

- d. One dish per residence.
- e. All wiring extending from the dish must be visually integrated with and painted the color of the building.

MARKUP #1 ->

- 2. Direct Broadcast Satellite (“DBS”) antennas, Multi-point Distribution Service (“MDS”) antennas, Television Broadcast Signal (“TVBS”) antennas, antennas designed to receive and/or transmit data services, including Internet access, and masts less than 12 feet above the roof line, or devices that meet the 1996 FCC Rules and revisions thereof, which preempt deed restrictions, are hereby allowed. Such devices should be as unobtrusive as practicable.
- 3. Antennas, masts and any visible wiring must be painted to match the color of the structure to which they are installed, provided the painting does not interfere with an acceptable quality signal and does not void the manufacturer’s warranty.
- 4. Antennas may not be placed on the common area or Association-maintained property.

ISSUE #1

Short-Term Rentals

Renting property for fewer than 30 days is prohibited.

Sidewalk Encroachments

- 1. ~~No tree shall be allowed to overhang or otherwise encroach upon any sidewalk or any other pedestrian walkway from ground level to a height of seven feet (7’).~~
- 2. Shrubs and trees must not encroach on or over any sidewalk or pedestrian walkway.

Signs

- 1. Unless otherwise explicitly provided below, no signs are allowed within McCormick Ranch unless expressly approved in writing in advance by the Association.
- 2. Signs that are placed in inappropriate areas, such as Association common areas, on street signs, trees, lamp posts mailboxes, *etc.*, without prior written Association approval may be removed by the Association.
- 3. All unauthorized signage located in Association common areas may be removed by Association employees. For first-time offenders - signs may be recovered at the Association office. For repeat offenders, the Association reserves the right to discard unauthorized signs at its convenience.

Residential Property Signs:

A. Garage Sale Signs:

- 1. Garage sale signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines:
 - a. Number: Maximum of three (3) per individual sale, one (1) of which must be in the yard.
 - b. Size: No larger than four (4) square feet.
 - c. Signs are to be used only when the sale is taking place and for no longer than a maximum of two (2) consecutive days.
 - d. All such signs must be free-standing, *i.e.*, no stakes and not attached to trees, posts, fences, light poles, *etc.* All such signs must be of either sandwich or A-frame construction. No signs shall be placed so as to create a traffic or other hazards.
 - e. No sign enhancements, such as balloons, flashing lights, *etc.*, are permitted without prior written approval from the Association.

B. Political Signs:

- 1. Political signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines and/or Arizona law:
 - a. Political signs are not restricted in number, but each Property Owner is limited to an aggregate total of sixteen (16) square feet of signage on their property, and they may not be more than ten (10) feet in height.
 - b. Political signs cannot be installed earlier than seventy-one (71) calendar days prior to an election and must be removed no later than three (3) calendar days after an election.
 - c. Political signs cannot be placed within Association owned property.

C. Realty Signs:

- 1. Realty signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines:

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4 (p. 28): 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:

Antennas may not be placed on the common area or Association-maintained property. Short-Term Rentals Renting property for fewer than 30 days is prohibited. Sidewalk Encroachments

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).