MARKUP #1 ->

FILM 1162

construction, altering, and remodeling any building on the properties shall be prosecuted diligently from its commencement and completed within on year from commencement.

Section 7. Trash, Etc. Each lot shall provide a fully enclosed area for containment of trash, garbage, or other refuse. Each owner must provide for regular removal of garbage, and each lot at all times shall be kept in a clean, sightly, and wholesome condition, and weeds shall be kept mowed. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be permitted to remain exposed upon any lot so it is visible from any neighboring lot or the street, except as reasonably necessary during the period fo construction. In the event any structure is destroyed either wholly or partially by fire or other casualty, and structure shall be promptly rebuilt or remodeled to confora to this Declaration or all debris and remaining portions of the structure including the foundations shall be promptly removed from the property. The Board of Directors shall have the right and duty to enter upon any lot and remove such unsightly objects, refuse, or other materials and assess the owner of such lot the cost of removal and cleanup expenses as a special assessment pursuant to Article IV, Section 3(c). No noxious or offensive activity shall be carried on upon the properties, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 8. Nuisances. No boats, trailers, campers, wrecked cars, tractors, equipment, etc., shall be kept or stored so that they are visible from neighboring lots or from the street.

ISSUE #1

Section 9. Utilities. All electric, television, radio, and telephone line installations and connections from the owner's property line to the residence shall be placed underground. All antennas must be contained within the structure and not exposed to public view. No aerial masts shall be allowed.

Section 10. Signs. No sign or advertising of any character except for those of the Developer and his sales agents shall be erected, placed, permitted, or maintained on any lot except for a "For Sale" or "For Rent" sign not exceeding the size permitted by the Architectural Control Committee.

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 9. (p. 18): FCC OTARD Satellite Dish / Antenna Preemption Defect: Clause imposes a blanket ban, prior-approval delay, or sub-1-meter size cap on residential reception antennas/satellite dishes preempted by 47 C.F.R. § 1.4000.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices (OTARD) Rule, 47 C.F.R. § 1.4000, promulgated under § 207 of the Telecommunications Act of 1996, any covenant or rule that prohibits, requires prior architectural approval before installation, or restricts satellite dishes/antennas measuring one meter (39.37 inches) or less in diameter on property within the owner's exclusive use or control is federally preempted and void.

CURRENT WORDING IN DOCUMENT:
Utilitles. All electric, celevision, radio, and telephone line irstalletione and connections fron the ouner'a property line to the residence shall be placed underground. All entennas nuat be contained within the structure and not exposed to public vien. No aerial nesta shall be alloved.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 9. to incorporate the mandatory statutory safe harbors of 47 C.F.R. § 1.4000 (FCC OTARD Rule); Colo. Rev. Stat. §§ 38-33.3-101 to 38-33.3-402 (CCIOA), permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.