

MARKUP #1 ->

Plans for such visually screened area delineating the size, design, texture, appearance and location must be approved by the ARB prior to construction. Garbage receptacles and fuel tanks may be located outside of such screened areas only if located underground.

Section 6. Signs. No signs or ornaments shall be erected or maintained on the Property by anyone including, but not limited to, the Property Owner, a realtor, contractor or subcontractor, except with the written permission of the ARB or except as may be required by legal proceedings. If such permission is granted the ARB reserves the right to restrict size, color and content of such signs.

Section 7. Other Buildings and Vehicles. No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any Residential Lot at any time, either temporarily or permanently without prior approval from the ARB. No boats, boat trailers, campers, privately owned golf carts, motor cycles, motor bikes, recreation vehicles, trucks, or utility trailers may be maintained on the Property, unless garaged, without prior written approval of the ARB.

Section 8. Unsightly Conditions. It shall be the responsibility of each Property Owner and tenant thereof to prevent the accumulation of litter, trash, packing crates or rubbish or the development of any unclean, unsightly or unkempt condition of buildings or grounds on his property either before, during or after construction, nor to permit accumulations which shall tend to substantially decrease the beauty of the community as a whole or the specific area.

Section 9. Lights. The design and location of all exterior lighting fixtures shall be subject to the approval of the ARB. Neither these nor any other illumination devices, including but not limited to Christmas ornaments, located anywhere on the structures or grounds of any Residential Lot or Family Dwelling Unit shall be located, directed, or of such intensity to affect adversely the night-time environment of any adjacent property.

Section 10. Water and Sewage. No private water wells may be drilled or maintained on any Residential Lot so long as the Association or a public service district or other governmental unit, its successors and assigns has installed a water distribution line within 100 feet of such property with average daily water pressure in such line adequate for the normal household use in dwellings served by such distribution line.

ISSUE #1

Section 11. Antennas. No television antenna, radio receiver or sender or other similar device shall be attached to or installed on the exterior portion of property within Long Cove Club, nor radio, television signals, nor any other form of electromagnetic radiation shall be permitted to originate from any Family Dwelling Unit or Residential Lot which may unreasonably interfere with the reception of television or radio signals upon any other of such properties, except as follows:

- a. The provisions of this Section shall not prohibit the Association from installing equipment necessary for a master antenna system, security system, cable television and mobile radio systems or other similar systems within Long Cove Club; and
- b. Should cable television services be unavailable and good television reception not be otherwise available, a Property Owner may make written application to the ARB for permission to install a television antenna, satellite dish and such permission shall not be unreasonably withheld.
- c. No Direct Broadcast Satellite Receiver (“DBSR”) units may be installed without prior approval of the ARB.

Section 12. Building Height. No structure shall be constructed which has a height exceeding three (3) stories. The third story of a three-story home shall be located in the attic above the first two floors. The garage area below the flood zone regulation height shall not be considered a story.

Section 13. Topography and Vegetation. Topographic and vegetation characteristics of a Residential Lot shall not be altered by removal, reduction, cutting, excavation or any other means without the prior written approval of the ARB. Written approval will be granted for the minimum amount of earth movement and vegetation reduction required in plans and specifications approved pursuant to the provisions of this Declaration.

Section 14. Tree Removal. No trees, bushes, or underbrush of any kind may be removed without the written approval of the ARB.

Section 15. Certain Controls. To implement effective and adequate erosion control and protect the beauty of the Property, the Association, its successors, assigns, and agents shall have the right to enter upon any property before or after a building or structure has been constructed thereon for the purpose of performing any grading or landscaping work or constructing and maintaining erosion prevention devices. Provided, however, that prior to exercising its right to enter upon the properties for the purpose of performing any grading or landscaping work or constructing and maintaining erosion prevention devices, the Association shall give the Property Owner the opportunity to take any corrective action required by giving the Property Owner notice indicating what type of corrective action is required and specifying in that notice that immediate corrective action must be taken by such Property Owner. If the Property Owner fails to take the corrective action specified immediately, the Association may then exercise its right to enter upon the property

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 11. (p. 12): 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:

Antennas. No television antenna, radio receiver or sender or other similar device shall be attached to or installed on the exterior portion of property within Long Cove Club, nor radio, television signals, nor any other form of electromagnetic radiation shall be permitted to originate from any Family Dwelling Unit or Residential Lot which may unreasonably interfere with the reception of television or radio signals upon any other of such properties, except as follows: a.

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).