

MARKUP #1 ->

HIGHLIGHTS FROM THE DECLARATION AND BYLAWS FOR OWNERS AT THE CURRITUCK CLUB

1. Any structural reconstruction, improvements and/or modifications to your property require advance approval from the Architectural Control Committee. This includes structural additions such as porches, detached structures like garages, storage sheds and carports, or improvements to your property grounds, including landscaping, fencing (walls, barricades, and/or shrubbery), adding a pool or hot tub.
2. Any color(s) chosen for painting or repainting the exterior, other than the existing color(s), of your home require advance approval from the Architectural Control Committee. A color palette of colors pre-approved by the ACC is available in the General Manager’s office.
3. All exposed exterior wood surfaces, including stairs, stair risers, support columns and lattice are required to be painted and in a color approved by the Architectural Control Committee.
4. Exterior lighting shall be restrained and subtle and must be directed so as not to shine directly on another Lot or Dwelling Unit or interfere with the quality of the night environment. No exterior lighting other than at entranceways or stairways will be allowed after 11:00 p.m.
5. All garbage receptacles, tools and equipment for use on a Lot or Dwelling Unit shall be placed in screened areas to shield them from general visibility from roads and neighbors abutting the Lot or Dwelling Unit. No fuel tanks or similar storage receptacles may be exposed to view. Propane tanks may be buried underground. However, no underground storage tanks for natural gas, chemicals, other petroleum products or any other mineral or toxic product will be allowed anywhere in the community.
6. Any exterior air-conditioning or heating equipment must be screened from public view by a screening material or shrubbery approved by the Architectural Control Committee.
7. No leaves, trash, garbage or other debris shall be burned except as permitted by the appropriate government authority. No garbage, trash, construction debris or other unsightly or offensive materials shall be placed or allowed to exist on any property, except as is temporary and incidental to any bona fide improvements being made to a Lot or Dwelling Unit.
8. No television antennas, radio receiver or sender antenna or other similar device shall be attached to or installed on the exterior portion of any Dwelling Unit or structure, or placed on any Lot or Common Properties. A satellite dish not to exceed 18 inches in diameter may be installed.
9. Trees measuring 3 inches or more in diameter, at a point 2 feet above ground level, and any flowering trees or shrubs above 5 feet in height may not be removed from any

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. HIGHLIGHTS FROM THE DECLARATION AND BYLAWS FOR OWNERS AT THE (p. 3): 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:

No television antennas, radio receiver or sender antenna or other similar device shall be attached to or installed on the exterior portion of any Dwelling Unit or structure, or placed on any Lot or Common Properties.

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).