any time from the street or a neighboring property. Appliances may not be stored outside. All heat pumps and condenser units (or other utilities and devices commonly placed out of doors) shall receive special consideration to provide visual screening and noise reduction.

6.16 **Outside Furniture and Hot Tubs.** Furniture left outside a Living Unit shall be limited to items commonly accepted as outdoor or patio furniture. Hot tubs are allowed with the prior written permission of the Board of Directors. The hot tub must be installed out of sight of the main traffic patterns. Locking covers are required and shall remain locked when not in use.

6.17 **Window Coverings.** Window coverings visible from the outside of the Living Unit must be: (a) in good working order; (b) a neutral color compatible with the home/trim color; and (c) of a design and materials standard in the window dressing industry such as drapes, mini-blinds, etc. Sheets, blankets, plastic paper, foil, etc. are not allowed.

6.18 **Air Conditioning Units.** Window or portable air conditioning units are prohibited.

6.19 **Firearms and Fireworks.** Firearms shall not be discharged within **Sun Meadow** at any time. Firearms are to be unloaded at all times while in Sun Meadow. Weapons including "BB" guns, pellet guns, dart guns, paint-ball guns and any other weapon capable of firing a projectile are considered firearms. Oregon statutory law prohibits the use of certain types of fireworks. Only fireworks considered legal and are both silent and hand held will be allowed. Discharge of firearms or fireworks of any type is prohibited. Owners and their guests must clean up any fireworks discharged in Sun Meadow.

6.20 **Nonbiodegradable Substances.** No motor oil, paint or other caustic or Nonbiodegradable substance may be deposited in any street drain, sewer system or on the grounds within Sun Meadow. Any fine and/or costs associated with the cleanup of any Nonbiodegradable substance that is caused by any Owner or their guests shall be responsibility of the offending Owner.

ISSUE #1

6.21 **Antennas and Satellite Dishes.** Exterior antennas, satellite receiver and transmission dishes and other communication devices shall not be permitted to be placed upon any Lot except in accordance with rules established by the Architectural Review Committee in accordance with Article 7.3.

6.22 **Exterior Lighting or Noisemaking Devices.** Except with the consent of the Architectural Review Committee, no exterior lighting or noise making devices may be installed or maintained on any Lot, other than as originally installed by the builder of the home and security and fire alarms. Outside lighting shall be designed to prevent unnecessary light spillage onto adjoining Lots or public streets, and no high output exterior lighting, including, but not limited to mercury vapor and halide lights, may be installed without the specific approval of the Architectural Review Committee. Exterior lighting that faces the exterior boundaries of the subdivision shall be shielded and directed downward. The size and design of light standards and fixtures shall be considered by the Architectural Review Committee in its

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 6.21 (p. 20): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

Antennas and Satellite Dishes. Exterior antennas, satellite receiver and transmission dishes and other communication devices shall not be permitted to be placed upon any Lot except in accordance with rules established by the Architectural Review Committee in accordance with Article 7.3.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).