

(b) Trailers, tents, shacks, barns, storage sheds, whether permanent or temporary building of any kind or nature whatsoever, are expressly prohibited within the Subdivision and no temporary occupancy or residence shall be permitted in unfinished residential dwellings or garages; provided, however, that temporary tents for parties shall be permitted to be erected for periods of not more than forty-eight (48) hours.

ISSUE #1

(c) Antennae and satellite reception equipment (including so-called "satellite dishes") visible from the exterior of any dwelling are expressly prohibited in the Subdivision.

(d) The provisions of this Paragraph 6 shall not apply to Grantor, or any builder which it may designate, during the construction period or during such periods as any dwelling may be used for model or display purposes.

7. GENERAL CONDITIONS.

(a) No Lot shall be used or maintained nor permitted to be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste, and the same shall not be kept on any Lot, except in sanitary containers properly concealed from public view. Garage containers shall not be left at the road for more than twenty-four (24) hours in any week.

(b) No laundry shall be hung for drying out of doors.

(c) Any debris resulting from the construction and/or the destruction, in whole or in part, of any dwelling or Improvements on any Lot shall be promptly removed [within forty-eight (48) hours after issuance of temporary or final certificate of occupancy, or final acceptance of any permit therefor by the appropriate governmental authority, or the occurrence of such destruction, whichever occurs first] from such Lot in order to preserve the sightly condition of the Subdivision.

(d) The grade, slope, and/or contour of any Lot shall not be changed without the prior written consent of Grantor. This restriction is intended to prevent interference with the master drainage plans and the stability of slopes and contours within the Subdivision.

(e) No fence shall be erected or maintained within the Subdivision, except as provided in this Declaration.

(f) No "through the wall" air conditioners shall be installed on the front or side wall of any dwelling in the Subdivision.

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CARMELLA SABAUGH-MACOMB COUNTY, MI REG/DEEDS

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. CARNELLA SABAUGH - MACOMB (p. 5): 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:
(c)Antennae and satellite reception equipment (including so-called "satellite dishes") visible from the exterior of any dwelling are expressly prohibited in the Subdivision.

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).