14. **ROADS AND PARKING**. The roads within the Area are dedicated to public use and are subject to the control of the **Gros Ventre West Special Improvement District.** No vehicle, whether motorized or otherwise, shall be parked on the roads within the Area at any time. Except for cars, vans and pick-up trucks, no recreational vehicle or trailer shall be placed, parked or maintained on any lot within the Area unless shielded from view from other lots within the Area. Construction related parking to be allowed per Design/Contractor Guidelines.

15. **NUISANCES PROHIBITED**. No noxious or offensive activity shall be conducted on any lot in the Area, nor shall anything be done or cause to be done which may be or become an annoyance or nuisance to any neighboring property within the Area.

Snow machines, ATVs, motorized dirt bikes and other similar unlicensed motorized vehicles are specifically prohibited from recreational use on subdivision roads and property. It is the responsibility of the lot owners to control those activities of their tenants and invitees.

16. **UTILITIES AND SERVICES**. Under no circumstances shall the paved subdivision roadways be disturbed for installation of water, sewer or utilities or for any other reason, without the express written consent of the **Gros Ventre West Special Improvement District**. All utility and service lines, including but not limited to electric, radio, television, telephone, water and sewer lines, shall be placed beneath the ground. Except for neatly stacked firewood, all above ground fuel storage shall be concealed from the view of persons off the lot on which such storage is located.

Solar panel installation should minimize light reflection directed at other houses.

The burning of trash or refuse on any lot is prohibited except by special permit to be granted by the by the Site Committee. Garbage containers shall not remain in open view at any time except on the day of collection. No trash, brush piles, rubbish, junk, inoperative vehicles of any kind or other unsightly items of property or waste shall be collected, placed or remain on any lot within the Area. The owner or occupant of any lot shall do all things necessary to keep the same in a neat condition and in good appearance.

ISSUE #1

17. **ANTENNAS**. No exposed television, radio or other communication antenna shall be erected, placed or permitted to remain on any lot within the Area so that it is visible from any other lot, provided that satellite dish antennas for television and data reception and transmission are allowed if located in an unobtrusive location and the dish is no larger than three feet in diameter.

18. **UTILITY EASEMENT**. An easement is hereby granted and reserved for the benefit of the Area , to be located where necessary and reasonable, across land within the Area, as designated on the above mentioned Plats, but no greater than fifteen feet in width, to provide for the installation and maintenance of water, sewer, power and other utilities.

19. **COMBINATION AND SUBDIVISION**. No lot or lots shall be combined or subdivided in any manner except that two contiguous lots, if owned by the same record owner, may be combined as one lot, or the center lot of three contiguous lots may be subdivided in order to enlarge the two remaining lots. Each combined lot shall be treated as one lot for the purposes of applying this Declaration except for the provisions relating to assessments wherein each combined lot shall be considered to consist of a number of lots or portion thereof. The record owner or owners of any such combined lot shall, in writing to be recorded in the Office of the County Clerk of Teton County, Wyoming, elect to have this Declaration so applied, but these requirements

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 17 (p. 7): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

ANTENNAS. No exposed television, radio or other communication antenna shall be erected, placed or permitted to remain on any lot within the Area so that it is visible from any other lot, provided that satellite dish antennas for television and data reception and transmission are allowed if located in an unobtrusive location and the dish is no larger than three feet in diameter.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).