Section 7. - Sample Provision Excerpt (Public Preview)

such as towers, poles, television or radio antennae, satellite transmission or reception equipment of any kind, exterior clothesline or unenclosed garbage receptacles unless previously approved by the Architectural Control Committee as set forth herein.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7. (p. 5): 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:
such as towers, poles, television or radio antennae, satellite transmission or reception equipment of any kind, exterior clothesline or unenclosed garbage receptacles unless previously approved by the Architectural Control Committee as set forth herein.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
such as towers, poles, television or radio antennae, satellite transmission or reception equipment of any kind, exterior clothesline or unenclosed garbage receptacles unless previously approved by the Architectural Control Committee as set forth herein.