



MARKUP #1 ->

3.17 No individual sewage disposal system shall be permitted on any Lot unless such system is designed, located and constructed in accordance with the requirements, standards and recommendations of local health authorities and in conformity with the minimum recommended standards of the Department of Health of the State of Texas and the Franklin County Water District. Approval of such system as installed shall be obtained from such authorities. All existing systems shall be maintained and function in accordance with all applicable state and local laws and regulations.

Public Sewer System

3.18 In the event a public or community sewer system becomes available, the Board shall have the power and authority to require connection of all residences to such system and to prohibit further use of septic tank systems.

Water, Electricity, Telephone

3.19 Electric, water and telephone services are provided by public utility companies and shall be made available for each Lot in the Development. All residences shall be connected with water and electric services. Each Owner shall bear the expense of paying any deposits, cooperative membership fees or other hook-up fees, installation charges or assessments incurred or required in obtaining water, electric and telephone service for his/her own use.

Gas

3.20 The Association makes no representation and there shall be no provision for natural gas or liquefied petroleum gas (LPG) service in the Development. Individual service for LPG is permitted and may be obtained through tank storage but no gas transmission lines are permitted in the Development.

Roads

3.21 Roads shall be provided and reasonably maintained by the Association to afford access to the exterior front boundary of each Lot in the Development. (Revised May 18, 2019)

Easement for Utilities

3.22 There is reserved for the use of the Association to facilitate the orderly placement of utility services within the Development, and for the use of all Owners within the Development, a ten (10) feet wide easement along the front roadside of each Lot and a five (5) feet wide easement along the exterior boundary lines of each Lot in the Development (such easement being ten (10) feet wide on the front and five (5) feet wide on the exterior boundary lines of each Lot and being within the boundary of each Lot) for the installation, operation and maintenance of utilities and drainage facilities. No permanent structure or other improvement shall be placed so as to interfere with the placement of utility services within the easement area.

ISSUE #1

Outside Antenna

3.23 Free-standing outside antenna in excess of 6’ high shall not be installed on any Lot in the Development unless approved by the Architectural Control Committee or other such committee as the Board may appoint to oversee these matters. (Revised May 18, 2019)

Driveways

3.24 All driveway locations shall be approved by the Architectural Control Committee. Owners shall provide and install culverts in any road drainage ditch where a driveway access to a Lot is located, and shall keep said culvert open and clear of dirt, debris and vegetation. Culvert material and minimum diameter shall be determined by the Architectural Control Committee prior to installation. (Revised May 18, 2019)

Billboards and Signs

3.25 No billboards, signboard, or advertising displays of any kind shall be installed, maintained or permitted to remain on any Lot, except that one sign containing not more than four (4) square feet of surface area may be displayed in connection with the sale of any Lot with a dwelling thereon or a lakefront Lot with or without a dwelling thereon. Such signage on any lakefront property may be placed on the road side and the water side of the property. No unapproved signage shall be allowed on Lots without

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.23 (p. 6): 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:

Free-standing outside antenna in excess of 6’ high shall not be installed on any Lot in the Development unless approved by the Architectural Control Committee or other such committee as the Board may appoint to oversee these matters. (Revised May 18, 2019)
Driveways

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).