



Grandfather clause

above the roadway at any street intersection or at the intersection of any driveway with any street. These provisions shall not require removal of any fencing installed as of the effective date of this amended Section 7, but shall apply to any fencing installed, constructed or replaced after the effective date hereof.

ISSUE #1

14.

Article V, Section 9 "Antennae", is modified by addition of the following:

The prior provisions shall be applied in a manner consistent with federal law governing the installation of antenna or other device for the transmission or reception of television signals, radio signals, or any form of electromagnetic radiation upon Lots. ~~Upon written application by a Lot Owner, the Association shall permit no more than one satellite dish antenna to be installed and maintained by the Lot Owner within the Lot boundaries,~~ subject to reasonable standards concerning placement of the satellite dish and visual appearance guidelines that do not unreasonably interfere with reception and do no materially increase the cost of installation. Requests for such installations shall be expedited and shall be acted upon as quickly as feasible.

15.

Article V, Section 11 "Recreational Vehicles and Trailers" is modified and expanded to read as follows:

Section 11. Parking, Motor Vehicles, Trailers, Boats, etc. ~~Owners shall at all times maintain off street parking on their Lot for at least two (2) vehicles.~~ The Board of Directors of the Association, upon recommendation by the Architectural Control Committee, ~~may prohibit~~ mobile homes, motor homes, truck campers, trucks, trailers of any kind, boats, motorcycles, motorized bicycles, motorized go-carts and other such contrivances, or any of them, from being kept, placed, stored, maintained or operated for any period ~~exceeding 48 consecutive hours upon any portion of the Property other than a Lot Owner's closed garage~~ if, in the opinion of the Board of Directors, such prohibition shall be in the best interests of the planned community. The Architectural Control Committee may approve plans for enclosures or screening erected in accordance with plans and specifications submitted to and approved by the Committee within or behind which such vehicles, trailers, boats, etc., may be parked. Except for purposes of pick-up or delivery, ~~no truck exceeding 3/4 ton pickup style~~ shall be permitted on the Property.

The foregoing modification of Section 11 shall not be interpreted to modify the right to place temporary construction trailers as specified and in conformity with the original Section 14 of Article V.

16.

Article V, Section 13 "Animals", is modified to read as follows:

Section 13. Pets. No animals or birds, other than a reasonable number of generally recognized house pets, shall be kept or maintained on any portion of the Property intended for residential uses or which is Common Property, and then only if they are kept or maintained solely as domestic pets and not for commercial purposes. ~~No animal or bird shall be allowed to make an unreasonable amount of noise, or to endanger the health or any owner or occupant of a Lot, or to become a nuisance.~~ No structure for the care, housing or confinement of any animal or bird shall be constructed or maintained on the Property unless the plans for said structure have been approved in advance by the Architectural Control Committee, which approval may be reasonably withheld. No dog runs shall be permitted on any Lot; however, a leash line fixed to a solid foundation on the Lot which does not permit a dog to roam beyond the boundaries of the Lot shall not be considered a

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MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. V (p. 44): 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:

, Section 9 "Antennae", is modified by addition of the following: The prior provisions shall be applied in a manner consistent with federal law governing the installation of antenna or other device for the transmission or reception of television signals, radio signals, or any form of electromagnetic radiation upon Lots.

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).