ISSUE #1

MARKUP #1 ->

Exterior lighting fixtures shall not cause glare to any adjacent lot. All exterior lighting must be in compliance with Teton County Building Codes.

e. Utilities shall be installed underground. No antenna or satellite dish shall be installed on any structure or lot so that it is visible from any other lot and there shall be no visible roof antenna.

ARTICLE VIII
LAND CLASSIFICATIONS, USES AND RESTRICTIVE COVENANTS

Section 1. Land Classifications. All land within River Hollow has been classified into the following areas:

a. Residential;

b. Common area;

Section 2. General Restrictions. The following general restrictions shall apply to all land, regardless of classification:

a. No Development shall be erected, placed, done or permitted to remain on any structure, lot or tract until the plans, specifications and exterior material samples and color selections therefore and landscape plan have been approved in writing and a building permit has been issued by the Site Committee. Maintenance of existing finishes with no changes is permissible without approval. Plans for new buildings or improvement of existing structures shall include scaled floor plans, exterior elevations indicating height, a list of exterior materials, a site plan and landscape plan. Plans and elevations shall clearly show all external features and materials for all structures. They shall show garages, porches, decks, stoops, chimneys, vents, doors and windows, trim and special architectural features. Site plans shall show the elevations of finished floors and existing and finished grades, existing trees or shrubs, and shall show the entire site and the location of all rights-of-way, easements, buildings, decks, driveways, parking areas, fences and utilities. The landscape plan shall show tree and shrub plantings, lawn areas, areas to be irrigated, berming, and other features. Specifications shall describe all exterior finishes.

b. The sum of one hundred and no/100-----DOLLARS ($100.00) for each residential lot shall be submitted and immediately deposited into a River Hollow Homeowners Association designated bank account, along with the proposed building, site or alteration plans to the site committee to cover the expenses of reviewing said plans. Said amount may be increased from time to time by the Site Committee rules.

c. Five copies of any proposed plans and related data shall be furnished to the Site Committee, one of which may be retained by the Site Committee for its records. Any approval given by the Site Committee shall not constitute a warranty, express or implied, of compliance with any applicable building or safety codes or for any other purpose other than the authority for the person submitting the plan to commence construction.

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3 (p. 12): 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:

A dog run shall be permitted provided that the size, construction and location shall have been approved by the Site Committee. Exterior lighting fixtures shall not cause glare to any adjacent lot. All exterior lighting must be in compliance with Teton County Building Codes. e. Utilities shall be installed underground. No antenna or satellite dish shall be installed on any structure or lot so that it is visible from any other lot and there shall be no visible roof antenna.

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)).