

MARKUP #1 ->

Section Eleven. 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. No receptacle or container for the receipt of mail, newspapers, or similar delivered materials, shall be erected or permitted to remain between the front street line and the minimum building setback line; provided, however, that this restriction shall be unenforceable insofar as it may conflict with the regulations, now or hereafter adopted, or any governmental agency. Receptacles for the receipt of mail shall be as approved by the Developer.

Section Twelve. 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 similar nature shall be used as a residence, either temporarily or permanently; provided however, this paragraph shall not be construed to prevent the use of sheds or other temporary structures during construction as maybe approved by the Developer.

Section Thirteen. Sign Boards. No signboards shall be displayed except “For Rent” and “For Sale”, which signs shall not exceed two feet by three feet in size. No more than two signs shall be displayed on one Lot at the same time. No sign or any part thereof shall be placed at a height of more than four feet.

ISSUE #1

Section Fourteen. Antenna. No radio or television transmission tower or antenna shall be erected within the restricted property and only the customary receiving antenna which shall never exceed ten (10') feet in height above the roof ridgeline of nay house is allowed.

Section Fifteen. Mining. No Lot or portion thereof shall be used for any mining, boring, quarrying, drilling, remove of, or nay other exploitation of subsurface natural resources, with the sole exception of subsurface water.

Section Sixteen. Air and Water Pollution. No use of any Lot (other than the normal use of residential fireplaces and residential chimneys) shall be permitted which emits pollutants into the atmosphere, or discharges liquid or solid wastes or other harmful matter into any waterway in excess of environmental standards established by federal and state law and any regulations thereunder. No waste or any substance or materials of any kind shall be discharged into any private or public sewer serving the Lots in violation of any regulations of the State of South Carolina or any private or public body having jurisdiction. No person shall dump garbage, trash or other refuse into any waterway or on immediately adjacent to the Lots.

Section Seventeen. Disposition of Trash and Other Debris. Trash, garbage or other waste shall be kept only in sanitary containers. No Owner shall permit or cause any trash or refuse to be kept on any portion of a Lot other than in receptacles customarily used therefore which, except on a scheduled day for trash pickup, shall be located only in a garage or patio. At all other times such containers shall be stored in such a manner that they cannot be seen from adjacent and surrounding property. No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any Lot, except building materials during the course of construction for a period not to exceed 180 days (commencing from day one of the first delivery of any such materials) for any approved structure, unless such materials are screened from view in a manner approved by the Developer. During the course of construction, sites are to be kept free of

Irongate Civic Association, Inc. Covenants

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6 (p. 7): 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 Fourteen. Antenna. No radio or television transmission tower or antenna shall be erected within the restricted property and only the customary receiving antenna which shall never exceed ten (10') feet in height above the roof ridgeline of nay 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).