



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

the same manner as provided above for building plans and specifications. All landscaping for lots on which a residence has been substantially completed between January 1 and August 30 of any year shall be landscaped in the same year; if the residence is completed after August 30 such landscaping shall be completed by May 31 of the following year.

ARTICLE VIII

Use Restriction

Section 1. Residential Use. Each lot shall be used as a residence for a single family and for no other purpose. A single family as used herein shall or may include the casual guests of such family from time to time and domestic employees or servants of such family.

Section 2. Common Areas. There shall be no obstruction of the Common Areas nor shall anything be altered or constructed in or removed from or stored upon the Common Areas.

Section 3. Insurance. Nothing shall be done or kept on any lot or on the Common Areas which will increase any applicable rate of insurance, without written consent of the Association. No owner shall permit anything to be done or kept in or on a lot or on the common areas which will result in the cancellation of insurance on any lot or any part of the Common Areas or which would be in violation of any law. No waste shall be committed on any lot or any part of the Common Areas.

Section 4. Signs. No sign of any kind shall be displayed to the public view on or from any lot, without the prior written consent of the Association, except standard "for sale" signs.

Section 5. Nuisances. No noxious or offensive activity shall be carried in or on any lot or on the Common Areas nor shall anything be done therein which may be or become an annoyance or nuisance to any owner.

Section 6. Buildings. No buildings shall be moved onto or off of any lot without the approval of the Association.

Section 7. Outbuildings. No tent, trailer, shack, freestanding garage, barn or other outbuilding shall at any time be erected or used on any lot or the Common Areas nor shall any structure of a temporary character be permitted on any lot or on any part of the Common Areas, without the express written consent of the Architectural Control Committee.

Section 8. Exterior Antennas Prohibited. No outside radio or television antennas, or satellite dishes shall be permitted on any lot or any part of the Common Areas.

Section 9. Recreational Vehicles. No boats, trailers, campers, trucks, recreational vehicles or similar type vehicles shall be parked in front of or in open view on any lot for more than twenty-four hours. Nothing herein contained shall prevent the owner or owners of any lot from storing any of said vehicles in a garage, or out of view from the street.

Section 10. Fencing. No fences shall be permitted along any lot lines or any line between lots and the Common Areas, without the prior written consent of the Architectural Control Committee. Unless such approval has been authorized in writing, the Board shall be empowered to remove or have removed by condemnation proceedings any fencing erected on any lot or the Common Areas.

Section 11. Storage of Materials, Debris or Junk. No occupant or owner of any lot shall store or permit to be stored or permit to accumulate upon any lot any debris, any piles of manure, composting materials, piles of dirt, machinery or equipment or any part thereof, old or rusted

Sec. 7. (p. 8): 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:

television antennas, or satellite dishes shall be permitted on radio any or lot or any part of the common Areas.

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).

ISSUE #1