

TCT/40185014

interpretation of such words may be kept, maintained, or cared for on any Lot. No Owner may keep on such Owner's Lot more than four (4) cats and dogs, in the aggregate, not more than two (2) of which may be dogs. No Owner may keep on such Owner's Commercial Lot any animal other than guide dogs assisting visually impaired individuals. No animal shall be allowed to make an unreasonable amount of noise, or to become a nuisance. No animal may be stabled, maintained, kept, cared for, or boarded for hire or remuneration on the Property, and no kennels or breeding operation will be allowed. The foregoing notwithstanding, the Declarant may permit livestock (cattle, goats, sheep, and horses) and other animals on undeveloped portions of the Property (that is, areas within the Property which are not then being used for Residential Use, Commercial Use, or the Golf Course).

(f) Rubbish and Debris. No rubbish or debris of any kind shall be placed or permitted to accumulate upon the Property, and no odors shall be permitted to arise therefrom so as to render the Property or any portion thereof unsanitary, unsightly, offensive, or detrimental to any other property or to its occupants. Refuse, garbage, and trash shall be kept at all times in covered containers, and such containers shall be kept within enclosed structures or appropriately screened from view. Each Owner shall contract with an independent disposal service to collect all garbage or other wastes, if such service is not provided by a governmental entity.

(g) Antennae. No exterior radio or television antenna or aerial or satellite dish receiver which is visible from any other Lot or street shall be erected or maintained on any Lot without obtaining the prior written consent of the ADRC. The foregoing notwithstanding, in the event the absolute prohibition of such antenna or receivers is invalidated or held to be unenforceable in any respect, then no exterior radio or television antenna, satellite dish or similar device shall be permitted to be erected or placed on any Lot (i) unless the same is screened (by appropriate landscaping or other approved screening materials) from view from adjoining Lots, streets and other portions of the Property, and (ii) towers of any type taller than ten feet (10') shall be prohibited, and (iii) satellite dishes or similar receivers over eighteen inches (18") inches in diameter shall be prohibited.

(h) Signs. No sign of any kind shall be displayed to the public view on any Lot without the prior written approval of the ADRC, except for (i) signs which are part of PCJV's or another Developer's overall marketing or construction plans or activities for the Property, and (ii) one (1) sign of not more than five (5) square feet, advertising any Lot or Condominium Unit for sale or rent, and (iii) signs located on the Property which relate to the Golf Course. The foregoing notwithstanding, in no event shall any signs directly facing the Golf Course be permitted on any Lot. Commercial Lots are subject to the additional restrictions set forth below. The ADRC is specifically authorized to adopt additional rules and regulations relating to signage, including allowance for political signs during elections and informational signs from the Master Association relating to news and events about Avery Ranch.

(i) Tanks. No elevated tanks of any kind or above-ground swimming pools shall be erected, placed or permitted on any Lot.

(j) Temporary Structures/Accessory Buildings.

(i) No tent, shack, or other temporary building, improvement, or structure shall be placed upon the Property without the prior written approval of the ADRC. The foregoing notwithstanding, (i) with respect to development of those portions of the Property intended for residential use and for the construction of Houses, temporary structures necessary for storage of tools and equipment and for office space for architects, builders, superintendents, and foremen during actual construction and for sales offices for the sale of such Houses may be maintained so long as such temporary construction and

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2006051255.007 (p. 8): 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:
No exterior radio or television antenna or aerial or satellite dish
(g) receiver which is visible from any other Lot or street shall be erected or maintained on any Lot without obtaining the prior writteh consent of the ADRC.

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).