2.15.2 Exterior Decorative Accessories and Installations

All exterior accessories including, but not limited to, address numbers, hardware, house signs, ornamentation, lightfixtures, pole lamps, and lawn ornaments must have priorwritten approval of the ARB prior to installation. Such accessories must conform to the prevailing theme of the Eagles Nest community. No Christmas themed lights, rope style, etc of lighting for decorative or other purposes will be allowed outside of the standard holiday season timeframe of Thanksgiving-New Year.

2.16 ANTENNAE

ISSUE #1

All utilities, wires, cables, antennae and the like, of any kind (such as telephone, electrical, television, radio, and citizen band radios) must be placed underground except as may be expressly permitted and approved in writing by the Eagles Nest ARB. Satellite dishes shall not exceed 24" in diameter and must be placed as unobtrusively as possible.

2.17 POOLS AND SPAS

No above ground pools or inflatable bubble covers will be allowed. Pools and enclosures should relate architecturallyto the home and other structures in their materials and detailing.

2.18 MISCELLANEOUS

Any cleaning, grading, or building without approval of the ARB will result in suspension of work and denial of builder, contractor and/or subcontractors access to the project.
Mulching with hardwood bark is required for all planted areas to provide a smooth transition to the existing natural vegetation. Gravel, pine bark or pine straw are not acceptable as mulching materials.

2.19 TOYS, TOOLS, AND LAWN EQUIPMENT

Toys, bicycles, and other portable play equipment, tools, and landscaping materials and equipment must be stored inside the dwelling, garage or other approved structure or container when not in use.
Sprinklers and hoses must be coiled and stored out of view from streets and neighboring property when not in use.

2.20 ITEMS NOT COVERED

Matters not covered in this document cannot be construed, as authorization to execute by a property owner and must be provided approval in writing by the ARB. When in doubt, contact the Eagles Nest ARB for resolution.

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

Sec. 2.16 (p. 17): 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:
ANTENNAE All utilities, wires, cables, antennae and the like, of any kind (such as telephone, electrical, television, radio, and citizen band radios) must be placed underground except as may be expressly permitted and approved in writing by the Eagles Nest ARB. Satellite dishes shall not exceed 24" in diameter and must be placed as unobtrusively as possible.

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)).