

ISSUE #1

Section 18. Satellite Dishes and Antennas. No electronic antenna or device of any type shall be erected, constructed, placed, or permitted to remain on any of the lots or structures in the subject subdivision without first having given prior written notice to the Architectural Committee as to location. No satellite dish may be installed in the front of the house nor be visible from the street. The maximum size and number of satellite dishes shall be established by available technology and the Architectural Committee. No amateur radio (HAM) or television antenna may extend above the ~~roofline of the house.~~

Section 19. Water Supply. No individual water supply system shall be installed or maintained on any lot.

Section 20. Sewage. No individual sewage disposal system shall be installed or maintained on any lot.

Section 21. Prohibited Uses and Nuisances. Except with the prior written approval of the Board of Directors of the Association or the Architectural Committee, or as may be necessary in connection with reasonable and necessary repairs or maintenance to any dwelling or upon the Common Area:

- (a) No noxious or offensive trade or activity shall be carried on upon any lot or within any dwelling, nor shall anything be done therein or thereon, which may be or become an annoyance or nuisance to the neighborhood or other members. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, or other sound device, except such devices as may be used exclusively for security purposes, shall be located, installed, or maintained upon the exterior of any dwelling or upon the exterior of any other improvements;
- (b) Pet restrictions shall comply with the City of Champaign ordinances. No more than a total of four dogs or cats shall be kept.
- (c) No lot shall be used as a dumping ground for rubbish. No burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials, or trash of any other kind shall be permitted on any lot, except in containers which shall be maintained in a clean and sanitary condition. Trash and garbage containers shall not be permitted to remain in public view except on days of trash collection or the night before. Garbage, trash, and other refuse shall be placed in covered containers. No incinerator shall be kept or maintained upon any lot;
- (d) Except as herein elsewhere provided, no junk vehicle, trailer, camper, camp truck, house trailer, boat, or other similar machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary, and usual in connection with the use and maintenance of any dwelling) and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the Common Area and community facilities shall be kept upon the Property;

Except for emergencies the repair or extraordinary maintenance of automobiles or other vehicles shall not be carried out upon the Property or any lot except from 8 a.m. to 8 p.m. Only work on owner's vehicle is permitted on said owner's driveway. No vehicle which has been disassembled, nor any parts or other material may be left outside of the garage except when such work is being performed in the authorized time period. Other than as provided

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 18. (p. 17): 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 and Antennas. No electronic antenna or device of any type shall be erected, constructed, placed, or permitted to remain on any of the lots or structures in the subject subdivision without first having given prior written notice to the Architectural Committee as to location.

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).