

MARKUP #1 ->

6.13 A bar-code window decal is assigned to each registered resident vehicle and is non-transferable. Decals are voided upon sale of vehicle, sale of unit, termination of tenancy. An administrative fee is charged for all replacement decals and permits.

6.14 One guest parking permit is issued per unit for occasional overnight guest parking of less than 30 days total per vehicle in a 12 month period. A guest parking permit may not be used on permanent resident vehicle in attempt to exceed the limit of two vehicles per unit. The guest parking permit must be properly displayed from the interior rear-view mirror with number facing outward between the hours of 12:00 A.M. and 9:00 A.M..

6.15 No resident may reassign his/her parking privileges to a third party resident or guest.

6.16 Any vehicle in violation of the above stated regulations is subject to tow-away at the sole expense of the vehicle owner without additional warnings.

~~**6.17** No unlicensed or uninsured motorized vehicles may be stored, parked or operated on condominium property or association property. Additionally, no unlicensed or uninsured individuals may operate motorized vehicles on condominium property or association property nor shall there be any driving class or instructions given to any individual on condominium property or association property. Proof of vehicle ownership, operators license and vehicle insurance coverage shall be provided by all residents prior to vehicle operation or storage on condominium property or association property.~~

6.18 Disabled vehicles shall not remain on the condominium property or association property longer than 48 hours.

6.19 Vehicles with excessive fluid leaks (as determined by the board of directors) must be immediately removed from the condominium property or association property. The vehicle owner is liable for any asphalt damage and repair due to vehicle fluid leaks.

6.20 No repair or troubleshooting of vehicles may be performed on the condominium property or association property with the exception of checking vehicle fluid levels, changing flat tires or jumping dead batteries.

6.21 Only resident vehicle washing is allowed at the designated area located by the pool (per Lee County water restrictions).

6.22 No passenger or conversion vans larger than 3/4 ton capacity are to be stored, parked or operated on condominium property or association property.

6.23 No storage, parking or operation of the following vehicles or trailers is permitted on the condominium property or association property for:

Exhibit "D" to Amended and Restated
Declaration of Condominium
(Second Amended and Restated Rules and Regulations)
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MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1.9 (p. 10): 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 exterior antennas or satellite dish receivers shall be permitted on the condominium property or association property without written permission from the Board of Directors, except

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).

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