

- (c) The right of the WSG VI to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication or transfer shall be effective unless an instrument signed by two-thirds (2/3) of the Members agreeing to such dedication or transfer has been recorded.
- (d) The right of the WSG VI, in accordance with its Articles and By-Laws, to borrow money for the purpose of improving the Common Area and facilities and in aid thereof to mortgage said Property, and the rights of such mortgage in said Properties shall be subordinate to the rights of the homeowners hereunder.
- (d) The right of individual Members to the exclusive use of a garage unit and parking space as provided in Section 3.

Section 2. Delegation of Use. Any Owner may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Area and facilities to the members of his family or tenants. However, the ultimate responsibility for complying with these covenants remains with the owner.

Section 3. Parking Rights. WSG VI will maintain upon the Common Areas one garage unit and one outside parking space for each Living Unit. The garage and parking space will be conveniently located with respect to each Living Unit. Each neighborhood area has four (4) or six (6) living units being served by the common parking area. Each Living Unit will respect their neighbors' temporary need for additional spaces as agreed upon by the Living Unit Owners to accommodate guests, visitors, moving vehicles, and service vehicles when necessary. The common parking area is designed for the exclusive use of the Living Units with the above stipulations. The use of such space by any other member or person may be enjoined by WSG VI or the Members entitled thereto. Any dispute that cannot be resolved by Living Unit Owners within a Close will be resolved by the Board.

The right to exclusive use of such parking spaces and each garage unit and to its maintenance by WSG VI shall be appurtenant to and shall pass with title to each Living Unit. No boats, trailers, mobile homes, vehicles for hire, or motor homes owned or leased by any member, family, or guest of Member shall be parked within the right of way of any street, parking lots, or Common Area in WSG VI.

Section 4. Antennas. No external radio or television antennas or "dishes" are permitted except as allowed by FCC regulation or other Federal Law.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Every Owner of a Lot that is subject to assessment shall be a Member of WSG VI. Membership shall be appurtenant to and may not be separated from ownership of any Lot that is subject to assessment. Each Owner shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot. In the event the Property is held in a trust, the Trustee has the right to vote.

**Sec. 4. (p. 8): 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:**

Antennas. No external radio or television antennas or "dishes" are permitted except as allowed by FCC regulation or other Federal Law.

**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).**