

household pets shall be coupled with the responsibility to pay for any damage caused by such pets, as well as any costs incurred by the Association as a result of such pets.

(b) No agricultural animals such as ducks, chickens, goats, pigs, sheep and horses shall be permitted except as provided below.

(c) Lots 3, 8, 10 and 15, as shown on the Plat are exempt from the provisions of this Declaration regarding the keeping, maintaining, raising, and riding of horses (together with the right to ride or walk horses on the roads to the public way), which shall specifically be permitted as a use by right as follows:

(i) Lot 15 as shown on the Plat shall not be bound by any provisions of this Declaration regarding the keeping, maintaining, raising and riding of horses on Lot 15, the foregoing of which shall be specifically permitted on Lot 15 (together with the right to ride or walk horses on the roads to the public way) as a use by right. Horses may be restricted on Lot 15 as determined by the then record Owner of Lot 15 pursuant to a written document recorded with the Clerk and Recorder of Jefferson County, Colorado which amends, modifies or revokes this reservation with regard to horses in the sole and absolute discretion of the Owner of Lot 15.

(ii) Lots 3, 8, and 10 shall be considered horse lots.

(iii) Horses may be restricted on Lot 3 as determined by the then record Owner of such Lot pursuant to a written document recorded with the Clerk and Recorder of Jefferson County, Colorado which amends, modifies or revokes this reservation with regard to horses in the sole and absolute discretion of such Owner.

(iv) The keeping, maintaining, raising, and riding of horses on any of the Lots identified in this Paragraph 8.5(c) shall comply with Jefferson County statutes for the same, if any, especially with respect to limits on the number of horses allowed per Lot.

ISSUE #1

Section 8.6 Antennae. “Permitted Antennas” are defined as (a) an antenna which is one (1) meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; (b) an antenna which is one (1) meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite; (c) an antenna which is designed to receive local television broadcast signals; or (d) other antennas which are expressly permitted under applicable federal statutes or regulations. In the event a Permitted Antenna is no longer expressly permitted under applicable federal statutes or regulations, such antenna will no longer be a Permitted Antenna for purposes of this Section.

Permitted Antennas shall be installed in the least conspicuous location available on a Lot which permits acceptable signals, without unreasonable delay or increase in the cost of installation, maintenance or use of the Permitted Antenna. The Association may adopt Design Guidelines

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 8.6 (p. 23): 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. "Permitted Antennas" are defined as (a) an antenna which is one (1) meter or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via

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).