

ISSUE #1

Section 1: [Section 7.A] Prohibition of Roof and Exterior Antennas and Satellite Dishes

Each unit is pre-wired for cable television reception. Connection and expense to connect is the responsibility of each unit owner/tenant and must be arranged directly with the local cable company. No antenna type or satellite dish is permitted on the roof or sides of any building.

MARKUP #1 ->

Section 2: [Section 5.A & Section 9.R] Mandatory Curfew on Minors and Per-Unit Cap on Children in Pool

5.A. The Galloway Township curfew law will be enforced; children under the age of eighteen (18) are not permitted out in the common areas, sidewalks, or streets from 9:30 pm until 6 am unless accompanied by an adult twenty-one (21) years or older... 9.R. No more than four (4) children per unit under the age of fourteen (14) (including guests) may use the pool and must be accompanied by an adult at least eighteen (18) years of age or older.

Section 3: [Fine Policy Notice (March 1, 2002)] Automatic Discretionary Fines Without Notice or Mandatory ADR

VIOLATORS OF THE RULES AND REGULATIONS WILL BE SUBJECT TO SUBSTANTIAL AND ON-GOING MONETARY FINES IMPOSED BY THE RYAN'S RIDGE BOARD OF TRUSTEES. SUCH FINES MAY BE LEVIED AUTOMATICALLY AT THE DISCRETION OF THE BOARD OF TRUSTEES AND WILL BE INCLUDED WITH MONTHLY INVOICING OF ASSOCIATION FEE AND ENFORCED THROUGH LEGAL MEANS OF THE ASSOCIATION COLLECTION POLICY.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): 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:

[Section 7.A] Prohibition of Roof and Exterior Antennas and Satellite Dishes Each unit is pre-wired for cable television reception. Connection and expense to connect is the responsibility of each unit owner/tenant and must be arranged directly with the local cable company. No antenna type or satellite dish is permitted on the roof or sides of any building.

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).