



The Orchards at Greentree Homeowners Association

MARKUP #1 ->

To: All Owners of Orchards at Greentree Homeowner's Association
From: Target Property Management & Board of Directors
Subject: General Rules & Regulations
Date: 2018-2019

GENERAL RULES AND REGULATIONS

Update

All property owners are required to keep up proper maintenance and repair on their property, as outlined in the Homeowner's Association documents. Property inspections are conducted monthly and any violations will be reported and fined.

Below is a formal outline of the Orchards at Greentree General Rules and Regulations.

The below list of Rules and Regulations is a comprehensive review of all EXISTING association rules and regulations documents previously published by other boards detailing all current Rules and Regulations. There were multiple documents being referenced, and it was determined that the best approach would be to provide one concise document to all homeowners, and to be shared with tenants.

Any violation of the following rules and regulations may result in the levying of a fine, and/or the institution of legal proceedings by the association for damages and/or injunctive relief. All costs of suit and attorneys' fees will be assessed against each violating unit owner.

SECTION 1: USE RESTRICTIONS

- Each Lot may be used as a residence for a single family and for NO other purpose.
- No outbuilding, basement, tent, shack, garage, trailer, shed, or temporary building of any kind may be used as a residence either temporarily or permanently.
- PETS: No animals, livestock, or poultry of any kind may be raised, bred, or kept on any Lot or in the common area. Keeping or breeding of pets for commercial purposed is NOT permitted. Dogs, cats, and other household pets may be kept on Lots subject to such rules and regulations of the Association.

SECTION 2: COMMON AREA

- The public walkways in front of lots shall be used for pedestrian traffic only.
- Nothing shall be done on or to the Common Area which will impair the structural integrity of any Building or which would structurally change any of the Common Facilities.
- No bicycles, scooters, baby carriages, or similar vehicles or toys or other personal articles shall be allowed to stand unattended in any part of Common Area.

ISSUE #1 With respect to the Common Area, no Member shall make or permit any noises that will unreasonably disturb or annoy the occupants of any of the other lots or do or permit anything to be done which will unreasonably interfere with the rights, comfort, or convenience of the other members.

- No radio or television aerial shall be located within the Common Area or upon the exterior of any building on any lot.
- All damage to the Common Area caused by the moving or carrying of any article therein shall be paid for the member responsible for the presence of such article.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (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:
- No radio or television aerial shall be located within the Common Area or upon the exterior of any building on any lot. - All damage to the Common Area caused by the moving or carrying of any article therein shall be paid for the member responsible for the presence of such article. - No member shall use or permit to be brought into the Common Area any inflammable oil or fluid, such as gasoline,

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).