

Section 8. Driveways. All driveways shall be constructed with a hard finished substance aesthetically compatible and in harmony with the architectural integrity of the Subdivision.

ISSUE #1

Section 9. Antennae. Radio and television antennae shall not be installed, constructed or maintained on the exterior of any Structure without the prior written approval of the Architectural Control Committee. No antennae shall be installed or used for the purpose of transmitting electronic signals.

Section 10. Clotheslines, etc. All clotheslines, related equipment, garbage cans and woodpiles shall be screened by adequate foliage or fencing from view by adjoining Lots and adjacent streets.

Section 11. Recreational Vehicles and Trailers. No house trailer, mobile home, motor home, recreational vehicle, camper, truck with camper top, boat or boat trailer or similar vehicle shall be permitted on any Lot in excess of seven (7) days if parked in a manner that is visible from any street.

Section 12. Recreational Equipment. All recreational and playground equipment shall be placed, installed, constructed and maintained only in the rear yard of a Lot, and in the event that the rear yard of any Lot is adjacent to a street, the Owner of such Lot shall provide adequate screening of such equipment by foliage or fencing.

Section 13. Animals. No animals, including birds, insects, and reptiles, may be kept on any Lot unless kept thereon and solely as household pets and not for commercial purposes. No animal shall be allowed to become a nuisance. Any Structure for the care, housing or confinement of any animal shall be placed, installed, constructed and maintained only in the rear yard of a Lot.

Section 14. Water Supply. No individual water supply system shall be permitted on any Lot without the prior written approval of the Architectural Control Committee. If such approval is given, such system must be located, constructed and equipped in accordance with the requirements, standards, and recommendations of federal, state and local public health authorities, and all necessary approvals of such system as installed shall be obtained from such authorities at the sole cost and expense of the Owner of the Lot to be served by such system.

Section 15. Setback and Building Lines. Each residence which shall be constructed on a Lot shall be situated on such Lot in accordance with the building

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9. (p. 11): 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. Radio and television antennae shall not be installed, constructed or maintained on the exterior of any Structure without the prior written approval of the Architectural Control Committee. No antennae shall be installed or used for the purpose of transmitting electronic signals.

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).