

Section 3. - Sample Provision Excerpt (Public Preview)

stacks. No outside televialon or radio pole or antenna shall be constructed, erected or maintained on any bulding or on any Lot or connected in such manner as to be visible from the outside of any such bulding.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3. (p. 25): 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:

stacks. No outside televialon or radio pole or antenna shall be constructed, erected or maintained on any bulding or on any Lot or connected in such manner as to be visible from the outside of any such bulding.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

stacks. No outside televialon or radio pole or antenna shall be constructed, erected or maintained on any bulding or on any Lot or connected in such manner as to be visible from the outside of any such bulding. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay...