

Section 1: [Article VIII, Section 4] Prohibition of Firearms and Ammunition on Lots and Common Roads

No Owner, tenant, or guest shall possess, keep, or transport any firearm or ammunition within any residence, vehicle, or road easement within the Spearfish Canyon Owners Association subdivision without prior written registration and permission from the Board of Directors.

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article VIII, Section 4 (p. 1): Restrictive covenant prohibiting or restricting the lawful possession, storage, or transportation of firearms and ammunition is void and unenforceable under South Dakota law.

Statutory / Legal Reference: SDCL § 11-5-2

Statutory Comparison: Under SDCL § 11-5-2, no homeowner's association or restrictive covenant may prohibit, restrict, or have the effect of prohibiting or restricting the lawful possession, storage, carrying, or transportation of firearms or ammunition by a property owner, tenant, or guest.

CURRENT WORDING IN DOCUMENT:

[Article VIII, Section 4] Prohibition of Firearms and Ammunition on Lots and Common Roads - No Owner, tenant, or guest shall possess, keep, or transport any firearm or ammunition within any residence, vehicle, or road easement within the Spearfish Canyon Owners Association subdivision without prior written registration and permission from the Board of Directors.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article VIII, Section 4 ([Article VIII, Section 4] Prohibition of Firearms and Ammunition on Lots and Common Roads - No Owner, tenant, or guest shall possess, keep, or transport any firearm or ammunition within any residence, vehicle, or road easement within the Spearfish Canyon Owners Association subdivision without prior written registration and permission from the Board of Directors.) to conform with SDCL § 11-5-2 and the manual attorney audit recommendations for Spearfish Canyon Owners Association, Inc..