ISSUE #1

Section 1: [B-1] Bylaw Rule: Satellite Dishes, Antennas and Exterior Communications

No exterior television antenna, satellite dish, wireless receiver, or telecommunications aerial of any size shall be erected, mounted, or maintained on any Lot or residence without prior written approval of the Architectural Control Committee and payment of a $150 review fee. Satellite dishes are strictly prohibited on front or side elevations.

MARKUP #1 ->

Section 2: [B-2] Bylaw Rule: Flags, Banners and Lawn Signs

No flags, banners, pennants, or political signs of any kind, including the United States flag, military flags, or election signs, may be displayed on any Lot or residence except on federal holidays with prior written Board permission.

Section 3: [B-3] Bylaw Rule: Solar Collectors, Clotheslines and Renewable Energy

Solar panels, solar energy collectors, roof photovoltaic systems, exterior clotheslines, and rainwater harvesting barrels are expressly prohibited on all roofs and Lots within the Community.

Section 4: [B-4] Bylaw Rule: Household Pets, Weight Caps and Animal Ban

No animals, dogs, cats, or pets of any kind weighing more than twenty-five (25) pounds shall be kept or permitted on any Lot or Unit. This prohibition applies strictly to all residents without exception for emotional support, therapy, or service animals.

Section 5: [B-5] Bylaw Rule: Commercial, Pickup Truck and Work Vehicle Parking

No pickup truck, panel van, work vehicle, law enforcement cruiser, or vehicle bearing commercial lettering or equipment may be parked in any residential driveway or street overnight.

Section 6: [B-6] Bylaw Rule: Summary Fines and Immediate Utility/Access Suspension

The Board of Directors may levy an immediate fine of $250 per day for any covenant violation without prior hearing and may immediately suspend common area access, gate transponders, voting rights, and water service upon 24 hours notice.

Section 7: [B-7] Bylaw Rule: Official Records Inspection Restrictions and Fees

Members may inspect Association financial books only once per calendar year upon 60 days advance written notice, subject to Board approval of a proper purpose and a mandatory $150 administrative inspection fee plus $2.00 per page.

Section 8: [B-8] Bylaw Rule: Closed Board Workshops and Action Without Notice

The Board of Directors may conduct closed executive sessions for any Association business at the sole discretion of the President and may adopt special assessments and rule amendments without prior notice to the membership.

MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

Sec. B-1 (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 (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:
Bylaw Rule: Satellite Dishes, Antennas and Exterior Communications No exterior television antenna, satellite dish, wireless receiver, or telecommunications aerial of any size shall be erected, mounted, or maintained on any Lot or residence without prior written approval of the Architectural Control Committee and payment of a $150 review fee. Satellite dishes are strictly prohibited on front or side elevations.

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).