

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Section 4. Animal Restriction. No animals, livestock, reptiles or poultry of any kind shall be raised, bred or kept on the COUNTRY LAKE PROJECT. No dog, cat or other pet may run loose (unleashed) on the COUNTRY LAKE PROJECT, and such pets may be walked only in the yard appurtenant to each townhome and not on the Common Properties unless the Board appropriates a portion of same for this purpose in the future. All owners of pets shall be responsible for cleaning up any excretions of their pets. Pets shall be limited to either two (2) dogs or two (2) cats, or any combination of same not exceeding two (2), per Unit.

Section 5. Trash. No rubbish, trash, garbage or other waste material shall be kept or permitted on the COUNTRY LAKE PROJECT except in containers located in appropriate areas or in plastic bags, and no odor shall be permitted to arise therefrom so as to render the COUNTRY LAKE PROJECT or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants. No clothing or household fabrics shall be hung, dried or aired, and no lumber, grass, shrub or tree clippings or plant waste, metals, bulk material or scrap or refuse or trash shall be kept, stored or allowed to accumulate on any portion of the COUNTRY LAKE PROJECT except within an enclosed structure appropriately screened from view. Trash containers and plastic bags containing trash shall be permitted to be placed on the front of any townhome lot abutting the Common Properties or the streets only on the scheduled day for trash removal and same must be removed on that same day and placed on the Unit Owners' property hidden from view from the Common Areas.

Section 6. Temporary Building; Further Parking Limitations. No outbuilding, basement, tent, shack, shed or other temporary buildings or improvement of any kind shall be placed upon any portion of the COUNTRY LAKE PROJECT, either temporarily or permanently. No trailer, camper, motor home or recreation vehicle or boat shall be used as a residence, either temporarily or permanently. None of the foregoing shall be allowed to be parked in any guest parking space.

ISSUE #1

Section 7. Outside Installations. No radio station or shortwave operations of any kind shall operate from any Unit, or the Common Properties. No external radio or antenna, television antenna or other antenna of any type shall be erected or maintained in the Buildings or elsewhere on the COUNTRY LAKE PROJECT, except that a master antenna or antennae, or cable television antenna or antennae, may be provided for the use of Owners, and Declarant may grant and hereby reserves easements for such purposes.

Section 8. Insurance Rates. Nothing shall be done or kept in the Common Properties or Units which will increase the rate of insurance on any property insured by the Association without the approval of the Board, nor shall anything be done or kept in the Buildings, or Unit Property or on the Common Properties which would result in the cancellation of insurance on any property insured by the Association or which would be in violation of any law.

Section 9. Commercial Restriction. The use of the Common Properties will be subject to the use restriction contained in the Declarant's Deed from its successor in interest which prohibited the use of any of the properties within the COUNTRY LAKE PROJECT from any commercial purpose. Said prohibition does not include the Declarant's activities in constructing, selling, developing or delivering Units to ultimate purchasers.

ARTICLE XI

DAMAGE OR DESTRUCTION TO COMMON PROPERTIES

Damage to or destruction of all or any portion of the Common Properties shall be handled in the following manner, notwithstanding any provision in this Declaration to the contrary:

Sec. 7. (p. 16): 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:

Properties. No external radio or antenna, television antenna or other antenna of any type shall be erected or maintained in the Buildings or elsewhere on the COUNTRY LAKE PROJECT, except that a master antenna or antennae, or cable television antenna or antennae, may be provided for the use of Owners, and Declarant may grant and hereby reserves easements for such purposes.

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).