

RULES AND REGULATIONS

4. Commercial vehicles, watercraft (boats, jet skis, etc.), trailers, campers, recreational vehicles, four wheeler ATV's, buses or other such equipment, or inoperable vehicles of any kind, may not be stored or parked overnight upon Master Association common areas and roadways.

If there is no controlling Neighborhood Association rule and a dispute or question arises as to what vehicles may be stored or parked upon your personal property, the issue shall be submitted in writing to the Association's Board of Directors, whose decision shall be dispositive of such dispute or question.

5. Vehicles shall not be parked on Association roadways in a manner that obstructs safe passage by other vehicles or that obscures safe line of vision along the roadway or adjoining properties.
6. Under no circumstance shall any vehicle be used for overnight accommodation.

D. Bicycles, In-line Skates, Scooters, Skateboards

1. These modes of transportation are allowed to use both sidewalks and roads. When using the sidewalks riders MUST give way to pedestrians and follow the rules for pedestrian traffic. When using roads riders MUST obey the rules for motor vehicles, including staying to the right (moving with traffic), and obeying all traffic signs.

ISSUE #1

- E. Drones (i.e. powered, unmanned aerial vehicles that use aerodynamic forces to provide vehicle lift, and fly autonomously or be piloted remotely)are not permitted to be flown anywhere in the Windstar on Naples Bay community unless it is:
- ~~1. Registered with the FAA, FAA rules appear on the FAA website, www.faa.gov and Public Law 112-95, Section 336 and Title 14 of the Code of Federal Regulation (14 CFR) Part 107 as required,~~
 2. Operated by an individual licensed by the FAA, as required,
 3. Is only used in accordance with the FAA and other applicable governmental requirements,
 4. Is flown within the community in a manner not to interfere with an owner's reasonable expectation of privacy,
 5. Is not used in any fashion to spy or otherwise used to peer or take pictures into the residence of an Owner's property,
 6. Is not used to harass any person with respect to private property or the association's common property, and
 7. Used in a manner not to cause injury to person or property. The operator of a drone shall be solely responsible for any injury to persons or property which results from use of the drone. A person's failure to comply with the terms and provisions of this section shall constitute a nuisance under these rules or the Declaration and a violation thereof. The Association is not a guarantor or protector of an individual's right to privacy with respect to drones that are flown within the community, and the Association shall only undertake actions under this Section upon Association representatives direct evidence and knowledge of a violation or following a written claim from an offended resident.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 3): 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:

E. Drones (i.e. powered, unmanned aerial vehicles that use aerodynamic forces to provide vehicle lift, and fly autonomously or be piloted remotely)are not permitted to be flown anywhere in the Windstar on Naples Bay community unless it is: 1.

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).