

ISSUE #1

MARKUP #1 ->

Section 1: [Exhibit B (Bylaws), Article V, Section 10(f)] Prohibition on Exterior or Visible Television Antennae Without Board Authorization

(f) No Unit Owner, resident or lessee shall install wiring for electrical or telephone installations, television antennae, or other equipment, which protrudes through the walls or the roof of the Building or is otherwise visible on the exterior of the Building except as presently installed or as authorized by the Board.

Section 2: [Exhibit B (Bylaws), Article V, Section 10(l)] 25-Pound Dog Weight Limit Without Assistance Animal Exemption

(l) The maintenance, keeping, breeding, boarding and/or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited within any Unit or upon any of the Common Elements, except that this shall not prohibit the keeping of a dog no larger than 25 pounds, cat or caged birds as domestic pets provided that they are not kept or maintained for commercial purposes or for breeding.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Exhibit B (Bylaws), Article V, Section 10(f) (p. 1): 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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Exhibit B (Bylaws), Article V, Section 10(f)] Prohibition on Exterior or Visible Television Antennae Without Board Authorization - (f) No Unit Owner, resident or lessee shall install wiring for electrical or telephone installations, television antennae, or other equipment, which protrudes through the walls or the roof of the Building or is otherwise visible on the exterior of the Building except as presently installed or as authorized by the Board.

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 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).