uninhibited enjoyment, and to ensure a healthy and peaceful community, thus retaining a pleasant and attractive living environment.

ALL OWNERS AND NON-OWNER OCCUPANTS, GUESTS, RENTERS AND EMPLOYEES SHALL COMPLY WITH THESE RULES AND REGULATIONS, AS WELL AS THE COVENANTS AND RESTRICTIONS OF THE DECLARATION.

1. Responsibility – The Owner of any property is responsible for the conduct of tenants and guests. Owners will ensure that tenants and guests are aware of and comply with these Rules and Regulations, or any covenants and restrictions of the Declaration. Owners will be responsible for payment of any fines or other charges relating to their tenant and/or guest's failure to comply with the Rules and Regulations or covenants and restrictions of the Declaration.

ISSUE #1

2. Home Improvements - No owner shall construct any structure or improvement, or make any structural or design change, either temporary or permanent, to the Lot or exterior of a home (Unit) without first obtaining written consent from the Architectural Review Committee, or the Board of Directors. Fences are permitted provided they comply with Town of Breckenridge permit specifications and the recorded master plan for Vista Point. All fences must be sealed in a natural finish and also require Board of Directors approval. Interior repairs or alterations of the home are permitted without such approval, provided they meet all codes and regulations of Town of Breckenridge. No used or second-hand structure, no building of a temporary character, tent or shack shall be placed or used on the Lot or the Community; except those necessary for approved construction. No television, radio or other antennas, including satellite dishes greater than 24 inches in diameter, shall be affixed to the exterior of the home. Any requested improvements must meet all Town of Breckenridge regulations and be submitted to the Board of Directors for approval in sketch and descriptive form.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

No television, radio or other antennas, including satellite dishes greater than 24 inches in diameter, shall be affixed to the exterior of the home. Any requested improvements must meet all Town of Breckenridge regulations and be submitted to the Board of Directors for approval in sketch and descriptive form i :

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).