

ISSUE #1

MARKUP #1 ->

11. 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 Residence or protruding through the walls, windows or roof thereof.
12. Fireplaces, Fire Pits and Outdoor Cooking. To preserve the high quality of the mountain air at SkyRidge natural gas fireplaces are highly encouraged. Each Homesite is allowed one interior wood burning fireplace.

a. Only natural gas outdoor fire pits are allowed.

b. Portable barbecues will only be permitted if they have lidded cookers.

c. Any and all permanently installed barbecues must be pre-approved by the ARC.
13. 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 Homesite (or in their possession) violates this restriction must take all necessary actions to remove such item within twenty-four (24) hours of receiving such notice. In the event the item(s) is (are) not removed within twenty-four (24) hours, the Association (or its designee) may enter the Homesite and remove or cause the item(s) to be removed and charge the applicable Owner for any costs associated with such removal.
14. Noise. Please use common sense and courtesy in regard to voice levels, unnecessary noises and boisterous conduct that may disturb other Owners or Residents. This includes, but is not limited to, stereos, wind chimes, cell phones and/or sound emitting devices. Keep the volume of all such devices and electronics at a reasonable level, considering the time of day, so other Owners and Residents are not disturbed.
15. Personal Property. Each Owner benefits from the equipment and furnishings within the Common Areas. Therefore, Owners may not borrow or remove any equipment or property belonging to the Association.

C. **HIKING, BIKING AND EQUESTRIAN TRAILS**

1. Trails. The SkyRidge hiking, biking, and equestrian trails located on Common Areas are subject to the following Rules. All users entering and using the trail system do so at their own risk. All users must follow the following rules and regulations affecting the hiking, biking, and equestrian trails.

a. Do not use trails when wet and muddy to avoid unnecessary trail damage.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 11 (p. 7): 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 Residence 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).