

Falcon Heights Condominium Association Bylaws

MARKUP #1 ->

RECORDS OR ACCOUNTS, HANDLING HIS OR HER PERSONAL BUSINESS OR PROFESSIONAL TELEPHONE CALLS, OR CONFERRING WITH BUSINESS OR PROFESSIONAL ASSOCIATES, CLIENTS OR CUSTOMERS, IN SUCH OWNER'S UNIT.

(B) **USE OF COMMON ELEMENTS.** THE COMMON ELEMENTS SHALL BE USED FOR THE FURNISHING OF SERVICES AND FACILITIES FOR WHICH THE SAME ARE REASONABLY INTENDED, FOR THE ENJOYMENT OF THE UNITS. THE USE, OPERATION AND MAINTENANCE OF THE COMMON ELEMENTS SHALL NOT BE OBSTRUCTED, DAMAGED OR UNREASONABLY INTERFERED WITH BY ANY UNIT OWNER.

- RESOLUTION 2016-01 COMMUNITY CENTER RENTAL USAGE AND RESTRICTIONS

(C) **OFFENSIVE OR UNLAWFUL ACTIVITIES.** NO NOXIOUS OR OFFENSIVE ACTIVITIES SHALL BE CARRIED ON IN ANY UNIT OR EXCLUSIVE USE AREA, NOR SHALL ANYTHING BE DONE IN OR PLACED UPON ANY UNIT WHICH INTERFERES WITH OR JEOPARDIZES THE ENJOYMENT OF OTHER UNITS OR THE COMMON ELEMENTS OR WHICH IS A SOURCE OF ANNOYANCE TO RESIDENTS. UNIT OCCUPANTS SHALL EXERCISE EXTREME CARE NOT TO MAKE NOISES WHICH MAY DISTURB OTHER UNIT OCCUPANTS, INCLUDING THE USE OF MUSICAL INSTRUMENTS, RADIOS, TELEVISIONS AND AMPLIFIERS. NO UNLAWFUL USE SHALL BE MADE OF THE CONDOMINIUM NOR ANY PART THEREOF, AND ALL VALID LAWS, ZONING ORDINANCES, AND REGULATIONS OF ALL GOVERNMENTAL BODIES HAVING JURISDICTION THEREOF SHALL BE OBSERVED.

- RESOLUTION 2023-003 ESTABLISHING SAFETY REGULATIONS FOR EVERYDAY USAGE
- RESOLUTION 2009-002 ESTABLISHING NIGHTTIME NEIGHBORHOOD PEACE AND TRANQUILITY
- RESOLUTION 2013-01 NO PARKING IN ALLEYS AMENDED

(D) **ANIMALS.** NO ANIMALS OR FOWLS SHALL BE RAISED, KEPT OR PERMITTED WITHIN THE CONDOMINIUM OR ANY PART THEREOF, EXCEPT DOMESTIC DOGS, CATS, OR OTHER HOUSEHOLD PETS KEPT WITHIN A UNIT. NO SUCH DOGS, CATS OR PETS SHALL BE PERMITTED TO RUN AT LARGE NOR SHALL BE KEPT, BRED OR RAISED FOR COMMERCIAL PURPOSES OR IN UNREASONABLE NUMBERS. ANY INCONVENIENCE, DAMAGE OR UNPLEASANTNESS CAUSED BY SUCH PETS SHALL BE THE RESPONSIBILITY OF THE RESPECTIVE OWNERS THEREOF, AND OWNERS SHALL BE RESPONSIBLE FOR REMOVAL OF WASTES OF THEIR ANIMALS. ALL DOGS SHALL BE CARRIED OR KEPT ON A LEASH WHILE OUTSIDE A UNIT. NO PET SHALL BE PERMITTED TO CAUSE OR CREATE A NUISANCE OR UNREASONABLE DISTURBANCE OR NOISE. A UNIT OWNER MAY BE REQUIRED TO REMOVE A PET UPON RECEIPT OF THE THIRD NOTICE IN WRITING FROM THE BOARD OF DIRECTORS OF VIOLATIONS OF ANY RULE, REGULATION OR RESTRICTION GOVERNING PETS WITHIN THE CONDOMINIUM.

- RESOLUTION 2007-001 DOG CONTROL

ISSUE #1

(E) **EXTERIOR LIGHTING OR NOISE-MAKING DEVICES AND ANTENNAS.** EXCEPT WITH THE CONSENT OF THE BOARD OF DIRECTORS OF THE ASSOCIATION OR MANAGER, NO EXTERIOR LIGHTING OR NOISE-MAKING DEVICES SHALL BE INSTALLED OR MAINTAINED ON ANY UNIT AND NO ANTENNAS OR TRANSMITTING TOWERS SHALL BE

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 11.1 (p. 37): 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:

(E) EXTERIOR LIGHTING OR NOISE - MAKING DEVICES AND ANTENNAS . EXCEPT WITH THE CONSENT OF THE BOARD OF DIRECTORS OF THE ASSOCIATION OR MANAGER , NO EXTERIOR LIGHTING OR NOISE - MAKING DEVICES SHALL BE INSTALLED OR MAINTAINED ON ANY UNIT AND NO ANTENNAS OR TRANSMITTING TOWERS SHALL BE 37 Falcon Heights Condominium Association Bylaws AFFIXED TO THE GENERAL OR LIMITED COMMON ELEMENTS .

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).