

ISSUE #1

MARKUP #1 ->

- No sign, awning, canopy, shutter, or radio or television antenna or other device shall be affixed to or placed upon exterior walls or roof of the building without the prior consent of the Association.
- The window treatments in all units must appear white or off-white when viewed from the exterior of the building.

XIX. Trash/Recycling

- Residents must tightly bag their garbage and pet litter and place it in the garbage can with the lid tightly closed.
 - Residents must thoroughly wash all recyclable items (glass, tin and aluminum cans and plastics) before placing them in the recycling bins.
 - Residents should not place furniture in the dumpster. If you have items to discard, please follow instructions below:
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1. Call (513-818-1715) or email (belvedere@vertexpg.com) the building manager to tell them what items you will be setting out and when.
 2. Rumpke will only pick up mattresses and furniture that are wrapped in plastic, so please wrap your items securely. (Furniture that is constructed from all wood need not be wrapped).
 3. Items should be placed to the left side of the dumpster, not in front of it.
 4. Rumpke charges \$15 per large item pick up, and this charge will be assessed to the resident.

XX. Renovations

- All renovation work must be confined to the unit under renovation.
- Prior to the start of construction, renovation plans, work plans and the contractor’s name and contact information must be given to the on-site manager by the owner for final review. In the event that major renovations start without final review and approval by the Board through the on-site manager, the renovation project must cease, and the workers will be denied access to the building until such approval is obtained.
- Residents must instruct all contractors including cable and telephone installers to enter the building only through the rear doors. It is the responsibility of the unit owner to let contractors into the building.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. XVIII (p. 9): 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 sign, awning, canopy, shutter, or radio or television antenna or other device shall be affixed to or placed upon exterior walls or roof of the building without the prior consent of the Association. * The window treatments in all units must appear white or off-white when viewed from the exterior of the 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).