

or unit which shall contain, breed or harbor infectious plant diseases or noxious insects;

Q. No recreational vehicle, trailer, vehicle offensive to sight, construction vehicle or equipment, commercial vehicle or equipment, or other equipment, truck, bus, boat, inoperable vehicle or similar object shall be stored, parked or kept on the lot or in the street in front of the lot. Temporary parking will be allowed for loading an unloading of such a vehicle, but the parking shall not exceed twenty-four (24) hours;

R. An owner shall be entitled to rent a dwelling unit situated on a lot, provided that the owner shall at all times be responsible for the tenant’s compliance with all of the provisions of this declaration. Each tenant shall be provided by the owner with a copy of this declaration;

S. No exterior or above-ground antenna, satellite dish, line, wire or other device for the communication or transmission of electrical current or power, including telephone, television and radio signals shall be constructed, placed or maintained anywhere in or upon any lot without the written approval of declarant;

T. No outside clothes drying or airing facility shall be maintained on any lot unless properly concealed or screened from public view;

U. There shall be no outdoor fires within the property, except incinerators, barbecue and patio fires contained within the receptacle designed for such purpose;

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7 (p. 10): 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:

antenna, satellite dish, line, wire or other device for the communication or transmission of electrical radio in current signals or upon T. maintained or shall any power, be lot including constructed, without the telephone, placed written or television maintained approval of and anywhere declarant; No outside clothes drying or airing facility shall be on any lot unless properly concealed or screened from public view; U.

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).

ISSUE #1