

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

RULES AND REGULATIONS
(Revised February 2012)

General

1. Whenever in these Rules and Regulations reference is made to “Owner”, such term shall also include the Owner’s family, tenants, agents, visitors, guests, invitees, and licensees. Whenever in these Rules and Regulations reference is made to the “Association”, such term shall mean the Association or its managing agent, if any.

Restrictions on Use

2. There shall be no obstruction of the Common Areas. Nothing shall be stored on the Common Areas. No ATV, motorcycles, scooters or other vehicles may be ridden on the Common Areas.
3. Nothing shall be done by an Owner in any portion of the Common Areas which shall increase the premiums charged for any insurance maintained by the Association without the prior written consent of the Board of Directors.
4. Except as provided in Section 10 of Article IX of the Declaration, no industry, business, trade or profession of any kind, commercial, religious, educational, or otherwise, designed for profit, altruism, exploitation, or otherwise, shall be conducted, maintained, or permitted on any part of the Property without the prior written consent of the Board of Directors.
5. No dwelling on the Property shall be used or rented for transient, hotel, or motel purposes.
6. No Owner shall cause or permit anything to be hung, displayed, or exposed on the exterior of a dwelling, whether through or upon windows, doors, siding, wood, or masonry. The prohibition herein includes without limitation laundry, clothing, rugs, signs, radio, television antennas, fans or air conditioners.

ISSUE #1

7. No Owner shall erect any satellite dishes on his Lot without the prior written consent of the Board of Directors regarding placement and installation.
8. No Lot shall be used for any unlawful purpose and no Owner shall do or permit any unlawful act in or upon his Lot.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7 (p. 1): 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:

No Owner shall erect any satellite dishes on his Lot without the prior written consent of the Board of Directors regarding placement and installation.

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).