

AMENDMENTS TO DECLARATION OF PROTECTIVE COVENANTS

take effect on the date of the receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.”

14. The following sentence shall be added to Article VI, Section 7 of the Declaration of Protective Covenants:

“No pets shall be allowed in the clubhouse, tennis court, or the fenced in pool area.”

ISSUE #1

15. The phrase “no speaker” shall be deleted from the last sentence of Article VI, Section 8 of the Declaration of Protective Covenants. The following sentence is added to Article VI, Section 8 of the Declaration of Protective Covenants: “Stereo speakers may be allowed, as long as they meet the guidelines written in Article VI, Section 10.”

16. Article VI Section 11, of the Declaration of Protective Covenants shall be amended to read as follows:

“Section 11. Antennas. No exterior antennas of any kind shall be placed, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the Board or its designee. No free standing antennas whatsoever shall be placed on any Lot including, without limitation, satellite dishes. However, the Board, reserves the right to (but shall not be obligated to) erect a master antenna, satellite dish, or other similar master system for the benefit of the entire community. The Board or its designee may approve the installation of radio antennas or small satellite dishes (2 feet or less) which do not protrude above the roof line above the residence located on the lot at its highest point and are not installed on the front of the lot. The architectural control committee must first approve the location of said satellite dish.”

17. The last sentence of Article VII, Section 3(a) shall read as follows:

“Repair or Reconstruction, as used in this Section, means repairing or restoring the property to substantially the same condition and location that existed prior to the fire or other casualty, allowing for any changes or improvements necessitated by changes in applicable building codes and the covenants and architectural control standards.”

18. The following sentence shall be added to Article VII, Section 4 of the Declaration for Protective Covenants:

“Repair or Reconstruction, as used in this Section, means repairing or restoring the property to substantially the same condition and location that existed prior to the fire or other casualty, allowing for any changes or improvements necessitated by changes in applicable building codes and the covenants and architectural control standards.”

19. Article XI, Section 2(b), shall be amended to read as follows:

“Any Lot Owner may delegate his right of use and enjoyment in and to the common property and facilities located thereon to the members of his family or his tenants, and shall be deemed to have made a delegation of all

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VI (p. 19): 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:

Section 11, of the Declaration of Protective Covenants shall be amended to read as follows: "Section 11. Antennas. No exterior antennas of any kind shall be placed, allowed, or maintained upon any portion of the Community, including any Lot, without the prior written consent of the Board or its designee.

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).