

(f) Animals and Pets. No animals other than common household pets shall be allowed upon the Property. An Owner who keeps a pet upon the Property shall be liable to the Association for any damage to the Common Areas caused by such pet and shall be responsible for any nuisance caused by such pet in accordance with Section 6.2(i) hereof. No dog shall be left unattended on the Common Areas even if leashed or tied. The keeping of poultry, swine or livestock is prohibited. Without limiting the foregoing, Declarant and the Association shall have the power to require any Owner or lessee to remove any pet belonging to it which is not disciplined or which constitutes an undue annoyance to other Owners or lessees.

(g) Rubbish, Trash and Garbage. Owners shall cause all rubbish, trash and garbage to be regularly removed from the Lots and shall not allow it to accumulate thereon. There shall be no burning of trash on any Lot or in any part of the Common Area. No trash shall be stored on the exterior of any Lot or on the Common Area unless such area is designated for such purpose by the Board of Directors.

ISSUE #1

(h) Antennas. No exterior television or radio antennas or satellite dish in excess of 18 inches in diameter shall be placed, allowed or maintained upon any portion of the Property without the prior written consent of the Board of Directors or its designated representative.

(i) Nuisance. It shall be the responsibility of each owner to prevent the development of any unclean, unhealthy, unsightly, or unkept condition on his Lot. No substance, thing, pet or material may be kept or used upon any Lot in a manner that will cause any noise, light or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. No more than one unregistered vehicle may be maintained on a Lot, excepting vehicles within a garage.

(j) Unsightly or Unkept Conditions. The pursuit of hobbies or other activities, including without limitation, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkept conditions, shall not be pursued or undertaken on any part of the Property. Each Owner shall keep his Lot in a good state of cleanliness. Bottled gas must be enclosed or located such that it is not visible from a Road or another Lot.

(k) Maintenance of Property. All Lots and all improvements thereon shall be kept and maintained by the Owner thereof in clean, safe attractive and sightly condition and in good repair.

Section 6.4 Governmental Restrictions. The Property is subject to the DEP Permit and to approvals granted by the Town of Newry from time to time, including but not limited to the subdivision approval, as reflected by the Subdivision Plan. Each Owner agrees that the Property and its respective Lot is subject to, and each Owner agrees to comply with, the restrictions set forth in the DEP Permit and as reflected on the Subdivision Plan.

Section 6.5 Declarant's Consent and Approval. Whenever in this Article VI, it provides that certain matters require the consent or approval of Declarant or which provide

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.2(i) (p. 16): 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 exterior television or radio antennas or satellite dish in excess of 18 inches in diameter shall be placed, allowed or maintained upon any portion of the Property without the prior written consent of the Board of Directors or its designated representative.

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).