

HOLIDAY DECORATIONS- All holiday decorations must be removed within fifteen (15) days of the holiday or celebration. Consideration of neighbors should be exercised when decorating for any occasion. All holiday lighting should be considered temporary and may not be installed prior to (30) thirty days before the holiday and must be removed within (15) fifteen days after the holiday. Decorations may not include any audio.

HOME OCCUPATIONS- No home occupation, business, trade, or profession of any kind shall be conducted, maintained, or permitted in any Lot or Unit unless the following guidelines are followed. (a) the existence of the operation of the activity is not apparent or detectable by sight, sound or smell from the outside of the Lot or Unit; (b) the activity conforms to all zoning requirements for the Property; (c) the activity does not involve visitation of the Lot or Unit by clients, customers or suppliers, or door-to-door solicitation of other Owners; (d) the activity does not increase traffic or include frequent deliveries to or from the Lot of Unit; and (e) the activity is consistent with the residential character of the Community and does not constitute a nuisance, or hazardous or offensive use, or threaten the security or safety of the resident of other Lots or Units, all as determined in the sole discretion of the Board.

LANDSCAPING AND EXTERIOR MAINTENANCE- In addition to the maintenance upon the Common Area, the Association shall provide exterior maintenance upon each Lot which is subject to assessment hereunder, as follow: building exteriors, roofs, trees, shrubs, landscaping, and other improvements. Such exterior maintenance shall not include screens, windows, or glass surfaces. In the event that maintenance or repair of a Lot or the improvements thereon is needed or required due to the willful or negligent acts of its Owner, or through the willful or negligent acts of the family, servants, guest, tenants, lessees, or invitees of the Owner, the cost of each exterior maintenance or repair shall be added to and become a part of the assessment to which such Lot is subject.

MOVING TRUCKS, TRAILERS & PODS- Moving trucks, trailers or PODS are only permitted to remain on site for 5 days.

PARKING-All vehicles, including but not limited to, automobiles, trucks, and motorcycles, must be parked in garages, on the driveway area of a Unit or temporarily (not to exceed 24 hours) in a parking space on common area designated by the Association for guest parking. Storage of vehicles is not permitted in overflow parking. Parking by the mailbox area may not exceed 5 minutes. No parking is permitted on the grass, sidewalks, curbing, or double-parked behind other vehicles in their driveway, except when loading or unloading persons or objects. All vehicles parked on the property must be operable, have inflated tires, and have current tags. Disabled vehicles or vehicles under repair are not permitted. No commercial vehicles, oversized vehicles, recreational vehicles, boats or trailers of any type are permitted in the parking areas. Violators will be towed at the owner’s expense.

RECREATIONAL VEHICLES- No commercial vehicles, buses, trailers, camping trailers, motor homes, recreational vehicles or boats may be maintained or parked within the Property.

ISSUE #1

SATELLITE DISH- If you wish to install satellite TV, please first check with the service provider to see if the antenna dish can be placed on your patio below the level of the top of the patio fence. If this is not possible, the next preference would be to install the receiver dish within 4’ of the end of the building where the communication access wires are located and kept as low to the ground as possible. The last option would be to install the dish on the roof; the preference is that it is installed below the roof peak. The goal is that it is not visible from any point in front of your unit. Unit Owners accept responsibility for any needed repairs/maintenance to the roof caused by this type of installation. Under no circumstances is it permissible to install your dish on a neighbor’s roof or any area that is not your property.

SIGNS- No signs shall be displayed upon the Property other than those displayed while the home is sold for new construction or a professionally made sign identifying a lot unit “For Sale” or “For Lease” and does not exceed four (4) square feet in area; all as approved by the ARC at its sole discretion. No other signs, including but not limited to directional signs, shall be placed anywhere withing the Property, including but not limited to rights-of-ways unless approved by the Declarant or ARB in their sole discretion.

SWIMMING POOLS- No swimming pools shall be constructed or installed on any Lot.

TEMPORARY STRUCTURES- No temporary structure including, but not limited to tents, shacks and mobile homes shall be placed on any Lot at any time; provided, however that this probation shall not apply to Declarant or its Affiliates, or to Builders in compliance with construction guidelines adopted by the Board.

ENFORCEMENT OF RULES- All Association Rules and Regulations and all rules set forth in the Community Covenants and Restrictions shall be vigorously enforced by the Association, its members, the Board of Directors, and the

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. WARNING- NO LIFE GUARD ON DUTY (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:

SATELLITE DISH- If you wish to install satellite TV, please first check with the service provider to see if the antenna dish can be placed on your patio below the level of the top of the patio fence.

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).