

MARKUP #1 ->

- e. No temporary sign otherwise permitted may exceed five (5) square feet in area nor exceed three (3) feet in height.
 - f. Signs and banners not allowed include, but are not limited to: notices of public events, house number signs in landscaping, and any type of business or activity advertisement.
 - g. Garage sale signs may be posted in the property owner's yard one day prior to the intended sale date and must be removed no later than the day after the end of the sale. Garage sale signs will not be permitted in neighborhood common areas.
10. All gates or bars covering doorways, garage doors, driveways or windows must be approved by the ACC prior to installation.
11. Restrictions on fences are described in the Covenants, Article V, Section 9, Paragraph (b).
- a. All fencing must be approved by the ACC prior to installation. Residents considering installing a fence are encouraged to check Town of Collierville and Shelby County building code restrictions. These codes do not allow residential fences over six feet tall.
 - b. Fences are required around yards that contain permanently installed children's play equipment. (See Para. 17 below)
 - c. Fences will generally be constructed of cedar or cypress in shadow box or board-to-board style. Masonry, wrought iron or other ornamental metal fences may be allowed.
 - d. All fences will be constructed with the smooth side "out" (i.e., the smooth side should be visible from the street and other properties).
 - e. Chain link fencing will only be allowed if completely screened from the view of the street and other properties by some other fencing material. Even in such situations, ACC approval is required prior to installation.

ISSUE #1

Clotheslines, Firewood, Garbage Cans, Satellite Dishes & Window Coverings

12. Clotheslines will not be permitted.
13. All firewood must be stacked and stored so as to not be visible from the street or other properties.
14. Garbage cans must not be visible from the street and should be screened as much as possible from the view of other properties. For corner lots without fences, placement of garbage cans other than in the garage must be approved by the ACC. Additionally, garbage cans, recycle bins, yard refuse and other material intended for pick up and removal by any outside entity (for example, Collierville Public Works or Salvation Army) must not be placed in public view any earlier than 5pm on the day prior to the intended pick up date. Further, empty garbage cans and recycle bins, or any other items left after the intended pick up should be removed from public view not later than the morning after the intended pick up date.
15. Antennae and towers for reception and/or transmission of any type electronic signal are generally prohibited. Satellite dishes of 24" or less in diameter are permitted if located out of view from the street. Installation of satellite dishes and towers must be approved by the ACC.
16. Any interior window coverings visible from the street or another property must be white or some other "neutral" color consistent with the exterior coloration of the house or structure.

Children's Toys and Equipment, Animals, and other Miscellaneous Property Items

17. All permanently installed swing sets, jungle gyms, tree houses, dog houses, play houses, pool houses, potting sheds, etc. must be designed to be architecturally consistent with the main structure and harmonious with the neighboring structures and natural surroundings. Any permanently installed children's play equipment must

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. (b) (p. 4): 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:

Clotheslines, Firewood, Garbage Cans, Satellite Dishes & Window Coverings

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).