

BOOK 0389 PAGE 6855

Pets shall not be allowed loose or unsupervised on any part of the Property and walking of pets shall be on a leash and allowed only on such portions of the Property as the Board may prescribed by its Rules and Regulations.

ISSUE #1

Section 6: Antennas. No antenna or other device for the transmission or reception of electronic signals shall be erected, used or maintained outdoors on any Lot which antenna or other device shall be visible from the street adjoining the front of said Lot, unless approved by the Architectural Committee. TV antennas shall be erected so as to be inconspicuous as possible and no such TV antenna shall extend more than six (6) feet above the ridge of the roof of the particular dwelling unit upon which the antenna is located; provided, however, the Architectural Committee shall have the authority to award variances with respect to the foregoing prohibition.

Section 7: Improvements and Alterations. No building, fence, wall, residence or other structure shall be commenced, erected, improved, or structurally altered, without the prior written approval of the Architectural Committee. The exterior surface of a single-family structure shall not be painted or changed in any manner without the prior written approval of the Architectural Committee.

Section 8: Temporary Occupancy: No trailer, incomplete building, tent, shack or garage and no temporary building or structure of any kind shall be used or kept any time on any property within **Grand Haven Estates Phase I**, except for temporary buildings or structures used during the construction of a dwelling on any such property, which shall be subject to the rules of the Board and shall be removed immediately after the completion of the construction.

Section 9: Motor Vehicles and Trailers.

- (a) No mobile or motor home, trailer of any kind, truck larger than 1/2 ton, camper, boat, or permanent tent or similar structure shall be parked, kept, maintained or repaired upon any property or street (public or private) within **Grand Haven Estates Phase I** between the hours of 12 midnight and 5: 00 a.m., in such manner as will be visible from neighboring property; or shall any motor vehicle of any kind be constructed, reconstructed, or repaired on public or private property within **Grand Haven Estates Phase I**, provided, however; that the provisions of this paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or storage facilities approved by the Architectural Committee and used exclusively in connection with the construction of any improvement.
- (b) No motor vehicle, trailer, camper or boat shall be parked on any unpaved area of **Grand Haven Estates Phase I**.
- (c) Any motor vehicle which is unsightly or not in keeping with motor vehicles owned by **Grand Haven Estates Phase I** residents, or is a service vehicle or pick-up with a camper top or similar top shall be parked in the garage overnight, and shall not be parked in such a manner as will be visible from neighboring property.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 13): 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:

Antenna%. No antenna or other device for the transmission or reception of electronic signals shall be erected, used or maintained outdoors on any Lot which antenna or other device shall be visible from the street adjoining the front of said Lot, unless approved by the Architectural Committee.

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).