

WCSA for failure to enforce the provisions hereof.

The City of Alpharetta’s noise ordinance (Chapter 13, Article II, Sec. 13-20 – 13-27 of the General Ordinances of the City of Alpharetta), as amended from time to time, must be obeyed at all times and can be found at <http://www.alpharetta.ga.us>. Noise issues may be reported to Alpharetta Police’s non-emergency number is 678-297-6300.

No Owner or occupant shall allow the accumulation of any matter that creates or emits an unpleasant odor including, but not limited to, trash, yard waste, dog feces, etc.

XI. FIREWORKS AND WEAPONS:

Firearms, fireworks and weapons are prohibited on the Windward Common Area. The term "firearms" includes, but is not limited to, "B-B" guns, pellet guns, paintball guns, and other firearms of all types, regardless of size.

The term "fireworks" shall include those items as listed in the Official Code of Georgia, Title 25 – Fire Protection and Safety, Chapter 10 – Regulations of Fireworks (§ 25-10-

1) which can be found at the Georgia General Assembly website (<http://www.legis.ga.gov/>).

All State of Georgia and/or City of Alpharetta Fireworks laws must be obeyed at all times.

XII. TEMPORARY STRUCTURES:

No structure of a temporary character, including, without limitation, any trailer, tent, shack, garage or other structure, shall be permitted on any Lot at any time, whether temporarily or permanently, except with the prior written consent of the Board. Structures existing solely for events lasting less than twelve (12) hours, such as rain covers for block parties, are permitted but must be removed within twelve (12) hours after the event.

Portable storage containers, such as "PODS", construction dumpsters or construction trailers, are prohibited from being placed or kept on a Residential Unit unless previously approved in writing by the Board or Management Company. Requests must be made in writing and approved in writing prior to the placement of any container on a Residential Unit. If approved, the container must be placed in the driveway of a Residential Unit. PODS may remain on a Residential Unit for no more than ten (10) consecutive days unless the Board or Management Agent approves a longer time in writing.

ISSUE #1

SATELLITE DISHES AND ANTENNAS:

Except as provided below, or allowed under law, no satellite dish, antenna or other device for the transmission or reception of television signals, radio signals or any form of electromagnetic wave or radiation shall be erected, used or maintained on any portion of the Common Areas. The following shall apply to all Lots:

- a. No transmission antenna (e.g. ham or short-wave radio), of any kind, may be erected anywhere on the Properties, including the Residential Unit, without written approval of the Modifications Committee.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VIII (p. 11): 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 DISHES AND ANTENNAS: Except as provided below, or allowed under law, no satellite dish, antenna or other device for the transmission or reception of television signals, radio signals or any form of electromagnetic wave or radiation shall be erected, used or maintained on any portion of the Common Areas.

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).