Section 9 - Sample Provision Excerpt (Public Preview)

Certain elements may be excluded in the measurement of height such as antennae and chimneys - if the element does unreasonably impair the view. AC Operating Procedures 2023 01 09. doc In determining height, reference should be made to the diagrams below.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9 (p. 4): 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...

CURRENT WORDING IN DOCUMENT:
Certain elements may be excluded in the measurement of height such as antennae and chimneys - if the element does not unreasonably impair the view. AC Operating Procedures 2023 01 09. doc In determining height, reference should be made to the diagrams below.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Certain elements may be excluded in the measurement of height such as antennae and chimneys - if the element does not unreasonably impair the view. AC Operating Procedures 2023 01 09. doc In determining height, reference should be made to the diagrams below.