

(d) It is the duty and responsibility of KLCA members to report violations to the Board or management company. Reports should provide sufficient information to warrant investigation and/or allow for enforcement (e.g. responsible member, dates, times, circumstances, interactions, etc.). Photographic evidence with a time and date stamp is ideal.

VIII. LATE FEES AND INTEREST

(a) All dues, assessments, fines, or other charges are payable in full by the due date specified unless other arrangements are agreed to in writing. Past due or incomplete payments will be subject to a monthly late fee of \$50.00 per month as long as a balance is in arrears.

(b) Any arrears continuing into the following calendar year will also be assessed interest of 1.5% per month on the balance due.

IX. APPLICABLE STATE AND/OR FEDERAL LAW

All Federal, State, and Local laws apply within the KLCA community. The following example statutory requirements are included in this document for the information of the membership and are enforced by governmental agencies:

- (a) Every person with a boat of any type must have a U.S. Coast Guard-approved flotation cushion or device. (State and Federal Law)
- (b) All watercraft must be operated in a safe and responsible manner at all times. (State and Federal Law)
- (c) Any warming fires on the frozen water of the lake must utilize wood or charcoal as fuel. No petroleum products, such as kerosene or gasoline, may be used to fuel open fires. (Federal and State Law)
- (d) Any person fishing on the lake who is 16 years old or older must have a fishing license issued by the N.J.D.E.P. visually displayed (N.J. State Law). NJ residents 70 or older are exempt from this requirement.
- (e) No person under the age of 16 is permitted to use any KLCA swimming facilities without adult supervision. (N.J. State Law)
- (f) Any construction, land alteration or clearing of vegetation in a delineated wetland or wetland transition area without a permit from N.J.D.E.P. is prohibited. (Federal and State Law)
- (g) The construction of any permanent structure (including docks) in the floodplain of the lake without a permit from N.J.D.E.P. is prohibited. (N.J. State Law)
- (h) The feeding of bears is dangerous and strictly prohibited. The failure to take reasonable measures to prevent bears from accessing food or garbage is considered a violation of the statute. (N.J. State Law)

ISSUE #1

- (i) The use of aerial and explosive fireworks without the required permit, is strictly prohibited as per N.J. State Law and will incur a **\$250 fine**. Allowable fireworks are as follows:
- **Sparklers:** Hand-held or ground-based sparkling devices.
 - **Novelties:** Party poppers, snappers, and drop pops.
 - **Smoke Devices:** Smoke balls and cones.
 - **Snakes:** Glow worms

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. (h) (p. 6): 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:

(i) The use of aerial and explosive fireworks without the required permit, is strictly prohibited as per N.J. State Law and will incur a \$250 fine. Allowable fireworks are as follows: * Sparklers: Hand-held or ground-based sparkling devices. * Novelties: Party poppers, snappers, and drop pops. * Smoke Devices: Smoke balls and cones. * Snakes: Glow worms

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).