

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

COUNTRY CREEK ASSOCIATION, INC.
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

or sale of buildings and lots or other parcels of the Properties.

Section 9. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot. except that dogs, cats and other household pets may be kept provided that they are not raised, bred or kept for any commercial purpose.

Section 10. The Association shall have the right (if after twenty (20) days' notice it the Owner of the Lot or Lots involved, setting forth the action intended to be taken, such action has not been taken by the Owner) to trim or prune, at the expense of the Owner, any hedge or other planting that in the opinion of the Architectural Control Committee, by reason of its location or the height to which or the manner in which it is permitted to grow, is detrimental to adjoining property or is unattractive in appearance. The association shall further have the right, upon like notice and conditions, to care for any vacant or unimproved lot, and to remove grass weeds, and rubbish therefrom and do any and all things necessary or desirable in the opinion of the Architectural Control Committee to keep such lot in neat order, and at the cost and expense of the Owner.

ISSUE #1

Section 11. No exterior antenna for the transmission or reception of radio or television signals shall be erected or permitted on any building or Lot or other parcel of the Properties.

Section 12. ~~No lot shall be used or maintained as a dumping~~ ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition. No material or refuse or any container for the same shall be placed or stored in the front of any house, or on the patio or stoop at any time, except in enclosed rear yard. All trash and garbage shall be placed in covered trash cans in the trash area provided. The Association shall have the right to impound any trash can or receptacle which is placed in violation of this paragraph and to enter onto a lot for this purpose.

Section 13. No commercial truck, commercial bus or other commercial vehicle of any kind shall be permitted to be kept or parked overnight upon any portion of the Properties.

Section 14. No portion of the Properties shall be used for the repair of automobiles, nor shall any vehicles other than a private automobile be parked in any of the parking spaces maintained by the Association. After ten (10) days written notice to the owner of any vehicle parked in violation of this covenant, the Association may remove such vehicle at the expense of the Owner thereof.

Section 15. No baby carriages, bicycles or other articles of personal property shall be deposited, allowed or permitted to remain on any Lot except in the enclosed rear area. The Association

Sec. 11. (p. 12): 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 antenna for the transmission or reception of radio or television signals shall be erected or permitted on any building or LOT or other parcel of the Properties.

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).