

Effective January 1 2023

MARKUP #1 ->

the name and address of the Owner/Resident. Failure by the Owner/Resident to remove the waste and to provide his/her name and address will give the authority to the Association to publish pictures of the violating Owner/Resident and pet in the Loggers' Run Outlook for the purposes of obtaining information as to the Owner's/Resident's identity.

- e. **Restricted Areas.** Pets are not allowed in the parks and play areas of Loggers’ Run (Recreational Areas), unless otherwise required by law or otherwise permitted by the Board.
- f. **Indemnification of the Association.** Any resident who allows an animal of any kind to be brought into Loggers’ Run agrees to indemnify the Association and to hold it harmless against loss or liability of any kind or character whatsoever arising from or growing out of the animal’s actions in Loggers’ Run.
- g. **Removal of Pets Which Create a Nuisance and/or Threat to the Residents.** No pet shall create a nuisance, which determination shall be in the sole discretion of the Board. The Association, acting through the Board, shall have the authority to remove pets which, in the sole discretion of the Board, are determined to create a nuisance on the property or a threat to the Residents, their guests, invitees, Association employees, vendors and other pets (such threat being deemed a threat to the Loggers’ Run Community). A pet which, in the sole discretion of the board, creates a nuisance shall be removed upon notice. Said notice shall not be less than ten (10) days prior written notice. Nuisances shall include, but not limited to, pets which are, in the sole discretion of the Board, excessively noisy or create excessive odors, or where the pet’s waste is not being removed.

If any animal, in the sole discretion of the Board, demonstrates a threat or danger to the health, safety and welfare of the Loggers’ Run Community, the Owner/Resident must remove said animal from the property within twenty-four (24) hours of receiving written notice from the Association. The Board shall have the sole authority to identify whether or not such attack is determinative, for the purpose of requiring immediate (24 hours) removal. In determining whether or not a pet demonstrate a threat or danger to the health, safety and welfare of the Loggers’ Run Community, the Board may consider the nature of any attack whether to a resident, their guests, invitees, Association employees, vendors or other pets, as well as the frequency of attacks.

ISSUE #1

**Antennae, Satellite Dishes and Ham Radio Equipment.** Telecommunications equipment, including antennae and satellite dishes, are permitted in Loggers’ Run if they are in accordance with the following guidelines:

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 3 (p. 8): 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:**

Antennae, Satellite Dishes and Ham Radio Equipment. Telecommunications equipment, including antennae and satellite dishes, are permitted in Loggers' Run if they are in accordance with the following guidelines: 8 Effective January 1 2023 a.

**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).**