14. No trees measuring in excess of five (5) inches in diameter two (2) feet above the ground shall be harmed, removed, damaged or cut from any Lot without the prior written approval of the ARB Any and all areas to be cut or harvested shall be marked by the Lot owner with appropriate flagging delineating edge of cut and shall be walked by Owner and ARB prior to the commencement of cutting operations. Any timber, hedge or woody barrier removed in excess of the edge of cut or removed from within the edge of cut once marked for exclusion from cut zone shall be replaced in kind plus a surcharge of 150% of stock cost, at the Option of ARB be assessed. In the case of impossibility of replacement due to size, species or the like, then a replacement charge of no less than $500 per plant improperly taken shall be assessed. The ARB may from time to time adopt end promulgate such additional rules and regulations regarding the preservation of trees and other natural resources and wildlife as it may consider appropriate

15. No temporary structure, and no tent (not more than 30 days per calendar year), shack, barn, kennel, stable, shed or other similar buildings or devices shall be erected, used or maintained on any Lot without the prior written consent of the ARB. Clotheslines shall be permitted as long as not in view of street or neighbor. ARB specifically reserves the right to order the relocation of any temporary structure to a less conspicuous portion of the Lot or premises.

16. Except for entrance signs, directional signs, signs for traffic control or safety, community "theme areas" and such marketing, promotional or for sale signs as may be developed, maintained and installed by the Declarant, no signs or commercial, political or other advertising devices of any character or nature shall be erected, posted displayed, projected or inflicted upon the Premises, in or about any Lot or dwelling. However, one real estate "For Sale" sign may be posted on any Lot.

17. No tree, hedge or other landscape feature shall be planted or maintained in a location that obstructs sight lines for vehicle traffic.

ISSUE #1

18. No antennas, radio or communication towers, satellite reception dishes or disk or similar structures shall be erected on a Lot without the approval of the Declarant and/or shall be subject to the ARB standards. However, a satellite reception disk or dish less than 20" In diameter shall be permitted provided it is not viewable from a street

19. No Member shall make any private or exclusive or proprietary use of any of the Common Areas except with the specific approval of the ARB and no Member shall engage or dired any employee of the Association on any private business of the Member during the hours such employee is employed by the Association, nor shall any Member direct supervise or in any manner attempt to assert control over or interfere with any employee of the Association

MARKUP #1 ->

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

Sec. 18 (p. 18): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

No antennas, radio or communication towers, satellite reception dishes or disk or similar structures shall be erected on a Lot without the approval of the Declarant and/or shall be subject to the ARB standards. However, a satellite reception disk or dish less than 20" In diameter shall be permitted provided it is not viewable from a street

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).