

MARKUP #1 ->

8. No outhouse, privy, or chemical toilet shall be erected or installed on a Lot.
9. Any individual well or water system installed on the Lot shall be of a standard and design and in a location approved by the Association and such system shall comply with the requirements of all local and state codes appertaining thereto. No well shall be installed within 100 feet of any part of sewage disposal system.
10. The Purchaser agrees to join the Association, the only qualification or election to membership being ownership or prospective of a Lot or Lots of acreage within the development, and to maintain such membership, and pay (i) such annual fees or dues as the Association may by its by-laws prescribe, (ii) such assessments as the Association may charge for the repair and maintenance of the roads and, (iii) such assessments as the Association may be charged for control, maintenance and administration of beach and other recreational facilities. Purchaser hereby agrees to require as a condition precedent to the sale of Lots that any purchaser will join the Association.
11. The purchaser shall cut dead and/or fallen trees or branches on the Lot and cause the removal of same when it constitutes a fire hazard. The Purchaser will maintain the Lot in neat condition.
12. No building shall be erected closer to the side line of the Lot than the greater of (i) 15' or (ii) 10% of the Lot width measured at a point of 35' from the front line of the Lot; nor shall any building be erected closer than 50' from the front Lot line, provided that in the case of a corner Lot, no building shall be closer than 15' to the street abutting the long side of such Lot; nor shall any building be erected closer than 25' from the rear Lot line. No Building shall be erected at a point on a site which has an elevation less than 4' higher than the elevation of the spillway on the lake on which the Lot is located.
13. Easements for the installation and maintenance of utilities and for drainage purposes for the benefit of lots in the development are accepted over any lots, which easements are to be contained within 10 ft of all lot lines.
14. No animals shall be stabled or pastured, nor shall domestic animals be bred and raised for commercial purposes on the Lot.
15. There is reserved for the Association for itself, its successors, assigns, and nominees the right to install, erect, construct, maintain, repair and place, wires on poles, guides and supports attached thereto, conduits for electricity, telephone lines, TV aerial service wires, water pipes and lines, sewer and lines, and gas pipes or lines in, on or over the Lot within said easement area and the adjacent roadways and rights of way. The Association agrees to situate such lines as to not unreasonably interfere with the use of the Lot by Purchaser.
16. Enforcement of Community Documents.

a. Upon discovery of a violation of any of the LITC community documents (Covenants, Bylaws, Rules and Regulations), the Board of Directors shall notify the violating member, via certified and regular mail, of the following information:

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5101 (p. 6): 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:

attached thereto, conduits for electricity, telephone lines, TV aerial service wires, water pipes and lines, sewer and lines, and gas pipes or lines in, on or over the Lot within said easement area and the adjacent roadways and rights of way. The Association agrees to situate such lines as to not unreasonably interfere with the use of the Lot by Purchaser.

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).