



disturb the peace, quiet, safety, comfort, or serenity of the occupants and invitees of other portions of the Committed Property.

No noxious, illegal, or offensive activity shall be carried on upon any portion of the Committed Property which, in the Board's reasonable determination, tends to cause embarrassment, discomfort, annoyance, or nuisance to others.

(j) Signs. No sign shall be erected within the Committed Property, except those required by law, including posters, circulars, and billboards; provided, the following types of signs may be erected on a Lot without the Board's written consent: (i) residential identification signs of a face area of 75 square inches or less for identification of the occupant and its address, in a style designated by the Guidelines; and (ii) security signs in a style and location designated in the Guidelines. This restriction shall not apply to entry, directional, and marketing signs installed by or with the consent of Declarant. The Association, with the Board's approval, shall have the right to erect signs on the Association Property.

(k) Holiday Decorations. Owners may display holiday decorations on their Lots if the decorations are of the kinds normally displayed in single family residential neighborhoods, are of reasonable size and scope, and do not disturb other Owners,, residents, and Club Property Owner by excessive light or sound emission or by causing an unreasonable amount of spectator traffic. Permitted decorations may be displayed for such periods as are normal and customary for comparable residential communities, as the Board determines.

ISSUE #1

(1) Antennas and Satellite Dishes. No antenna, satellite dish, or other device for the transmission or reception of television or radio (including amateur or ham radios) signals is permitted outside the dwelling on a Lot, except as otherwise permitted under Article X, Section 18 of these CC&Rs. An application for the installation of such antenna or other device must be submitted to the ACB for approval and approval will be granted only if the application meets the provisions of Article X, Section 18. The ACB may, from time to time, promulgate rules and regulations governing the installation of antennae and other devices to be included within the Guidelines, provided, however, all such rules and regulations shall be consistent with 47 C.F.R. Part 1, Subpart S, Section 1.4000, as amended, promulgated under the Telecommunications Act of 1996, as amended from time to time. The ACB shall consider any such application on an expedited basis.

Any antennae or apparatus approved by the ACB for installation shall be attached to the roof or exterior of a Home in a location designated by the ACB for the installation of such apparatus, or, if the ACB is unable to designate an appropriate installation location, on the Owner's Home in the best location that allows for acceptable reception yet maximum aesthetic compatibility with the surrounding environment. An Owner will be required to paint the apparatus to match the exterior paint color of the Home, as applicable, if such painting does not void any warranty on the apparatus. In addition, the ACB may requiring the reasonable installation of plants to be placed around the apparatus or some other means of obscuring the apparatus from the view of other owners or persons on the ground.

SOLICITORS, 59039, 00001, 100788155.14, Conservatory - Declaration of CCRs

3/28/05 8:13 AM

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. i (p. 119): 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:

Antennas and Satellite Dishes. No antenna, satellite dish, or other device for the transmission or reception of television or radio (including amateur or ham radios) signals is

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).