

MAGNOLIA PLACE HOA PLAIN LANGUAGE COVENANTS

MARKUP #1 ->

6.08 – Setbacks

The ACC may establish setback requirements for the location of any new structure and include in the Design Standards.

6.09 – Fences

All fences and walls require approval from the ACC before installation/construction.

- A) No chain link fences.
- B) No fences on the street side of a lot, beyond the setback.
- C) Black or green vinyl coated chain link may be used as long as it is not visible from the street and the plan has ACC approval.
- D) *Please read the recorded covenant for further discussion about Fencing and Walls before taking any action.*

6.10 – Roads and Driveways

No road or driveway shall be constructed or altered without ACC approval.

ISSUE #1

6.11 - Clotheslines, Antennae, Etc.

No clotheslines, exterior TV antenna or satellite dish or receiver or solar or other equipment of any sort shall be placed or allowed without approval of the ACC. Standard 18” Digital Satellite TV Dishes are permitted on the roof or side of the house facing the rear yard.

6.12 – Garbage Cans and Woodpiles

Any equipment, garbage cans, woodpiles and solar equipment must be screened by planting or fencing to conceal them from view by neighboring residences and the street, and then, only in the back yard. Garbage cans should be removed from the front of the house or driveway on the evening of the day they are emptied.

6.13 – Maintenance

Each owner shall keep his/her Lot & Structure in good condition and repair. This includes, but is not limited to:

- 1) Repairing, Painting or other external care of the exterior of the house.
 - a. Doors, windows, screens, shutters and decks, etc.
- 2) Seeding, edging, watering, mowing and weeding of all lawn areas.
 - a. Front and back extending to all boundaries and the curb.
- 3) Pruning and trimming of all trees, hedges and shrubbery.
- 4) Keeping islands and beds free of weeds and grass.

The Board and ACC, or their appointee, shall notify any owners deemed to be in violation. Should the owner fail to resolve the violation, the Board shall take action to resolve the violation and bill the owner for all costs related to the resolution. The Board has the right to enter upon the Lot for this purpose, or assign that right to its designate.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.11 (p. 2): 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:

Clotheslines, Antennae, Etc. No clotheslines, exterior TV antenna or satellite dish or receiver or solar or other equipment of any sort shall be placed or allowed without approval of the ACC. Standard 18" Digital Satellite TV Dishes are permitted on the roof or side of the house facing the rear yard.

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).