

Declaration of Restrictions ("The CC&Rs")

- (f) No individual sewage disposal system shall be permitted on any lot.
- (g) Construction of a structure, once commenced, shall be diligently prosecuted to completion.
- (h) No temporary home, trailer, tent, garage, or other outbuilding shall be placed or erected on any lot; provided, however, that the Committee may grant permission for any such temporary structure for storage or materials during construction. No such temporary structures as may be approved shall be used at any time as a dwelling place. No used structures shall be relocated or placed on any lot.
- (i) Outbuildings or garages erected and maintained upon any lot or building site shall conform generally in architectural design and exterior material to the dwelling house to which they are appurtenant, and may be, but need not be attached to said dwelling.
- (j) No animals or livestock, except as hereafter provided, shall be kept on any lot. Domestic cats, dogs and birds may be kept as household pets; provided, that they are not kept, bred, or raised for commercial purposes or in unreasonable quantities. Horses may be kept on any lot, which complies with the Land Use Ordinance of the County of San Bernardino permitting and regulating the same.
- (k) No person, except BOISE CASCADE PROPERTIES, INC., or its duly authorized agent, or its successors in interest, shall erect or maintain upon any lot any sign, advertisement, billboard, or other advertising structure of any kind; provided, however, that the owner of any lot shall have the right to place or display on his property a "For Sale" sign of customary and reasonable dimensions.

ISSUE #1

- (l) No exposed television antennas shall be permitted on any lot.
- (m) No lot may be used for the purpose of an asylum or other mental institution.

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(a) Every person, including Declarant, who acquires title, legal or equitable, to any lot in the subdivision shall become a member of Spring Valley Lake Association, A California non-profit corporation ("Association"); provided, however, that said membership is not intended to apply to those persons who hold an interest in any such lot merely as security for performance of an obligation to pay money, e.g., mortgages, deeds of trust, or real estate contract purchases. Declarant's membership (by reason of ownership of unsold lots) need not be evidenced by Certificates of Membership as provided in the Association's By-Laws.

(b) The general purpose of the Association is to further and promote the community welfare of the property owners in the Subdivision and to provide for the

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 7): 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:

- (l) No exposed television antennas shall be permitted on any lot.
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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).