

No exterior fuel tanks, including but not limited to fuel oil tanks, propane gas tanks and/or motor vehicle fuel tanks, whether above ground or below ground, shall be permitted on any Lot or Outlet.

All Lots shall be provided with electric, natural gas, and telephone service by means of underground installation only. No residence or other building or structure on any Lot shall be serviced by the use of any secondary overhead service wires. Cable television lines, if installed, shall be by means of underground installation only. All costs and expenses involved in installing underground utility service connections on any Lot between the utility companies' secondary pedestals and the buildings on any Lots shall be paid by the owner of said Lot.

17. ANTMALS ANTJ LIVESTOCK AND POULTRY

No animals may be raised, bred or kept on any Lot or Outlet other than dogs, cats, or other household pets providing they are not raised, kept, bred or maintained for any commercial purpose. By way of enumeration, and not by way of limitation, the term "household pets" does not include livestock, poultry, goats or pigs of any kind.

18. SIGNS

No sign of any kind shall be displayed to the public view on any Lot except one sign not more than two square feet in size identifying the property of the owner, one sign not more than five square feet in size advertising the property for sale or rent, a sign used by a builder to advertise a residence for sale, or as a model home, but only during the construction and sales period, such signs as may be used by the Developer in conjunction with initial Lot sales in the Subdivision, or one or more subdivision entrance signs erected by the Developer and/or by the Association. No sign of any kind shall be displayed to the public view on any Common Area without the express consent of the Association or its Board of Directors.

19. LAWN AND YARD

In addition to the normal maintenance and mowing of lawn areas on a Lot. the owner of each Lot shall also maintain the lawn and yard area in front of the Lot from the property line (front lot line) to the back of the curb and gutter section or shoulder of the public roadway. On Lots having frontage on the Lake, the Lot Owner shall maintain the area between the Lot line and the water surface of the Lake, and that portion of the berm surrounding the Lake which is located on or adjacent to the Lot Owner's Lot. In addition to mowing, the Lot Owner shall keep these areas free of debris and in all other ways properly maintained.

20. ANTENNAE

No exterior antennas, other than dish type antennas not exceeding 24 inches in diameter, shall be permitted on any lot.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 20 (p. 10): 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:

ANTENNAE No exterior antennas, other than dish type antennas not exceeding 24 inches in diameter, shall be permitted on any 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).

ISSUE #1