



ISSUE #1

3) Exterior Surfaces of Buildings - Unit owners shall not cause or permit anything to be hung or displayed on the outside of windows or placed on the outside walls of a building and no sign, awning, canopy, shutter, radio and/or television antenna or article of any kind whatsoever shall be affixed to or placed upon the exterior walls or roof or any part thereof, without the prior consent of the Association, other than those originally provided by the Developer.

4) Animals and Pets - No animals, rabbits, livestock, fowl, reptile, or poultry of any kind shall be raised, bred, or kept in any unit or in the common areas and facilities, except that one dog or cat, or other common and accepted household pet may be kept in any one unit, subject to rules and regulations adopted by the Association, provided that they are not kept, bred, or maintained for any commercial purpose; and provided further that when such pet shall be outside the unit on common property or facilities, the owner shall at all times have said pet under its control and discipline. Further, such pet causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the property subject to these restrictions upon five (5) days written notice from the Board of Managers of the Association.

5) Nuisances - No noxious or offensive activity shall be carried on in any unit or in the common areas and facilities, nor shall anything be done therein, either willfully or negligently, which may be or become an annoyance or nuisance to the other owners or occupants.

6) Impairment of Structural Integrity of Building - Nothing shall be done in any unit or in or on to the common areas and facilities which will impair the structural integrity of the building or which would structurally change the building.

7) Laundry or Rubbish in Common Areas and Facilities - No clothes, sheets, blankets, laundry of any kind or other articles shall be hung out or exposed on any part of the common areas and facilities shall be kept free and clear of rubbish, debris, and other unsightly materials.

8) Use of Common Areas and Facilities - There shall not be placed or parked any recreational implement, lawn furniture, boats, trailers,

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. III. (p. 8): 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:

canopy, shutter, radio and/or television antenna or article of any kind whatsoever shall be affixed to or placed upon the exterior walls or roof or any part thereof, without the prior consent of the Association, other than those originally provided by the Developer.

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).

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