

MARKUP #1 ->

21. Complaints regarding the management of the Association or regarding actions of other Owners shall be made in writing to the Managing Company or the Board of Directors. No Owner shall direct, supervise or in any manner attempt to assert control over, or request favors of any employee of the Managing Company and/or the Association.

22. Barbecuing in the common areas, including but not limited to any decks, patios, terraces of the common areas, is expressly prohibited.

PET ROLES

23. A pet may be maintained in a dwelling so long as it is not a nuisance. Actions which will constitute a nuisance include but are not limited to abnormal or unreasonable crying, barking, scratching or unhygienic offensiveness. An Owner must not allow an animal to cause noise that is loud enough and persistent enough to disturb another person's quiet enjoyment.

24. All pets must be registered and inoculated as required by State and Montgomery County laws.

25. Pet Owners are fully responsible for personal injuries and/or property damage caused by their pet.

26. Owners of pets must promptly clean up their pet's droppings. An Owner must keep a dog on a leash as required by law. The Animal At Large law states that a dog outside the Owner's premises must be leashed, unless it is a service dog, is in a dog exercise area designated by the Maryland National Capital Park and Planning Commission as such or is participating in an approved activity as defined by the State of Maryland and Montgomery County's Animal At Large laws. Pets may not be leashed to any stationary objects on the common areas.

27. Pets are not allowed in the pool area or on the tennis courts.

PARKING

28. Except for parking within a garage, and except as herein elsewhere provided, no junk vehicle, unlicensed or inoperable motor vehicle, trailer, camper, camp truck, house trailer, boat or other similar machinery or equipment of any kind or character shall be kept upon the property nor shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon, except: for bona fide emergencies; if such equipment and machinery may be used as reasonable, customary and usual in connection with the use and maintenance of any dwelling; and except if such equipment and machinery as may be required by the Association in connection with the maintenance and operation of the common areas and community facilities. The Association may, in its sole discretion, provide a suitable area designated for the parking of such vehicles or the like.

ISSUE #1

Except when otherwise permitted in the Association governing documents, heavy commercial vehicles and recreational vehicles are prohibited from parking on residential streets, except for temporary parking for loading and unloading.

Heavy commercial vehicles defined as a vehicle with a gross vehicle weight of more than 10,000 pounds; a manufacturer's rated capacity of more than one ton; more than 21 feet long (including any object loaded onto the vehicle); or are more than eight feet high (including racks, but not antennas) are prohibited from parking on the streets in residential neighborhood. Recreational vehicles include motor homes and trailers, including those used to transport other leisure equipment.

Notwithstanding anything to the contrary herein, one recreational vehicle per household may be parked off-street, on an available driveway.

29. No washing of automobiles shall be permitted on the common areas. Washing of automobiles on an Owner's property or in an Owner's assigned parking space is permitted. The use of biodegradable detergent is recommended, and the area must be left cleaned and free of material and/or dirt.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. PARKING (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:

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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).