MARKUP #1 ->

b. No item may be shaken from a balcony. With the exception of inside window boxes, no item or material may be hung or attached to the inside or outside of the balcony railing or any other portion of the exterior of the building.
c. Plants may be set against the inside of the railing and window boxes may be hung **inside** the railing.
d. No flammable items may be kept/stored on balconies.

2. Balcony use
   a. If any prohibited items are present, removal can be required by management.
   b. No flammable materials are permitted in finishes, furniture or equipment.
   c. Construction or alteration to balconies or railings in any manner may not be undertaken without the prior permission of the Board.
   d. Painting of the balcony walls, floors, railings, or privacy panels is not permitted.
   e. Awnings are not permitted. Collapsible umbrellas are permitted as long as they are well-anchored in a weighted umbrella stand.
   f. Patio furniture and storage boxes placed against the wall, lower than railing height are permitted.
   g. Signs and advertisements are not permitted.
   h. Holiday decorations may be hung only **inside** the railings of balconies between December 1st and January 15th.
   i. ~~No bird feeders of any kind are permitted as they can be a health problem.~~

ISSUE #1

   j. No individual radio or television aerials of any kind are permitted on the balconies or roof.
   k. Electric cooking or warming devices are permitted. No other cooking or grilling devices are allowed.

3. Balcony maintenance
   a. Balconies must be kept clean.
   b. Anything used periodically, such as children's toys, must be kept neat and tidy.
   c. Owners must keep the balcony drains clear of material which could clog the drain. If the drain becomes clogged, please call the management office.
   d. Shareholders are not permitted to keep/store flammable materials on unit balconies. A requirement to remove it and fine of $50 will be levied if discovered.
4. Windows
   a. No window air conditioners may be installed.

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

Sec. 2 (p. 2): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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 (39.37 inches) 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. Under 47 C.F.R. § 1.4000(a)-(b), associations may only restrict installations on shared/general common elements, dishes exceeding 1 meter in diameter, or where necessary for a specific documented safety objective (§ 1.4000(b)(1)) or a National Register of Historic Places site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:
j. No individual radio or television aerials of any kind are permitted on the balconies or roof. k. Electric cooking or warming devices are permitted. No other cooking or grilling devices are allowed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000), subject only to restrictions on shared common elements, dishes exceeding one meter in diameter, documented safety objectives (§ 1.4000(b)(1)), or historic preservation requirements (§ 1.4000(b)(2)).