

- 8) no clothes line or basketball hoops or backboards shall be located in the front or side yards;
- 9) no large truck, boat, camper, trailer or other similar housing devices to be stored on any said lot, shall be housed within a garage building;
- 10) no planting or maintaining sizeable vegetable or grain gardens;
- 11) said premises shall not be used for the storage of automobiles, trailers, or other such products & material;
- 12) propane or fuel oil tanks must be buried beneath ground level;
- 13) all driveways shall be surfaced with a material that is BLACK in color;
- 14) television antennas or satellite dishes shall be confined to the interior of any structure located upon the premises and shall not be visible from the street;
- 15) no signs (political or otherwise) permitted except “For Rent” or “For Sale”;
- 16) all garbage, rubbish, and debris shall be stored and maintained in containers entirely within the garage;
- 17) No leaves, brush, grass, or other debris shall be dumped in the cul-de-sacs;
- 18) No dumping of anything in or along the Grass Creek – Dumping is illegal;
- 19) Grassy Creek is off limits to children. No play bridges, campsites, or forts are to be built in, along, or near the creek or the embankment;
- 20) All street mailboxes must have the wood logo surround attached to their metal or Rubbermaid mailbox and be kept in good repair and replaced when necessary;
- 21) any violation or attempt to violate any of these restrictions shall be unlawful and any person owning a lot in said subdivision or the Board of Trustees of Three Meadows Association may prosecute any proceedings at law against the person or persons violating or attempting to violate any restrictions and to cause the removal of any violation and to recover damages or other dues for such violation or attempted violation;
- 22) all transfers and conveyances of each and every lot of said subdivision shall be made subject to these covenants and restrictions.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (p. 2): 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:

14) television antennas or satellite dishes shall be confined to the interior of any structure located upon the premises and shall not be visible from the street; 15) no signs (political or otherwise) permitted except "For Rent" or "For Sale"; 16) all garbage, rubbish, and debris shall be stored and maintained in containers entirely within the garage; 17) No leaves, brush, grass, or other debris shall be dumped in the cul-de-sacs; 18) No dumping of anything in or along the Grass Creek - Dumping is illegal; 19) Grassy Creek is off limits to children.

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).