

MARKUP #1 ->

any Co-owner, and shall be subject to any lease, concession or easement, presently in existence or entered into by the Association at some future time, affecting any part or all of said Common Elements.

Section 6.4 Specific Prohibitions. In addition to the general requirements of this Article 6, the use of the Units and Common Elements of the Condominium shall be subject to the following specific restrictions:

(a) Exterior Changes. No Co-owner shall make any alterations, additions or improvements to any Common Element, nor make changes to the exterior appearance or structural components of their Unit without the prior written approval of the Association. The Association shall not approve any alterations or structural modifications which would jeopardize or impair the soundness, safety or appearance of the Condominium. A Co-owner may make alterations, additions or improvements within their Unit without the prior written approval of the Association, but such Co-owner shall be responsible for any damage to other Units, the Common Elements, the Condominium, or any part thereof, resulting from such alterations, additions or improvements.

(b) Occupancy Limits. No more than two unrelated persons shall permanently occupy or reside in any Unit without the express prior written approval of the Association.

(c) Ownership Limit. No Co-owner shall own more than four Units without the express prior written approval of the Association. For the purposes of this restriction, the term Co-owner shall include the Co-owner of record and any firm, corporation, partnership, limited liability company, association, trust or other entity that is controlled by such Co-owner.

(d) Nuisances. No nuisances shall be permitted on the Condominium Premises nor shall any use or practice be permitted which is a source of annoyance to other occupants, or which interferes with the peaceful possession or use of the Condominium by its owners and lessees. Except for areas specifically designated by the Association, the Common Elements shall not be used in whole or in part for the storage of rubbish or trash, nor for the storage of any personal property or thing that may cause the Condominium Premises to appear in an unclean or untidy condition.

(e) Prohibited Conduct. No immoral, improper, offensive or unlawful use shall be made of the Condominium Premises, or any part thereof, and nothing shall be done or kept in any Unit or on the Common Elements which will increase the rate of insurance for the Condominium as a whole without the prior written consent of the Association. No Co-owner shall permit anything to be done or kept in their Unit or on the Common Elements which will result in the cancellation of insurance on any Unit, or any part of the Common Elements, or which would be in violation of any law, ordinance or regulation.

(f) Signs. No signs or other advertising devices shall be displayed which are visible from the Common Elements or from any other Unit without written permission of the Association, including but not limited to all flags, “For Sale” and “For Rent” signs.

(g) Personal Property. No Co-owner shall display, hang or store any clothing, laundry or other articles of personal property outside their Unit, or which may be visible from the outside of their Unit (~~other than draperies, blinds or curtains of a customary nature and appearance~~), or paint or decorate the outside of their Unit, or install outside their Unit any satellite dish, radio or television antenna, window air-conditioning unit, awning or other equipment, fixtures or items of any kind, without the prior written permission of the Board. This restriction shall not be construed to prohibit a Co-owner of a Unit with an appurtenant patio or deck from placing and maintaining outdoor furniture and decorative plants and foliage of a customary nature and appearance on the patio or deck.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 29): 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:

decorate the outside of their Unit, or install outside their Unit any satellite dish, radio or television antenna, window air-conditioning unit, awning or other equipment, fixtures or items of any kind, without the prior written permission of the Board.

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).

ISSUE #1