

573540 12/12/2000 04:14P B1221 P992 M ALSDORF
51 of 82 R 410.00 D 0.00 GARFIELD COUNTY CO

Following ISTS installation, each Owner shall provide the Association with as-built drawings depicting, in relation to the other improvements on the Lot, the location and dimensions of the ISTS facilities including the absorption field and monitoring pipes, all applicable design, operation and maintenance specifications of the system’s manufacturer and written certification from the designing engineer that the ISTS was installed in conformance with the requirements above stated and all applicable design specifications of the manufacturer.

In the event the Association fails to properly implement and enforce the design and performance standards forth in this Section 17.1.D., the Board of County Commissioners for Garfield County, Colorado and its duly authorized representatives and agents, shall have all the right to enter upon the Property and implement and enforce such standards at the expense of the Association or exercise any other right or power afforded under this Declaration or the Act including, but not limited to, the initiation of appropriate proceedings in the District Court for Garfield County, Colorado, to compel enforcement of the same.

The provisions of this Section 17.1.D shall not be amended or repealed by the Declarant, Association or Owners without the written consent of the Board of County Commissioners for Garfield County, Colorado.

E. Wells/Drilling. No well from which water, oil or gas is produced will be dug, nor will storage tanks, reservoirs, or any installation of power, telephone or other utility lines (wire, pipe or conduit) be made or operated anywhere on the Property except in connection with water wells and works operated by the Association, public agencies or duly certified public utility companies; provided, however, that the foregoing will not prevent the drilling of or installation of additional water wells by Declarant or its assigns. The drilling or excavation for minerals shall not be permitted on the Property

ISSUE #1 F. Antennae. No exterior radio, television, microwave or other antennae or antennae dish or signal capture and distribution device will be permitted without the prior written consent of the Design Review Board, and appropriate screening.

G. Signs. No signs of any kind will be displayed to the public view on or from any portion of the Property except signs of Declarant or its affiliates, assigns or designees established during the period of Declarant control of the Executive Board or signs required by law or signs approved by the Design Review Board. No “For Sale” or “For Rent” sign may be posted on any Lot, except for standard “for sale” or “for rent” signs that do not exceed four square feet.

H. Animals and Pets. Except as is expressly provided in this Declaration, no animals, livestock, or poultry of any kind will be kept, raised, or bred on any portion of the Property.

Declaration of Protective Covenants
Cerise Ranch Subdivision
16-Oct-00

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 17.1.D (p. 51): 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:

Antennae. No exterior radio, television, microwave or other antennae or antennae dish or signal capture and distribution device will be permitted without the prior written consent of the Design Review Board, and appropriate screening. G.

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).