

Section 1: [Rules Enforcement and Fines Procedures, Section 1] Suspension of Voting Rights as Discipline

The failure to abide by the governing documents can result in the imposition of fines, temporary suspension of voting rights, or other appropriate discipline including imposition of reimbursement assessments...

Section 2: [Architectural Guidelines, Section 7.7] Solar Panels

7.7.1 Solar panels not on the roof of a building must be installed at least 5 feet from a side or rear lot lines. 7.7.2 These panels must be concealed from neighboring or street view. If necessary, a fence or wall not higher than 5 feet shall be installed to effect the concealment. 7.7.3 Rooftop solar panels must be on or below the plane of the roof (not elevated).

Section 3: [Architectural Guidelines, Section 7.9] Video, Television, and Satellite Dish Antennae

ISSUE #1 7.9.1. No video, television or satellite dish antennae may be installed outside the interior of any dwelling unit without the prior approval of the ACC. 7.9.2. To request approval from the ACC, the property owner/applicant shall submit to the ACC the following information: Complete descriptions of the equipment to be installed, including all dimensions of the equipment.

Section 4: [Rules Enforcement and Fines Procedures, Section 2] Violation Defined; Continuing Per Diem Violations

If the detrimental effect of a violation continues for additional days, discipline imposed by the Board may include one component for the violation and, according to the Board's discretion, a per diem component for so long as the detrimental effect continues.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.9.1 (p. 1): 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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

No video, television or satellite dish antennae may be installed outside the interior of any dwelling unit without the prior approval of the ACC. 7.9.2. To request approval from the ACC, the property owner/applicant shall submit to the ACC the following information: Complete descriptions of the equipment to be installed, including all dimensions of the equipment.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).