

MARKUP #1 ->

- (b) No use shall be made of any unit within Incline Pines Homeowners Association that may constitute a fire hazard or other life safety hazard to any person or property or which violates any law, ordinance, governmental regulations or provisions of the governing documents of the Association or which may result in the increase of the costs or potential cancellation of any Association insurance coverage at any time.
- (c) Units are restricted to the occupancy of a maximum of ten (10) persons per Unit.

4) RESTRICTIONS ON RENTALS/LEASING:

Effective July 1 2017, the rental or lease of units within Incline Pines Homeowners Association of consecutive time increments less than thirty (30) days at a time is prohibited.

- (a) It shall be the responsibility of unit owner(s) to ensure compliance of all Association Governing Documents including these Rules and Regulations of Incline Pines regarding renters/tenants. If the owner delegates the rental/leasing authority to an agent, it shall be the owner's responsibility to ensure that the agent complies with all rules.
- (b) Owners who lease/rent their units are solely responsible for the actions of their tenants at all times.
- (c) All tenants shall be given a copy of the Rules and Regulations to read prior to occupancy and a signed copy maintained by the Owner that the Rules and Regulations have been read, understood and will be adhered to by the tenant.
- (d) All lease/rental agreements shall be required to contain certain specific language to ensure standardization and overall understanding and compliance with Incline Pines Governing Documents. This language is to be obtained from Incline Pines HOA Management Company community manager's office and incorporated into all lease/rental agreements within Incline Pines Homeowners Association.
- (e) Signed lease/rental agreements and signed copies of the Rules and Regulations, by the tenant and Owner, shall be submitted to the Homeowner's Association Management Company prior to occupancy by tenant.

5) PARKING:

Each Unit is entitled to two parking spaces. These spaces are usually, but not always, in the immediate area of the owner's unit. Owners and tenants shall be responsible to see that neither they nor their guests interfere with the right of other owners and lessees to exercise the privilege of parking near their unit. Additional parking shall be in unassigned and designated guest parking areas only. During snow season "snow removal" rules apply.

6) EXTERIOR OF UNITS AND DECKS:

ISSUE #1

- (a) No clothes, linens, towels, signs, television antennas, air conditioning equipment, or similar materials or equipment shall be hung from windows, placed on window sills, hung on or draped from railings or otherwise left or placed in such a way as to be exposed to the view of other owners without the prior written consent of the Board, except as otherwise provided in NRS 116. Outdoor clotheslines or other outdoor clothes drying or airing facilities are not permitted in the Incline Pines development.
- (b) Satellite dishes are permitted with Board approval of location.
- (c) Outside holiday lights are permitted from December 1st and must be removed no later than January 31.
- (d) The year-round storage of, bicycles, sporting goods, toys, cooking equipment, ladders, baby carriages and other personal articles and equipment, when not in use, must be kept within the Unit, so as not to be

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 2): 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:

(a) No clothes, linens, towels, signs, television antennas, air conditioning equipment, or similar materials or equipment shall be hung from windows, placed on window sills, hung on or draped from railings or otherwise left or placed in such a way as to be exposed to the view of other owners without the prior written consent of the Board, except as otherwise provided in NRS 116.

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).