

ISSUE #1

without the written consent of the Board, except as follows. Real estate signs listing a property for sale are permitted, construction signs shall be determined by the Design Review Board. Additionally, all posted signs must comply with the Gunnison County Sign Code.

MARKUP #1 ->

5. Antennas and Satellite Dishes. Antennas and satellite dishes are permitted in Buckhorn Ranch, except that satellite dishes shall not exceed 39” in diameter.
6. Lighting. All lighting within Buckhorn Ranch shall comply Gunnison County’s restrictions on the same.
7. Pets. Pets within Buckhorn Ranch shall be subject to the Declaration of Protective Covenants. The Owner of a lot or unit may keep and maintain a reasonable number of dogs and cats thereon so long as even with a reasonable number, they do not cause nuisance as defined below. For the purposes of clarification, “reasonable number” shall mean not more than a total of six (6) pets which can include dogs, cats or others fitting the definition of a household pet. Associations governing multi-family units may impose further restrictions as to the amount of dogs and cats permitted therein. Horses, llamas, mules and donkeys or other animals of such nature are not considered pets but may be ridden in Buckhorn Ranch but may not be kept in Buckhorn Ranch. While outside, dogs shall be monitored by an owner and either kept on a leash at all times, or under voice control. Dogs shall not be allowed, nor shall Owners permit their dogs, to roam freely throughout Buckhorn Ranch unsupervised. Excessive barking shall be considered a nuisance for the purpose of enforcement. Owners shall clean up their pet’s waste, be responsible for any damage, repair or cleaning caused by his or her pets, and shall not permit their dogs to bark, disturb, threaten, scare or injure any person or other animal. Any pet which endangers the health of any Owner, renter or guest, or which creates a nuisance or unreasonable disturbance must be permanently removed from the Premises within 24 hours of written notice thereof. If the Owner of the pet fails to comply with such notice, the Board of Directors may remove the pet, and the Owner shall be responsible for all fees related thereto, including boarding. Any pet that injures another person or pet shall be permanently removed from the Premises immediately within 24 hours of written notice thereof. Any pet which poses an immediate threat to the health, safety, or property of any person on the Premises may be removed by the Board without prior notice to the pet’s Owner. Dogs at large are not permitted and may be impounded. Service animals are permitted and are subject to the Rules and Regulations herein.
8. Recreational Equipment, Snowmobiles, Boats. Recreational equipment, (including but not limited to off-road motorcycles, all-terrain vehicles, four-wheelers, snowmobiles, boats, kayaks, and trailers for these) , and similar items should be stored in the Owner’s garage or approved shed (as approved by the Design Review Board) when not in use. Driveway storage of recreational equipment is allowed so long as it is a reasonable amount of equipment and that such equipment is stored in a neat, orderly manner in which the equipment is covered when not in use. The assembly or

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 2): 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 and Satellite Dishes. Antennas and satellite dishes are permitted in Buckhorn Ranch, except that satellite dishes shall not exceed 39" in diameter.

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).