

DB 08457PG0591

Section 2.03. Use of Other Structures and Vehicles.

- (a) No structure of a temporary character shall be permitted on any lot except temporary tool sheds or field offices used by a builder or developer, which shall be removed when construction or development is completed.
- (b) No out building, trailer, basement, tent, shack, garage, barn or structure other than the main entrance erected on a lot shall at anytime be used as a residence, temporarily or permanently.
- (c) No trailer, truck, commercial vehicle, camper, trailer, camping vehicle or boat shall be parked or kept on any lot at anytime unless housed in a garage or basement. No automobile which is inoperable shall be parked on any street in the subdivision for a period in excess of twenty-four (24) hours in any one calendar year.
- (d) No automobile shall be continuously or habitually parked on any street or public right-of-way in Washington Green.

Section 2.04. Animals. No animals, including reptiles, livestock or poultry of any kind, shall be raised, bred or kept on any lot, except that dogs, cats or other household pets (meaning the domestic pets traditionally recognized as household pets in this geographic area) may be kept provided that they are not kept, bred or maintained for any commercial or breeding purposes. All household pets, including dogs and cats, shall at all times be confined to the lot occupied by the owner of such pet.

ISSUE #1

Section 2.05. Clotheslines; Fences and Walls; Antennas and Receivers/Transmitters.

- (a) No outside clotheslines shall be erected or placed on any lot.
- (b) No fence or wall of any nature may be extended toward the front or street side property line beyond the rear corners of the residence. All structural components for fences or walls shall be placed on the side of such fence or wall that is facing towards the property on which the fence or wall is located.
- (c) No antennae or microwave and other receivers and transmitters (including those currently called “satellite dishes”) shall be erected or placed on any lot unless its design and placement are approved by Developer.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2.05. (p. 3): 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; Fences and Walls; Antennas and Receivers/Transmitters.
- (a) No outside clotheslines shall be erected or placed on any lot.
 - (b) No fence or wall of any nature may be extended toward the front or street side property line beyond the rear corners of the residence.

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).