

Revised 9/29/86
Revised 12/17/86
Revised 3/24/87

MARKUP #1 ->

5.12 No tractor, trailer, truck, unlicensed vehicles, boat or recreational vehicle (such as campers, motor homes, horse trailers, etc.) may be stored on a Lot unless such vehicle is kept in a garage or suitable outbuilding, nor shall any such vehicle be parked temporarily in the open on a Lot for a period exceeding seventy-two (72) hours.

5.13 All electrical, television or telephone cables and facilities which are to extend from the street abutting a Lot to any house, building or other structure located on the Lot shall be placed underground (all of the project's utilities will be underground).

ISSUE #1

5.14 No satellite dishes, television towers, radio towers or earth stations (excluding ordinary rooftop television antennas which do not extend more than six (6) feet above the ridge line of the roof) shall be permitted on any Lot.

5.15 All fuel storage containers on a Lot must be placed within the dwelling or underground.

5.16 No rubbish, trash, garbage or waste material shall be kept or permitted on any Lot except in sanitary containers which shall be placed within enclosed areas, so they are concealed from public view.

5.17 During construction, the Owner shall cause all debris to be removed from his Lot and shall not allow the burial of such debris on the Lot or its garbage as fill material to any location on the Lot.

5.18 Each Owner shall keep his Lot and the streets providing access thereto free of accumulations of dirt, mud and debris occasioned by work on or around the Lot by such Owner, his contractor or their agents, representatives or employees. If the Owner shall fail to keep his Lot and the streets free of such accumulations, then in addition to all other rights and remedies Developer and/or the Association may have (including the right to specific performance) Developer and/or the Association shall have the right to remove such dirt, mud, debris and the cost of such removal, including the cost of cleaning and flushing sanitary and storm sewers, catch basins and inlet basins shall be payable by the owner to Developer or the Association, on demand as the case may be.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.14 (p. 9): 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 satellite dishes, television towers, radio towers or earth stations (excluding ordinary rooftop television antennas which do not extend more than six (6) feet above the ridge line of the roof) shall be permitted on any Lot.

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).