

SPRUCE CREEK GOLF VILLAS

RULES AND REGULATIONS FOR SPRUCE CREEK GOLF VILLAS

- ISSUE #1
- MARKUP #1 ->
1. All Sales and rentals require prior approval by the Spruce Creek Golf Villa Association before completion of sale or lease agreement. Contact the manager for requirements. Leases must be for one month or longer. Subletting will not be permitted. A copy of the lease must be sent to the manager prior to move-in.
 2. No signs are permitted to be displayed on the property, or attached to the exterior or in the windows of the unit.
 3. No exposed radio antennas, masts or towers shall be permitted on any unit or on the exterior of the unit. Satellite dish and cable TV will be permitted but placement of dish and or wiring must be recommended by the ARC on and final approval by the Board of Directors. Nothing shall be attached directly to the roof or siding of the unit.
 4. ~~The association is responsible for the repair or replacement of the roofs. No owner or resident or family member, guests, or agent shall access the roof of any building without the prior approval of the manager.~~
 5. Owners may not make any additions, change, alterations, or decoration to the exterior appearance of any portion of a building. Requests to make alterations or additions must be submitted to the Architectural Review Committee and then to the board of directors. Protocol has been established by the ARC and must be followed. Limited common areas such as driveways, sidewalks, porches and privacy areas are the responsibility of the resident for routine day to day maintenance which includes routine, sweeping, cleaning of any mold and trimming of shrubs in the privacy areas. Trees or bushes planted in the privacy area are to be trimmed so that they do not touch the condominium or roof area. Gutters were not part of the original building. However, the Association has taken the responsibility of cleaning the gutters up to twice per year. Maintenance and other cleaning of gutters is the responsibility of the owner. No gutters may be installed without the recommendation of the Architectural Review Committee and the approval by the Board of Directors.
 6. Changing of light bulbs for the light fixtures attached to the building shall be the responsibility of the owner/ resident. Bulbs for the yard lights will be replaced when the manager has been notified that the light is not working.
 7. Pick up service for trash and recycle materials by the current waste management provider is on Thursday. Trash must be placed inside the large container provided by waste management and recycle materials are placed in the smaller container also provided by waste management. These items must be placed at the end of the

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (p. 2): 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:

No exposed radio antennas, masts or towers shall be permitted on any unit or on the exterior of the unit. Satellite dish and cable TV will be permitted but placement of dish and or wiring must be recommended by the ARC on and final approval by the Board of Directors. Nothing shall be attached directly to the roof or siding of the unit.

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).