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Debra K. Lee. CLERK OF LARAMIE COUNTY. WY PAGE 3 OF 14

ISSUE #1

MARKUP #1 ->

Television antennas are prohibited. Specialty antennas utilized for purposes other than ~~television must be approved by the Architectural Control Committee.~~ Television satellite dishes may be allowed, but their location and screening design must take into account adjacent Lot Owner's views and the views from the public roadways which serve the Subdivision. Approval for the installation of satellite dishes must be obtained from the Architectural Control Committee prior to any installation.

No Lot shall be used or maintained as a dumping ground or storage area for rubbish or junk, specifically junked vehicles, unlicensed vehicles, vehicles which are not in running condition or are in a state of disrepair and/or appliances and similar objects. Trash, garbage or other waste shall be kept only in secured and anchored down sanitary containers. All sanitary containers or disposal equipment shall be of the type and kind that can be removed and/or emptied on a regular basis. No burning of grass, weeds, trash, construction materials, waste or any other material of any sort shall be allowed at any time. All equipment for the storage or disposal of such material shall be kept in cleaned and sanitary condition. No trash, litter or junk shall be permitted to remain exposed upon the premises. No parking of any vehicles or storage of personal items is allowed on the landscaped areas of the Lots. The landscaped area of a Lot is defined as the remainder of the Lot area not encumbered by a dwelling and garage footprint, driveways, or other specific hardscaped areas which require approval from the Architectural Control Committee.

COMMERCIAL ENTERPRISES/HOME OCCUPATIONS. No commercial business activity other than home occupations as allowed by any and all Municipal Codes and Ordinances may be conducted upon any Lot with the Subdivision. Home occupations shall be pre-approved by the Architectural Control Committee.

FURTHER SUBDIVISION RESTRICTION. No Lot may be further divided into smaller Lots except by Declarant.

ARCHITECTURAL CONTROL COMMITTEE. An Architectural Control Committee for the Subdivision is constituted. This Committee is composed of William J. Edwards, John M. Edwards, Will Edwards, and Julianne Randall or their successors as provided for herein. All notices to the Committee required herein shall be sent to 506 Shoshoni Street, Cheyenne, Wyoming 82009. All Committee actions or decisions shall be by majority vote. A majority of the Committee may designate a representative to act for it. In the event of a vacancy due to death, termination or resignation of any member, the remaining members shall have full authority to designate a successor. None of the members of the Committee nor its designated representative shall be entitled to compensation of any kind for services performed as a member of the Committee.

The Committee shall not be liable for damages by reason of any action, inaction, approval or disapproval by it with respect to any request or application made pursuant to the Declaration. Any approval or permission granted by the Committee shall not be construed to constitute approval or permission by any official or commission of any

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. N/A (p. 3): 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:
Television antennas are prohibited.

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)).