

ISSUE #1

2. of approving, in writing, any change to the exterior color, finish or texture of any improvement located on a Lot, including, but not limited to, the dwelling, the roof on any dwelling, or any fence;
3. of approving, in writing, the removals of all trees whose diameter is greater than six (6) inches at a point two (2) feet above the ground;
4. of approving, in writing, all plans and specifications for proposed fences;
5. of approving, in writing, the location of satellite dishes less than 24 inches in diameter;
6. of approving, in writing, the erection or maintenance of all temporary structures;
7. of approving, in writing, the plans and specifications of all structures for the care, housing, or confinement of all animals;
8. of approving, in writing, the public display of any sign by any Member not acting on behalf of the Board of Directors or the Association; and
9. of adopting, in writing, uniform standards for the installation and maintenance of all mailboxes and gas lamps.

Section 2A:¹⁵ The President shall appoint a Chairperson for the Design Review Board who shall serve until the next election of directors, officers and other persons by the Members. The Chairperson of the Design Review Board shall be responsible for convening and conducting meetings of the Design Review Board, with the presence of all three members being required to constitute a quorum for conducting business. The Chairperson shall also be responsible for ensuring timely and faithful execution of the responsibilities of the Design Review Board as set forth in these By Laws and in the Declaration.

Section 2B:¹⁶ The Chairperson shall also serve as the liaison from the Design Review Board to the Board of Directors. The Chairperson shall report to the President, in writing, (1) all requests for action made by Association Members to the Design Review Board; and (2) all approvals, denials, and other actions taken by the Design Review Board. The Chairperson of the

¹⁵ Article XI, § 2A was adopted by Resolution of Amendment by the Stillwater Homeowner’s Association Board of Directors on July 7, 2009 by vote of 6-0. The vote was certified by then-Secretary Tom Greenholtz. This amendment inserted new language into the By Laws and did not replace previously existing language.

¹⁶ Article XI, § 2B was adopted by Resolution of Amendment by the Stillwater Homeowner’s Association Board of Directors on July 7, 2009 by vote of 6-0. The vote was certified by then-Secretary Tom Greenholtz. This amendment inserted new language into the By Laws and did not replace previously existing language.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10 (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:

of approving, in writing, the location of satellite dishes less than 24 inches 6. structures; of approving, in writing, the erection or maintenance of all temporary 7. of approving, in writing, the plans and specifications of all structures for the care, housing, or confinement of all animals; 8.

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).