

Section 1: [Rule 2 & Rule 3] Ban on Exterior Signs and Non-Declarant For Sale or For Rent Signs

2. No exterior signs shall be erected or displayed. 'For Sale' or 'For Rent' or other similar signs can be placed only on the entrance area to the complex. 3. No unit owners, or any agent of a unit owner other than the Declarant of the Master Deed may display 'For Sale' 'For Rent' or other similar signs anywhere in or on the common elements or limited common elements.

MARKUP #1 ->

ISSUE #1

Section 2: [Rule 5] Prohibition on Drying Laundry and Prior Consent for Antennas on Balconies

The owner and tenant of each unit, regardless of type, shall not cause or permit any clothes, sheets, blankets, or laundry of any kind or other articles to be hung or displayed on the outside of windows or placed on the outside of window sills, walls or balconies of any building or in any parking areas; and no signs or awnings, grills, balcony enclosures, fence canopies, shutters, or radio or television antennas or aerial antennas shall be erected or installed in or upon the common elements or any part thereof without the prior consent of the Trustees.

Section 3: [Rule 6] 65-Pound Weight Limit and Single-Pet Cap Without Assistance Animal Exemption

Each unit may have one (1) dog or cat, which must weigh sixty-five (65) pounds or under. Any such pet must be leashed when outside the unit, and owners must clean up after their pets. Any failure to clean up after a pet shall be considered a violation of these rules and regulations. No other animals of any kind (other than tropical fish) shall be raised, bred, or kept in any unit...

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Rule 5 (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:

[Rule 5] Prohibition on Drying Laundry and Prior Consent for Antennas on Balconies - The owner and tenant of each unit, regardless of type, shall not cause or permit any clothes, sheets, blankets, or laundry of any kind or other articles to be hung or displayed on the outside of windows or placed on the outside of window sills, walls or balconies of any building or in any parking areas; and no signs or awnings, grills, balcony enclosures, fence canopies, shutters, or radio or television antennas or aerial antennas shall be erected or installed in or upon the common elements or any part thereof without the prior consent of the Trustees.

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).