



REF: 15263PG1712

(c) Notwithstanding anything to the contrary in Section 2 of this Article XI, the Association, its Directors or Officers, shall not be liable to any person should it fail for any reason whatsoever to obtain insurance coverage on a Rental Building, Condominium building or Home.

ARTICLE XII
USE OF PROPERTY

The use of a Rental Parcel, Lot, the Common Elements of a Condominium, a Condominium Unit, or the Common Properties by a Member or other occupant shall be subject to the rules, regulations and provisions of this Declaration, the By-Laws, the Rules and Regulations of the Board of Directors and the following covenants and restrictions:

(a) Any Member who mortgages, leases or sells his Rental Parcel, Lot or Condominium Unit shall notify the Board of Directors providing a copy of the Warranty Deed or lease and the name and address of his mortgagee(s), whichever is applicable, to the Association.

(b) The Board of Directors shall, at the request of the mortgagee of the Rental Parcel, Lot or Condominium Unit, report any delinquent assessments due from the Owner of such Rental Parcel, Lot or Condominium Unit.

(c) No nuisances shall be allowed upon the Properties nor shall any use or practice be allowed which is a source of annoyance to residents or which interferes with the peaceful possession and proper use of the Properties by its residents.

(d) No improper, offensive or unlawful use shall be made of the Properties nor any part thereof, and all valid laws, zoning ordinances and the regulations of all governmental bodies having jurisdiction thereof shall be observed.

(e) Rules and Regulations promulgated by the Board of Directors, or any committee established by the Board of Directors, or any committee established by the Board concerning the use of the Properties shall be observed by the Owners and the Members and their family, invitees, guests and tenants; provided, however, that copies of such regulations are furnished to each Member prior to the time the said regulations become effective.

(f) No pets shall be permitted to be kept in a Home except for dogs, cats, birds or fish, provided that such pet if a dog or cat is registered with the Association. Permitted pets shall be kept subject to the rules and regulations adopted by the Association for the keeping of pets. Pets shall not be kept, bred or maintained for any commercial purposes and pets causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the Home and Properties upon three (3) days' written notice from the Association.

(g) No resident of the community shall post any advertisement or posters of any kind in or on the Properties except as authorized by the Board of Directors. This paragraph shall not apply to Developer.

(h) No garments, rugs, etc. shall be hung from windows or doorways of Homes or Condominium Units, and no clotheslines or similar type structure shall be permitted on any Lot, except as approved by the Board of Directors of the Association.

(i) No television, radio or any other type of antenna shall be erected on the exterior of Rental Buildings, Homes or Condominium buildings without the prior written consent of the Board of Directors, provided however, antennas, if any, which are installed by the Developer shall be permitted.

(j) No person shall park a vehicle so as to obstruct any resident's use of ingress or egress to any parking space.

(k) No Owner shall install or permit to be installed any window mounted or through-the-wall mounted air conditioning unit in his Rental Building or Home, unless originally installed by the Developer.

(l) No flammable, combustible, or explosive fluid or chemical substance shall be kept on the Properties except such as are required for normal

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. XI (p. 17): 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:

radio or any other type of antenna shall be erected on the exterior of Rental Buildings, Homes or Condominium buildings without provided antennas, if any, which are installed by the Developer shall be permitted.

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).

ISSUE #1