

Section 1.9 Animal Restrictions.

No vicious animal shall be kept or maintained on any Lot. Only conventional household pets. These pets shall not constitute a hazard, nuisance or annoyance to the neighborhood. Such permitted pets shall be kept on the Owner's Lot and shall not be allowed off the premises of the Owner's Lot except under restraint and in the company of the Owner or a member of the Owner's family or a person designated by the owner as so stated by County code. Each Owner shall be responsible for cleaning up and properly disposing of all fecal matter deposited by that Owner's pets. Common Areas and road right-of-ways shall not be used as dog or pet runs.

Section 1.10 Restriction on Activity.

No noxious or offensive activity shall be conducted or permitted to exist upon any Lot or in any Dwelling nor shall anything be done or permitted to exist on any Lot or in any Dwelling that may be or may become an annoyance or private or public nuisance. Commercial door-to-door solicitation is discouraged. "No Solicitors" signs are permitted on front doors. Garage sales are limited to a maximum of six sales per year and no sale shall last longer than 3 consecutive days. No Owner may enter onto any Lot, other than a Lot owned by that Owner, during construction of a Dwelling. This restriction shall not apply to activities conducted by the BOD or ARC Coordinator in the construction, sale or maintenance of improvements upon the Property, or in performing their duties.

Section 1.11 Roof Panels.

Wood or plastic composite roof panels are not allowed on any structure. Approved roofing materials are asphalt shingle, tile, and metal but the color must be compatible with the color of the dwelling and approved by the BOD.

Section 1.12 Exterior Maintenance.

Each Owner will keep the exterior of his Dwelling and all improvements to his Lot in good condition and state of repair. Painted surfaces shall be repainted as needed. All driveways, roofs fascia, gutter, soffits, down spouts, and fences shall be kept free of mildew, fungus, and unused bird or insect nests or deposit. All trees, shrubbery and grass shall be watered, fertilized and treated for fungus, weeds, and disease as needed. Shrubby shall be kept trimmed. Culverts will be kept free of weeds, sand or debris that may impede the flow of water. Lawns, including swales, will be regularly mowed and edged at the street and driveways. Lawn clippings shall be kept out of the street. No artificial vegetation is permitted outside of the Dwelling. Owner's maintenance and care shall apply to all portions of the Lot including any easements. After the Association provides an Owner with a thirty (30) days written notice to perform the needed maintenance and /or repairs. Failure of the Owner to perform maintenance and / or repairs shall allow the Association the right to impose a Special Assessment against said Owner. Such Assessment may become a lien against the lot and may be foreclosed on or as otherwise allowed herein.

Section 1.13 BOD Approval not required.

An Owner may, without the consent of the BOD, subject to any conditions or limitations set forth in this Section 1.13 and Section 1.10, erect, install, or place the following upon his or her Lot or Dwelling Unit:

1.13.1 Satellite dishes or similar equipment (except that satellite dishes if greater than 18" in diameter may be installed only if approved, as to location, by the BOD);

1.13.2 Shutters;

1.13.3 Weather vanes;

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1.13.1 (p. 6): 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:

Satellite dishes or similar equipment (except that satellite dishes if greater than 18" in diameter may be installed only if approved, as to location, by the BOD);

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