ISSUE #1

Section 7.11 - Sample Provision Excerpt (Public Preview)

Antenna. No exterior radio, television, microwave, or other antenna or antenna dish or signal capture or distribution device in excess of three feet high or 24 inches in diameter shall be permitted or installed on any Lot. Any permitted antenna shall be installed at a location approved by the Association.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 7.11 (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Flagged under 47 C.F.R. § 1.4000 (FCC OTARD Rule): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property is preempted by federal FCC OTARD regulations.

CURRENT WORDING IN DOCUMENT:

Antenna. No exterior radio, television, microwave, or other antenna or antenna dish or signal capture or distribution device in excess of three feet high or 24 inches in diameter shall be permitted or installed on any Lot. Any permitted antenna shall be installed at a location approved by the Association.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend 7.11 in consultation with association legal counsel so the provision conforms to 47 C.F.R. § 1.4000 (FCC OTARD Rule).