responsible for costs of utility connection to an Owner's Lot. All utility installation shall be in full compliance with applicable federal, state, and County laws and regulations and shall be in accordance with utility providers specifications as may be contained in the Subdivision Plat.

Section 5.24 Easements. Easements for installation and maintenance of utilities, access to Common areas, limitation to certain areas ("no access strip") and other matters are reserved as shown on the Subdivision Plat. No Improvement of any kind shall be erected or permitted to remain on any designated easement area.

Section 5.25 Burning. With the exception of gas fireplaces, no outside burning of any kind shall be permitted on any Lot, Common Area or on any easement area.

ISSUE #1

Section 5.26 Antennas. No satellite dishes over 18" shall be permitted on any Lot. No exterior television or radio antennas shall be placed on any Lot without the prior written approval of the ACC.

Section 5.27 Damaged Property. Any structure damaged by fire or other casualty must be removed from the Lot, or repairs commenced within 120 days of the event, unless an extension of time is granted by the ACC. Any damaged structure not so removed or repaired may be removed at the Owner's expense by the Association and the Association may pursue all legal and equitable remedies to enforce compliance herewith. Any costs incurred by the Association under this Section shall be a special assessment against the Lot and the Owner.

Section 5.28 Wood Piles. All wood piles shall be neatly stacked and located so as to be screened from visibility by other Lots.

Section 5.29 Access and Roadways. No roadways shall be used or constructed on any portion of the property for any purposes except for driveways for access to structures and facilities, or as specifically designated on the Subdivision Plat. Any unpaved portion of any driveway shall consist of a gravel surface with drainage designed to protect the existing roadways.

The maximum speed limit on all roads within the subdivision shall be 25 mph, and they shall be so posted.

Section 5.30 Signs. No signs of any kind shall be erected by any Owner, except that Declarant may erect a sign identifying the Development, and Declarant may erect "for sale" signs and any necessary identifying signs in its sole discretion. Each Owner shall be entitled to erect one (1) identifying sign (name and/or address) and one (1) "for sale" sign on their Lot.

Section 5.31 Trailers and Mobile Units. Any travel trailers, vehicle and boat trailers, RV, motorhome or equivalent units, shall be screened by the Owner from public view at all times.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 5.26 (p. 13): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Mont. Code Ann. § 70-17-401.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the Federal Communications Commission OTARD Rule (47 C.F.R. § 1.4000), private covenants may not prohibit, require prior architectural approval for, or limit satellite dishes to 18/24 inches (federal protection covers dishes up to 1 meter / 39.37 inches in diameter), nor may they ban street-visible placement if an alternative location would preclude acceptable signal quality. Similarly, Mont. Code Ann. § 70-17-401 protects residential solar energy installations from aesthetic prohibitions that impair system efficiency.

CURRENT WORDING IN DOCUMENT:
Antennas. No satellite dishes over 18" shall be permitted on any Lot. No exterior television or radio antennas shall be placed on any Lot without the prior written approval of the ACC.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Notwithstanding the foregoing, Owners and residents may install and maintain a direct-broadcast satellite (DBS) dish, MMDS antenna, or television broadcast antenna one meter (39.37 inches) or less in diameter on property within their exclusive use or control without prior architectural approval or application fees, in accordance with the FCC OTARD Rule (47 C.F.R. § 1.4000).