LIBER 0009 FOLIO 802

E. SETBACK LINES. No building or outbuilding shall be located closer than five (5) feet from any lot or property line.

F. UTILITY LINES AND RADIO AND TELEVISION ANTENNAS. All electrical service and telephone lines shall be placed underground and no outside electrical lines shall be placed overhead. No radio and/or television antennas or discs shall be placed on any lot. Any waiver of these restrictions shall not constitute a waiver as to other lots or lines or antennas.

G. NUISANCES. No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, animal, or material be kept upon any lot that will emit foul or obnoxious odors, or that will cause any noise or other disturbance that will or might affect the peace, quiet, comfort, or serenity of the occupants of surrounding property.

H. SIGNS. No billboards or advertising signs of any character shall be erected, placed, permitted, or maintained on any lot or improvement thereon except as herein expressly permitted. A name and address sign, the design of which shall be furnished to the lot owner on request by the Declarant, shall be permitted. No other sign of any kind or design shall be allowed. The provisions of this paragraph may be waived by the Declarant, only when in its discretion the same is necessary to promote the sale of property in and the development of the subdivision area. Nothing herein shall be construed to prevent the Declarant from

LIBER 2328 FOLIO 528

LIBER 2616 FOLIO 288

MUDD
BALD, P.A.
0x 310
A, MD. 20646

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. FULWO UZ (p. 24): 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:

FULWO UZ FEMUDD TBALD, P.A. 0x 310 A MD. 20546 overhead. No radio and/or television antennas or discs shall bel placed on any lot. Any waiver of these restrictions shall not constitute a waiver as to other lots or lines or antennas. G. NUISANCES. No lot shall be used in whole o= in

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).