



time to time adopt, supplement or amend architectural rules to establish, expand, limit or otherwise modify the categories and criteria for any pre-approved construction activities.

Section 6.10. Declarant Exemption. Neither this Article VI nor the Committee shall have application to improvements made by Declarant on any Lot or to the Common Area or Common Maintenance Area.

ARTICLE VII

ISSUE #1

USE RESTRICTIONS

Section 7.1. Antennae. No exterior radio antenna, television antenna, "C.B." antenna, satellite dish, earth receiving station or other antenna, transmitting or receiving device of any type shall be erected or maintained on the roof of any structure on a Lot or, without the prior written approval of the Committee, on any other portion of a Lot.

Section 7.2. Nuisances. No rubbish or debris of any kind shall be placed or permitted to accumulate anywhere within a Lot. No odor shall be permitted to arise from a Lot which renders the Lot or any portion of a Lot unsanitary, unsightly or offensive to any street or to any portion of the Properties, or vicinity thereof, or to its occupants. No noise or other nuisance shall be permitted to exist or operate upon any portion of a Lot so as to be unreasonably offensive or detrimental to any other part of the Properties or to their occupants. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes), noisy or smoky vehicles, unlicensed off-road motor vehicles or other items which unreasonably disturb other Owners or their tenants shall be located, used or placed on any Lot. No vehicles may be operated upon any portion of the Properties not improved as a street, driveway or parking area. Alarm devices used exclusively to protect the security of a residence and its contents shall be permitted, provided that the devices do not produce annoying sounds or conditions as a result of frequently occurring false alarms. Outdoor lighting on a Lot shall be shaded and adjusted so the light falls only on the Lot on which the lighting is located and does not fall or reflect on other Lots.

Section 7.3. Exterior Maintenance and Repair; Owner's Obligations. No improvement within a Lot shall be permitted to fall into disrepair, and each improvement shall at all times be kept in good condition and repair by the Owner of the Lot.

Section 7.4. Drainage.

(a) There shall be no interference with the established surface drainage pattern over any Lot so as to affect any other portion of the Properties, unless an adequate alternative provision is made for proper surface drainage and it is in accordance with all applicable governmental codes and ordinances. "Established surface drainage" is defined as the drainage which exists at the time the overall grading and landscaping of the Properties was completed by Declarant pursuant to grading plans approved by the City. All surface drainage facilities located on a Lot which are not within the Common Maintenance Area shall be maintained by the Owner of the Lot. The soil level of each Lot adjacent to a building shall be at least six (6) inches below the finished floor slab of the adjacent building. All surface terrace

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VII (p. 16): 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:

USE RESTRICTIONS Section_ 7. 1. Antennae. No exterior radio antenna, television antenna, "C.B." antenna, satellite dish, earth receiving station or other antenna, transmitting or receiving device of any type shall be erected or maintained on the roof of any structure on a Lot or, without the prior written approval of the Committee, on any other portion of a Lot.

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).