Section ALL FENCING ADDITIONS MUST BE APPROVED BY THE ARCHITECTURAL - Sample Provision Excerpt (Public

ALL FENCING ADDITIONS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE BEFORE WORK BEGI
AND SHALL BE DESIGNED TO MINIMIZE ANY ENCROACHMENT ON VIEW LINES OF OTHER HOMEOWNERS. An exception is made if the fence is being replaced to the exact location, material, size, and color of an existing fence. ANTENNA POLICY Definitions An antenna includes:

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ALL FENCING ADDITIONS MUST BE APPROVED BY THE ARCHITECTURAL (p. 10): 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:
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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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