

ISSUE #1

MARKUP #1 ->

Section 1: [Section 9 & Section 9(a)] Prior Written Board Approval Required for All Satellite Dishes ("Even the Small 'Dish Antenna' Style")

9. No alterations to the exterior of the units or to the common elements may be made without the unit owner having submitted a written request to the Executive Board and having received express approval in writing from the Executive Board to proceed. ~~The Executive Board will consider each request on a case by case basis.~~

a. This prohibition includes, but is not limited to, antennas (including satellite dishes of all sorts, even the small 'dish antenna' style), clothes lines, fences, outside doors and windows, and decks.

Section 2: [Section 11(a)(ii), (iii), & (iv)] Automatic \$25.00 Fines Imposed Upon Each Offense Reported to the Board With

ii. No dog may be left outside of a unit owner's unit alone at any time. There will be a \$25 fine imposed on the unit owner for each offense reported to the Board. iii. Loud or excessive barking, or running up and down stairs repeatedly (i.e., all day or at night) will not be tolerated. There will be a \$25 fine imposed on the unit owner for each offense reported to the Board. ... Dogs must be kept on a leash within the common areas or within any other area that is outside the unit owner's unit. There will be a \$25 fine imposed on the unit owner for each offense reported to the Board. iv. All dog waste will be promptly removed and disposed of. There will be a \$25 fine imposed on the unit owner for each offense reported to the Board.

Section 3: [Section 16] Conditioning Delivery of Statutory Resale Certificate on Upfront Payment of \$175.00 Plus Open

16. Within ten (10) days after a request from a unit owner who wishes to convey his/her unit to a third party, the Association shall furnish the unit owner with a Resale Certificate which conforms to the requirements of 33 M.R.S.A. 1604-108. A fee of \$175 shall be assessed to the unit owner by the Association and the unit owner shall be responsible for paying the fee in full prior to receiving the Resale Certificate. The Association shall have discretion to modify the fee charged to unit owners from time to time in order to cover legal and other expenses incurred in connection with preparation of the Resale Certificate.

Section 4: [Section 20(a)] Six-Month Minimum Lease Term Imposed Unilaterally by Executive Board Rule

20. Any owner who decides to lease out their unit at River Village must adhere to the following guidelines: a. The term of a lease at River Village must be a minimum of 6 months.

Section 5: [Section 21] Interior Smoking Ban Applicable Only to Leased Condominium Units

21. Smoking of any kind is not allowed inside any leased condominium and only allowed outside at the designated smoking area(s) and at least 25 feet away from any building.

Section 6: [Section 17] Unilateral Assessment of Un-Adjudicated Attorney's Fees as a Common Expense Lien via Rule

17. Any costs incurred by the Association (including attorney fees) to remedy the failure of any unit owner to comply with these rules and regulations, the Bylaws or the Declaration, shall be assessed against the unit owner's unit and may be collected in the same manner as the common expense assessments.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Section 9 & Section 9(a) (p. 1): Renewable Energy, EV Charging, Standby Generator, Hurricane Protection, Drought Landscaping, or OTARD Conflict: Clause restricts street-facing solar collectors, EV charging stations, standby generators, hurricane shutters, drought-tolerant xeriscaping, gardens, clotheslines, or wildfire defensible space in conflict with ME law.

Statutory / Legal Reference: 33 M.R.S. §§ 1421 - 1424 (Solar Rights Act); 33 M.R.S. Ch. 31 & 13-B M.R.S. (Maine Nonprofit Corporation Act); 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under 33 M.R.S. §§ 1421 - 1424 (Solar Rights Act); 33 M.R.S. Ch. 31 & 13-B M.R.S. (Maine Nonprofit Corporation Act), covenants and architectural rules may not ban street-facing solar collectors where required for south/east/west orientation, prohibit EV charging stations in garages/driveways/carports, ban permanent standby generators or code-approved hurricane shutters, mandate irrigated turf in violation of water-wise landscaping statutes, or penalize wildfire defensible-space clearing.

CURRENT WORDING IN DOCUMENT:

[Section 9 & Section 9(a)] Prior Written Board Approval Required for All Satellite Dishes ("Even the Small 'Dish Antenna' Style") and Clotheslines - 9. No alterations to the exterior of the units or to the common elements may be made without the unit owner having submitted a written request to the Executive Board and having received express approval in writing from the Executive Board to proceed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Section 9 & Section 9(a) to permit solar energy systems (including street-facing orientations within statutory efficiency safe harbors), EV charging stations, standby generators, hurricane protection, water-wise xeriscaping, solar drying lines, and OTARD antennas in accordance with 33 M.R.S. §§ 1421 - 1424 (Solar Rights Act); 33 M.R.S. Ch. 31 & 13-B M.R.S. (Maine Nonprofit Corporation Act).