

SECTION I

Administration and Appearance of the Property

- A. Alterations.
- 1. No alterations of any kind may be made to the exterior portions of the building without written approval from the Mountainside Resorts at Stowe Condominium Association (“MSR”) Board of directors (the “Board.” or its designated Committee
 - 2. No structural, plumbing or electrical changes within the individual units may be made without prior written approval of the Board.
 - 3. A Unit Owner Renovation Form, attached hereto as Exhibit 1, must be completed and submitted to the MSR office and approved by the Board or its designee(s) prior to project start date.
 - 4. Units which have another unit below, must attempt to minimize movement sound transfer to below unit by either using a high-quality sound absorbing flooring material, or utilizing some type of carpeting (throw rug) material over 75% of the unit excluding kitchen and bath areas.
- ISSUE #1

B. Antennas. No antennas of any kind may be attached or mounted to any portion of the Property, except that satellite antennas may be mounted on limited common elements as per rules set forth in Section 4.
- C. Association Records. The books and records of the Mountainside Resort Condos at Stowe Condominium Association (“MSR”) are available for the inspection of Unit Owners, as provided by Vermont law, for any proper purpose at reasonable times at the Association’s office upon 5 days’ notice to the management office.
- D. Assessments and Collections.
- 1. All monthly assessments and any special assessments or other lawful charges of the Association are due and payable on the 1st day of each month. Any account not paid within 30 days of the due date will be considered delinquent and be subject to a 5% finance charge. Thereafter, unpaid balances shall be subject to interest at the rate of 1.5% per month or the maximum rate allowable by law. (NB: we need to draft an Assessment Billing and Collection (ABC) policy)
 - 2. Unit Owners who are delinquent in the payment of Common Expenses shall be subject to legal action in accordance with the provisions of the Declaration, By-Laws and Vermont Statutes. Once legal action has been commenced, all legal fees and costs will be assessed to the Unit Owner, as required by the Declaration and By-Laws.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4 (p. 3): 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:

Antennas. No antennas of any kind may be attached or mounted to any portion of the Property, except that satellite antennas may be mounted on limited

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).