shall be left unattended at any time while outdoors. Each Owner shall be responsible for the control of his or her domesticated household pets and shall be responsible for cleaning up after his or her pet. In the event of failure of Owner to properly clean up after his or her pet, the Association may take whatever action is necessary to clean up after the pet of Owner and may surcharge Owner for the reasonable costs thereof.

(c) No garbage, refuse, rubbish or cutting shall be deposited on any Unit, street, sidewalk or parking area, unless the Association deems trash collections to be appropriate; then trash may be placed outside no earlier than 6:00 P.M. the night prior to the collection. All such trash shall be in containers at all times and containers shall not be placed on any street, sidewalk, parking area or Common Facility except when necessary for collection and shall regularly be kept in a location on the Unit which is unobtrusive to view from any other portion of Wyndhurst Manor, as provided by the rules of the Association.

(d) No commercial (except for standard passenger vehicles with signage no greater than four square feet on each side for a total of eight square feet) or other non-passenger vehicle of any type shall be permitted to remain overnight on any property of an Owner or any Unit, other than as may be used by the Declarant or its assigns in conjunction with building operations.

(e) No boats of any type shall be permitted on a Unit, unless stored within the garage of the Owner.

ISSUE #1

(f) No outside radio or television antennas shall be erected on a Unit or a building within Wyndhurst Manor, other than circular satellite receivers having a diameter of not more then eighteen (18) inches placed in a location approved by the Association Executive Board.

(g) No drying or airing of any clothing or bedding shall be permitted outdoors on any Unit, and clothes hanging devices such as lines, reels, poles and frames shall not be erected.

(h) No noxious, unsightly or offensive activity, including vehicle repairs, shall be conducted on any Unit or by an Owner on the street, nor shall anything be permitted to be done thereon which may be or become an annoyance or nuisance to any Owner.

(i) Gardening will be permitted only in areas specifically approved by the Declarant, subject to the written approval of the Executive Board.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 2. (p. 17): 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:

{f) No outside radio or television antennas shall be erected on a Unit or a building within Wyndhurst Manor, other than circular satellite receivers having a diameter of not more then eighteen (18) inches placed in a location approved by the Association Executive Board.

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)).