

ARTICLE VII  
USE RESTRICTIONS

The use of the Lots shall be in accordance with the following provisions:

7.1. The Property may be used for single-family residential living and for no other purpose. Any trade, business, profession or other type of commercial activity which creates traffic or other community disruption is strictly forbidden. Advertising a home business is forbidden.

7.2. No tents, trailers, recreational vehicles (RV's), shacks, tanks or temporary or accessory buildings or structures shall be erected or permitted to remain on any Lot or the Common Areas without the written consent of the Board.

7.3. No aerial, antenna, antenna poles, antenna masts, citizen band or amateur band antennas, or satellite dish shall be placed or erected upon any Lot, or affixed in any manner to the exterior of any building in the Property, with the exception of eighteen inch (18”) or smaller satellite dishes which may be installed in locations and in a manner approved by the Architectural Review Board.

7.4. No boats, trucks, vehicles with a commercial registration, vehicles with visible signs or lettering, any other commercial vehicles, trailers, recreational vehicles, motorcycles, or mopeds may be parked or stored upon any Lot or Common Area (except in a residential garage) overnight or for any portion of the interval between 11 P.M. and 7 A.M. Vehicles as determined by the Board to be exempt from overnight parking restrictions include only regularly driven and currently licensed passenger cars, passenger vans, station wagons, sport utility vehicles and pickup trucks with no commercial signage, markings, ladder racks or other appurtenances. Trucks by definition shall include: any vehicle with dual rear wheels regardless of body type or closed panel truck. This parking restriction further applies to any unregistered vehicle or vehicle that cannot be driven. Performance of any repairs or maintenance to any vehicle or boat, except in a residential garage isolated from public view, is prohibited. No portion of the Common Areas or private lawns may be used for parking purposes, except for a vehicle controlled by the Association.

7.5. No portion of the Common Areas shall be used as a drying or hanging area for laundry of any kind.

7.6. All areas not covered by structures, walkways, or paved parking facilities shall be maintained as a lawn or landscape areas with underground sprinkler systems to the pavement edge of any abutting streets and to the waterline of any abutting lakes or water management areas. No stones, gravel or paving of any types shall be used as a lawn.

7.7. Nothing shall be done or maintained on any Lot, or the Common Areas which may be or become unsightly or a nuisance to Imperial Golf Estates. In the event of a dispute or question as to what may be or become unsightly or a nuisance, such dispute or question shall be submitted in writing to the Board whose decision shall be dispositive of such dispute or question.

7.8. No weed underbrush or other unsightly growth shall be permitted to grow or remain upon any Lot and no refuse or unsightly object shall be placed or allowed to remain on any Lot. Any property, structure, improvements and appurtenances shall be kept in a safe, clean, orderly

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 7.3 (p. 12): 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:**

No aerial, antenna, antenna poles, antenna masts, citizen band or amateur band antennas, or satellite dish shall be placed or erected upon any Lot, or affixed in any manner to the exterior of any building in the Property, with the exception of eighteen inch (18”) or smaller satellite dishes which may be installed in locations and in a manner approved by the Architectural Review Board.

**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