

MARKUP #1 ->

Control Committee and a burn permit having been obtained from the local agency with applicable jurisdiction.

Section 29. Storage of Vehicles and Equipment. No boat, trailer*, recreation vehicle, camping unit, bus, commercial truck or self-propelled or towable equipment or machinery of any sort shall be permitted to park on any Lot except in an enclosed structure or screened from view. No business vehicles displaying commercial signs or advertising shall be permitted to be parked within public view on any Lot, other than service vehicles contracted by Owners to perform specific services. No repair or maintenance work shall be done on any of the foregoing, or on any automobile (other than minor emergency repairs), except in garages or other enclosed structures. Owners shall not park more than three automobiles to be visible from any portion of the Property for any period more than seventy-two (72) hours, and no vehicles may be parked overnight on any street within the Property.

*Exception: One (1) horse or utility trailer may be permitted to park in view on the Lot, provided that the trailer is not parked in front of the home, is at least 150 feet from the street, and is not loaded with trash, cargo, debris for more than 72 hours.

Section 30. Visual Screening on Lots. No article deemed to be unsightly by the Architectural Control Committee shall be permitted to remain on any Lot to be visible from adjoining property or streets. The drying of clothes in public view is prohibited, and the Owners or occupants of any Lot where the rear or side yard portion of the Lot is visible to the public shall construct and maintain a drying yard or other suitable enclosure to screen drying clothes from public view. Similarly, all service areas, storage areas, loading areas, propane tanks, water storage tanks and appurtenant equipment, yard equipment, woodpiles or storage piles shall be kept screened, in order to conceal them from view from neighboring Lots or streets.

Section 31. Construction Work. Except in an emergency or when other unusual circumstances exist, as determined by the Architectural Control Committee, outside construction work or noisy interior construction work shall be permitted only after 7:00 a.m. and before 7:00 p.m. with no work permitted on Sunday and specified government holidays.

ISSUE #1

Section 32. Antennas, Satellite Dishes and Other Transmission Devices. Without the prior written approval of the Architectural Control Committee, no television or radio antenna, satellite dish, or other apparatus for the transmission of signals of any kind shall be placed, allowed or maintained outside a Living Unit or on the exterior of any other building or improvement located on a Lot, if it is visible from the street or another Lot.

Section 33. Signs, Advertisements and Billboards; Street Address Signs. No sign, advertisement, billboard or advertising structure of any kind shall be displayed to the public view on any portion of the Properties or any Lot or Living Unit except:

- a. An Owner may erect one (1) sign on the Lot, not exceeding 2' x 3' in area, fastened only to a stake in the ground and extending not more than three (3) feet above the surface of such Lot, advertising the property for sale.
- b. Not more than two political signs, not exceeding 2' x 3' in area each, may be

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 32. (p. 31): 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, Satellite Dishes and Other Transmission Devices. Without the prior written approval of the Architectural Control Committee, no television or radio antenna, satellite dish, or other apparatus for the transmission of signals of any kind shall be placed, allowed or maintained outside a Living Unit or on the exterior of any other building or improvement located on a Lot, if it is visible from the street or another Lot.

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).