

ISSUE #1

Section 5. Nuisances. Nothing shall (i) be done in any part of the Properties, nor shall (ii) any noxious or offensive activity be carried on, nor shall (iii) any outside lighting or loudspeakers or other sound-producing devices be used, which, in the judgment of the Board of Directors, may be or become an unreasonable annoyance or nuisance to the other Owners.

Section 6. Attachments. No permanent attachments of any kind or character whatsoever (including, but no limited to, television and radio antennas) shall be made to the roof or walls of any residence on a Lot, unless such attachments shall have been first submitted to an approved by the Committee, as hereinafter defined.

Section 7. Damage to the Common Properties. Each Owner shall be liable to the Association for any damage to the Common Properties caused by the negligence or willful misconduct of the Owner or his family, tenants, guest, or invitees, to the extent that the damage shall not be covered by insurance.

Section 8. Rules of the Board of Directors. All Owners and occupants of any Lot shall abide by all rules and regulations adopted by the Board of Directors. The Board of directors shall have the power to enforce compliance with said rules and regulation by all appropriated legal and equitable remedies, and an Owner determined by judicial action to have violated said rules and regulations shall be liable to the Association for all damages and costs, including attorneys' fees.

Section 9. Animals. No animals, livestock or poultry shall be raised, bred or kept in any portion or the Properties except that dogs, cats or other household pets may be kept, but not for any commercial purposes, provided that they do not create a nuisance.

Section 10. Waste. No Lot shall be used or maintained as a dumping ground for rubbish, trash or garbage. Waste of any nature shall not be kept on any part of the Properties except in sanitary containers.

Section 11. Boats. Neither a motorboat, houseboat or other similar water-borne vehicle nor any "camper" vehicle may be maintained, stored or kept on any portion of the Properties, except in enclosed garages or in areas specifically designated by the Board of Directors.

Section 12. Garage Openings. No garage shall open onto a street in the Properties unless a specific variation is approved in writing by the Committee prior to the issuance of a certificate of occupancy for that specific dwelling.

Section 13. Floor Areas. The floor area of the main dwelling house on each Lot, exclusive of porches, terraces, garages and outbuildings, shall contain not less that 1,700 square feet of space and the ground floor of each such main dwelling house, shall contain not less than 1,000 square feet of space.

Section 14. Exterior Finish; Roof Materials. The exterior of each building erected on a Lot shall not be less than 75% brick, stone, stucco or other masonry, unless the Committee shall issue a special

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6. (p. 14): 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:

Attachments. No permanent attachments of any kind or character whatsoever (including, but no limited to, television and radio antennas) shall be made to the roof or walls of any residence on a Lot, unless such attachments shall have been first submitted to an approved by the Committee, as hereinafter defined.

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).