

Sec. 3.03.12 (p. 13): 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. No exterior radio antenna, television antenna, satellite dish larger than three (3) feet in diameter or other antenna of any type shall be erected or maintained on any Lot that can be seen from any other Dwelling in the Subdivision, except with the prior written consent of the Committee.

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).

(F) Notwithstanding (C) through (E) above, the Association's rules and regulations may limit use of snowmobiles for transportation purposes to specific paths and trails and may require that snowmobiles be parked in designated areas.

3.03.11 Hunting and Firearms. Hunting or the discharge of firearms of any type is not permitted on any Lot, Open Space Area or on Remainder Parcel A or Remainder Parcel D. Subject to the Association's rules and regulations in effect from time to time, hunting of birds utilizing shotguns firing shot is permitted in that portion of Remainder Parcel B north of the ranch headquarters access road and outside of Building Envelope on Remainder Parcel B and on Remainder Parcel C. Subject to the Association's rules and regulations, big game hunting is permitted on Remainder Parcel C.

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3.03.13 Storage Tanks. All storage tanks for water (excluding reasonably sized stock watering tanks) shall be buried underground or contained entirely within a Structure, except for such portions of piping that are required to be above ground for a buried tank. A chlorine contact chamber may be located above ground. All propane tanks shall be buried underground.

3.03.14 Livestock Operations. Except for raising of commercial livestock by the Association on the Common Property and except for horses which may be kept and maintained on Lots and Remainder Parcels as elsewhere herein provided, no animals shall be commercially raised, bred or kept in quantity within the Subdivision. Horse boarding and training operations and commercial poultry, feedlot and swine operations are prohibited. FFA or 4-H projects by minors shall not be deemed to be the "commercial" raising of animals within the meaning of the preceding two sentences. The keeping of elk, llamas, alpacas and other exotic livestock within the Subdivision is not permitted.

3.03.15 Mining. No oil drilling, oil development operations, oil refining, quarrying, coal mining, or other mining operations shall be permitted within the Property.

3.03.16 Water Diversion. Diversion of water from surface creeks, streams, springs or other channels, or through underground wells is expressly prohibited on Lots unless all Structures for such purpose have been approved by the Committee and a valid well permit has been obtained by the Owner from the State Water Engineer or a valid water right is adjudicated by a court of competent jurisdiction.

4. Architectural Control Committee and Approval of Construction Plans. The Executive Board of the Association may from time to time appoint at least two (2) persons to constitute the Architectural Control Committee (the "Committee") of the Association, and may remove and replace any and all members of the Committee from time to time. If a Committee has not been appointed, or if at any time there are not at least two (2) persons serving as the Committee, the Association's