

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

the Association, and the Association (or its designee) must be registered with the alarm company. In the event an alarm is set-off and not addressed within a reasonable amount of time, the Association personnel may enter the Unit and take all actions necessary to quiet the alarm. Additionally, if any Unit will be left unattended for any extended period of time, the applicable Owner must arrange for a local contact to be available to address emergencies or other alarm issues. All burglar alarms must be silent alarms.

8. Appropriate Attire. Attire appropriate for public wear (including shirts and footwear) and befitting the surroundings and atmosphere provided in the setting of the Community is to be worn at all times.
9. Certain Activities. No Owner or Occupant, or invitee thereof, shall do anything within the Community, or bring or keep anything therein, which would in anyway (i) increase or tend to increase the risk of fire, (ii) conflict with any rules or ordinances established by any governmental agency, (iii) materially threaten or destroy the vegetation or wildlife within the Community, (iv) result in unreasonable levels of sound or light pollution, (v) emit foul or obnoxious odors, or (vi) cause an unclean, unhealthy, or untidy condition to exist.
10. Children.

a. Compliance with these Rules by children is the responsibility of the Owner parent(s).

b. Owners are responsible for the actions of any and all children under their charge while present in Common Area.

11. Dumping Prohibited. No person shall discharge into the Community’s sewer system, sinks, or storm drains any toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety or welfare of others or violate any law, ordinance or regulation. Failure to adhere to this restriction may subject the violating Owner to liability under local, state and federal laws, ordinances or regulations for any clean-up, personal injury or damage caused to another Lot or any other portion of the Community.

ISSUE #1

12. Electrical Equipment. No Owner or Occupant shall, without the prior written approval of the ARC install any wiring for electrical installations, television antennae, machines or air conditioning units, or other equipment or appurtenances whatsoever on the exterior of any Unit or protruding through the walls, windows or roof thereof.
13. Fire; Outdoor Cooking. No fires, including barbecue fires or any other outdoor fires, shall be allowed in any part of the Common Area; provided however, Owners with private uncovered outdoor space (i.e. a backyard) may use barbecue grills, provided, that the same does not constitute a nuisance to other Owners or Occupants.
14. Hazardous Materials. No hazardous, toxic, noxious, contaminated materials nor any materials that may cause noxious odors shall be stored, placed or used anywhere within the Community. Any Owner who receives written notice from the Association indicating an item in or on their Lot (or in their possession) violates this

Sec. 12 (p. 6): 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:

Electrical Equipment. No Owner or Occupant shall, without the prior written approval of the ARC install any wiring for electrical installations, television antennae, machines or air conditioning units, or other equipment or appurtenances whatsoever on the exterior of any Unit or protruding through the walls, windows or roof thereof.

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).