

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

debris, weeds and other unsightly material. Nothing shall be hung or displayed on the outside wall of any Dwelling Unit and no awning, canopy, shade, window guard, ventilator, fan, air conditioning device, radio or television antennae or satellite disc shall be affixed to or placed upon the exterior walls, roof or the exterior patio walls, or otherwise on the Lot areas visible to the public, other than as authorized in advance by the Board.

8.03 Parking. No motorcycles, scooters, boats, mobile homes, recreational vehicles, motor homes, campers, trailers or commercial vehicles shall be permitted on any Lots for a period of more than seventy-two (72) hours. No junk, derelict or inoperable vehicles shall be kept on any Lot. Non-commercial repairs and storage of vehicles are limited to the garages.

8.04 Nuisances. No noxious, loud or other offensive activity shall be carried on or upon any Lot or Dwelling Unit or the Common Elements nor shall anything be done thereon which may in any way or for any purpose endanger the health or unreasonably disturb the occupant of a Dwelling Unit or interfere with the full use of a Dwelling Unit.

8.05 Accessory Structures. No accessory structures, sheds or buildings shall be permitted on the Lots. No playhouses, treehouses, dog houses, animal shelters or dog runs/pens, greenhouses, batting cages, trampolines, above-ground swimming pools, play structures or other similar items shall be permitted without prior written Board approval.

8.06 Signs. No signs of any kind, except real estate “for sale” and “for rent” signs, shall be displayed to the public view of the Property except those permitted by the Board.

8.07 Animals. Except as hereinafter provided, no animals, livestock or poultry of any kind shall be raised, bred or kept in a Dwelling Unit or on any part of the Property. Notwithstanding the foregoing, household domestic pets, not in excess of the total of two (2), not bred or maintained for commercial purposes, may be maintained in a Dwelling Unit or on a Lot, provided that:

- (a) No such animal shall be permitted on any portion of the Common Elements except on a leash maintained by a responsible person;
- (b) The owner of any animal is responsible for the immediate removal of any animal waste; and
- (c) No animal shall be kept or housed outside the Dwelling Unit on a permanent or semi-permanent basis.

Sec. 8.02 (p. 22): 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:
ventilator, fan , air conditioning device, radio or television antennae or satellite disc shall be affixed to or placed upon the exterior walls, roof or the exterior patio walls, or otherwise on the Lot areas visible to the public, other than as authorized in advance by the Board.

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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