



Traverse Bay RV Park Condominium Association

Lot Storage and Appearance

- No activity shall be carried on, nor condition maintained, by any co-owner either on their lot or upon the common elements which spoils the appearance of the Park, the Association, or the Resort.
- Only satellite receptor dishes or devices and television or radio antennas permanently attached to the motor coach or fifth-wheel are allowed.
- Flower gardens and minimal yard art within the flower gardens are permitted within the lots. ~~No yard art is permitted on the lawn within the lots so they will not interfere with the lawn mowing responsibilities of the Association. The Board may disapprove of any plantings, structures, or yard art for any reasons including aesthetics.~~
- No flags, except for an American flag no larger than 3 x 5 feet, may be displayed. If the flag is not installed in your flower garden, please contact the Operations Manager before a new area is constructed to make sure the flag does not interfere with the lawn mowing.
- No wood burning fires are allowed. Outdoor gas fire pits manufactured by an approved manufacturer, wood pellet grills, and charcoal grills with electric starters are permitted.
- No co-owner shall erect, install, or permit any tent of any kind on any lot.
- Storage under or around a motor coach or fifth-wheel, anywhere on the lot (outside), or on the premises of the project that is not designated as storage is prohibited. This includes the use of outside storage lockers, cabinets, and other miscellaneous pre-formed bins and totes.
- Storage of boats, kayaks, boat equipment, boat trailers, utility trailers, automobile trailers, and other additional trailers for motorhomes or fifth wheels is not permitted on any lot.

Pets

- No more than two (2) pets are allowed per motor coach or fifth-wheel. A service animal, emotional support animal and/or a therapy animal is not counted in the two pet limitation.
- If a coach has an emotional support and/or therapy animal all documentation licensing/vaccinations along with a letter from a licensed mental health care professional must be on file with the resort each season. A service animal is an animal, in the resort's case, a dog that is trained for a specific disability.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (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:

Only satellite receptor dishes or devices and television or radio antennas permanently attached to the motor coach or fifth-wheel are allowed. * Flower gardens and minimal yard art within the flower gardens are permitted within the lots.

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

- Only satellite receptor dishes or devices and television or radio antennas permanently attached to the motor coach or fifth-wheel are allowed.
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