

Section ANTENNAS - Sample Provision Excerpt (Public Preview)

ANTENNAS

1. Television, radio antenna, satellite dishes larger than on meter in diameter or other similar electronic devices, shall not be installed on the exterior of any residence, unless the device has been clearly approved by the ARC.

2. [REDACTED] status may be permitted subject to ARC approval.

Wilmont Ranch Maintenance Corporation
Architectural...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. ANTENNAS (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:

ANTENNAS 1. Television, radio antenna, satellite dishes larger than on meter in diameter or other similar electronic devices, shall not be installed on the exterior of any residence, unless the device has been clearly approved by the ARC. 2. These apparatus may be permitted subject to ARC approval. Wilmont Ranch Maintenance Corporation Architectural...

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).