

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

facilities thereon) for the mutual benefit of all Homeowners, bona fide residents of all Houses and bona fide guests. All Capitalized terms used herein have the meanings assigned thereto in the *Declaration*.

- (b) These *Rules* shall be binding upon all Homeowners, all tenants or residents of the Houses, all guests or employees of the Homeowners or persons invited onto the Village Land by a Homeowner for any reason, or any person coming onto the Village Land for any reason. It shall be the responsibility of each Homeowner to see to it that the tenants or residents of his House and any guest, service man, employee or other person invited onto the Village Land by such Homeowner obey the *Rules*.

II. EXTERIOR OF BUILDINGS

Section 2.1 General Prohibitions.

- (a) Any object erected or installed on the exterior walls or roof of any building or any other part of the Common Area without Council’s consent in writing is liable to removal without notice and at the cost of the Homeowner for whose benefit the installation was made. No name, advertisement, sign (including real estate signs), notice, aerial, antenna, fan, satellite dish, air conditioner, generator or other object shall be placed on any part of the buildings or Common Area, or be allowed to hang or protrude from any window or door without Council’s written approval. The foregoing shall not prohibit the display of customary holiday or seasonal decorations, subject to such specific limitations on type, manner or display, and must be removed within three weeks after the holiday.
- (b) Nothing shall be attached to the exterior of the buildings, and nothing shall be done that involves penetration of the siding, trim, or roof without prior Council approval. This Rule will prevent moisture penetration through the siding or roof, which can cause internal damage and rot, and will be strictly enforced. No-hole hooks vinyl siding hangers may be used.

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Section 2.2 Laundry. No laundry shall be aired from any deck or patio, or on any part of the Common Area.

Section 2.3 Storage. No bicycles, toys, tires, tools, ladders, or other items of personal property may be stored on a patio, deck, under the deck or any part of the Common Area. Outdoor tables and chairs may remain set up on patios or decks, subject to such regulations as Council may issue from time to time. Lawn chairs, tables, barbecues, game equipment, toys, and other such items may be placed on the Common Area but must be removed when not in use.

Section 2.4 Changes and/or Additions. All storm and screen doors, windows screens, exterior lighting, awnings, skylights, window-well bubbles, stoop modifications, patio and deck enclosures, and room additions not part of the original construction shall be subject to *Franklin Architectural Guidelines* and Council’s written approval prior to installation as to appearance, design, materials, and manner of installation and they become the responsibility of the Homeowner.

Sec. 2.1 (p. 3): 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:

made. No name, advertisement, sign (including real estate signs), notice, aerial, antenna, fan, satellite dish, air conditioner, generator or other object shall be placed on any part of the buildings or Common Area, or be allowed to hang or protrude from any window or door without Council's written approval.

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).