



Brandy mill Community Association, Inc.
P.O. Box 1086
Summerville, SC 29484

Covenants & Restrictions

Section Nine. Receptacles shall be approved by the Post Office Department and in writing by the ARB. Said receptacles shall be of uniform construction and appearance as prescribed by the ARB and shall be erected in a manner approved by the ARB and at such location as the ARB may in its discretion designate. The ARB may, upon the approval of the Post Office Department, cluster mail receptacles in such location as the ARB may, in its discretion deem appropriate.

No receptacle or any construction for the receipt of newspapers or similar delivered materials shall be erected or permitted except as approved in writing by the ARB. Section Nine. Completion of Construction. The exterior of all homes and other structures must be completed within six (6) months after the date of the construction of same shall have commenced unless such time period is otherwise extended by the ARB where, in the sole discretion of the ARB, such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamity. In any event, no home or structure may be occupied or used until the exterior has been completed.

Section Ten. Obstruction to View at Intersection and Delivery Receptacles. The lower branches of trees or other vegetation in sight line approaches to any street or street intersections shall not be permitted to obstruct the view of same.

Section Eleven. Use of Outbuildings and Similar Structures. No structure of a temporary nature shall be erected or allowed to remain on any Lot, and no trailer, shack, tent, garage, barn or other structure of a similar nature shall be used as a residence, either temporarily or permanently. Sheds or other temporary structures may be used during construction provided that they be approved in writing by the ARB or its designee, and provided further, that such sheds or structures are not used as a temporary residence.

Section Twelve. Sign Boards. No sign boards shall be displayed except "For Rents and "For Sale", which signs shall not exceed {6'} square feet in size. No more than two (2) signs shall be displayed on one Lot at the same time. All signs must be of a design and location approved by the Architectural Review Board.

Section Thirteen. Antenna. No radio or television transmission towers or antenna shall be erected within the restricted property and only the customary receiving antenna which shall never exceed ten (1 O') feet in height above the roof ridge line of any house is allowed.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 32 (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:

Section Thirteen. Antenna. No radio or television transmission towers or antenna shall be erected within the restricted property and only the customary receiving antenna which shall never exceed ten (1 O') feet in height above the roof ridge line of any house is allowed.

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).

ISSUE #1