

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Section 2.2 – Storage.** All personal property placed in any portion of the building or any place appurtenant thereto, including without limitation the storage rooms, shall be at the sole risk of the Unit Owner and the Association shall in no event be liable for the loss, destruction, theft or damage to such property. Should an employee of the Association at the request of a Unit Owner move, handle Or store any article in storage rooms or remove any articles therefrom, then, and in every such case, such employee shall be deemed the agent of the Unit Owner. The Association shall not be liable for any loss, damage or expense that may be suffered or sustained in connection therewith. Gas containers of any kind, and/or any other flammable products shall not be stored in the Unit, storage rooms or anywhere upon the Common Elements.

**Section 2.3 – Proper Use.** Common Elements will be used only for the purposes for which they were designed. No person will commit waste, i.e., littering, on the Common Elements or interfere with their proper use by others, or commit any vandalism, boisterous or improper behavior on the Common Elements which interferes with or limits the enjoyment of the Common Elements by all others. No playing or loitering shall be permitted except in areas designated as recreational areas. The parking lots are **NOT** designated recreational areas.

**Section 2.4 – Grills.** Cooking of any kind on balconies or patios is prohibited. Propane tanks and/or any other flammable fuel is not allowed to be stored anywhere in the community including on the balconies or patios, in the unit or storage room. Charcoal type grills may not be lighted or used with-in fifteen feet (15’) of any building.

**Section 2.5 – Additions to, Appurtenances to, and Appearance of Buildings.** No appurtenant alterations, additions or improvements may be made to the Common Elements without prior consent of the Board of Directors or such committee established by the Board pursuant to’ the declaration. Without such consent no clothes, sheets, blankets, laundry or any other kind of articles will be hung out of a building, exposed or placed 011 the outside walls or doors of a building or on trees. No sign (except as permitted in Section 1.4 above), awning, canopy, shutter, antenna or satellite dish will be affixed to or placed upon the exterior walls, doors, roof, railing or any part thereof or exposed on or at any window. Doorbells meeting the design approved by the Board of Directors may be installed. The· guidelines are available at the Association office. ~~Installation of personal gardens or the planting of plants, flowers, trees, shrubbery and crops of any type is prohibited anywhere on the common elements. No fences may be erected around or on the common elements. Temporary decorations that are harmonious, attractive and appropriate may be allowed on limited common elements within the community. (See also Policy Resolution No.6, DESIGN REVIEW PROCEDURES AND GUIDELINES, relating to changes to Units or Common Elements.)~~

**Section 2.6 – Stacks of Firewood.** Firewood shall be neatly stacked on balconies no closer than one foot from any wall of the building, in an amount not to exceed ¼ cord (2’ x 2’ x 4’). Firewood may not be stored higher than the balcony railing and may not be stored in such a manner that entrance to the mechanical room is impeded. Firewood may not be stored in the bonus rooms or on the Common Elements. Rotten or insect infested firewood shall be removed upon discovery.

ARTICLE III  
ACTIONS OF OWNERS AND OCCUPANTS

**Section 3.1 – Annoyance or Nuisance.** No noxious, offensive, dangerous or unsafe activity will be carried on in any Unit, the Common Elements, or the limited Common Elements, nor will anything be done therein either willfully or negligently, which may be or become an annoyance to the other Unit Owners or occupants. No Unit Owner or occupant will make or permit any disturbing noises by himself, his family, servants, employees, agents, visitors and licensees, nor do or permit anything to be done by

**Sec. 1.4 (p. 9): 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:**

above), awning, canopy, shutter, antenna or satellite dish will be affixed to or placed upon the exterior walls, doors, roof, railing or any part thereof or exposed on or at any window. Doorbells meeting the design approved by the Board of Directors may be installed.

**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).**

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