

DRAFT – FOR COMMENT – The 903 Rules & Regulations

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10.5 (p. 11): 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:

Approval must be obtained from the Executive Board prior to the installation of any antenna, aerial dish or satellite. These items are not permitted to be attached to any portion of the building

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).

ISSUE #1

- 10.2 Owners are not permitted to enclose a patio or balcony with walls, sides or screens, or to place awnings or roofs covering their balconies unless provided as part of the original construction.
- 10.3 Flower planters are permitted if secured by brackets inside of the top railings.
- 10.4 The following are prohibited on patios and balconies:

10.4.1 Windsocks, chimes or other wind activated devices that emit noise;

10.4.2 Hanging baskets. Plants are allowed, provided a tray or a plastic material is placed under plants so excess water does not disturb the balcony below;

10.4.3 Displays of any kind;

10.4.4 Grills, open flame lamps, torches, fire pits, and outdoor gas cooking;

10.4.5 Furniture and furnishings other than normal patio or seasonal chairs and tables, etc.;

10.4.6 Birdhouses and feeders;

10.4.7 Storage of bicycles or other personal property; and,

10.4.8 Linens, mops or laundry will not be hung from windows, doors, balconies or any other part of the common area.

- 10.5 Approval must be obtained from the Executive Board prior to the installation of any antenna, aerial dish or satellite. These items are not permitted to be attached to any portion of the building interior, exterior or the balcony railing and such items may not extend beyond the balcony area designated to your home.

Chapter 11 – Registration and Control of Pets

- 11.0 Domestic animals are limited to dogs (sprayed or neutered), domestic cats (sprayed or neutered), birds, and aquarium life (50-gallon tank limit). No exotic pets will be allowed. A limit of two (2) pets (except for fish) per unit is the maximum number of pets allowed.
- 11.1 All pets must be registered with the Manager. No guest pets are permitted.

11.1.1 Proof of current vaccinations, spaying or neutering, method of flea control, and paperwork from the veterinarian must indicate current and anticipated adult weight and breed. An application fee of \$200.00 must be paid.

11.1.2 Upon registration of any pet, each Owner will be charged an amount specified in the Declaration.

11.1.3 A registered pet who is only occasionally on-site will be subject to the pet fee in 11.1.2 in each month the pet is on-site at least part of one day. Each Owner will advise management when the registered pet is on-site.

11.1.4 Failure to register a pet will subject the Owner to a fine of \$100 per month per pet retroactive to their initial ownership or residency.

11.1.5 Tenants are responsible for notifying the Owner and Manager of any pets occupying their unit.

11.1.6 Owners keep pets at their own risk. Although the pets specified in this policy are not routinely dangerous, all animals can cause injury. Additionally, in rare cases, some pets may carry infections and parasites that can be dangerous.

11.1.7 The Association does not take responsibility for pets in any way. In all cases, precedence will be given to the health, safety, and well-being of Owners over the needs of the pets. This is particularly true in the requirement of pest control services. All reasonable attempts will be