

MOSS CREEK OWNERS ASSOCIATION, INC.

MARKUP #1 ->

Part II

Moss Creek Community Pride Program - Enforced by MCOA Administration

To preserve the character of the community, Covenants and the ARB guidelines were developed to establish standards for privately owned property. The focus of the program is preservation of the natural beauty of the community, while establishing property maintenance standards for private residences and undeveloped home sites. Every Owner benefits from these standards, and all have an obligation to abide by community rules, regulations, and ARB guidelines.

In addition to ARB guidelines (see Part III of this document), the ARB also partners with Moss Creek Administration on the Community Pride Program as defined in Part II of the document. The purpose of the Community Pride Program (CPP) is to educate and encourage Owners to maintain their property and to uphold the standards outlined for maintaining home sites and undeveloped lots. The CPP focuses on 5 specific areas:

- Buildings, driveways, walkways and roofs
- Gardening Equipment
- Play Equipment
- Service Areas
- Yard Areas

To ensure adherence to these standards, inspections are performed by MCOA Administrative staff twice during the calendar year, once in the Spring and again in the Fall. Owners will receive notice in advance of inspections by the administrative staff, providing the opportunity to “self-assess” and maintain your property prior to inspections.

Authority

To achieve the purpose of the CPP, the ARB has assigned responsibility to MCOA Administration to identify and enforce community regulations and ARB guidelines related to property maintenance as outlined in the following:

ISSUE #1

- Covenant: Article VI, Section 8 - Rules and Regulations
- Covenant: Article IX, Section 8 - Unclean or Unkempt conditions
- Covenant: Article IX, Section 10 - Lot maintenance
- Covenant: Article IX, Section 16 - Satellite Dishes
- Covenant: Article XVIII, Section 3 - Enforcement

The “3 E’s” to Implementation

Administration, working in partnership with the ARB, has established a 3-step process to ensure owner awareness and compliance.

1. The first step is EDUCATION. This step is to ensure that Owners are informed of what the ARB guidelines or MCOA Covenants, rules and regulations require. To assure this step, MCOA Administration provides education of Owner roles and responsibilities, as well as conducts property inspections twice a year for unclean and/or unkempt residences and surrounding

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. c (p. 9): 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:

Covenant: Article IX, Section 16 - Satellite Dishes Covenant: Article XVIII, Section 3 - Enforcement The “3 E’s” to Implementation Administration, working in partnership with the ARB, has established a 3-step process to ensure owner awareness and compliance.

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).