ISSUE #1

Section 18 - Sample Provision Excerpt (Public Preview)

No antennas, radio or communication towers, satellite reception dishes or disk or similar structures shall be erected on a Lot without the approval of the Declarant and/or shall be subject to the ARB standards. However, a satellite reception disk or dish less than 20" In diameter shall be permitted provided it is not viewable from a street...

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 18 (p. 1): Statutory or governing hierarchy conflict flagged in community PDF.

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): Statutory or governing hierarchy conflict flagged in community PDF.

CURRENT WORDING IN DOCUMENT:

No antennas, radio or communication towers, satellite reception dishes or disk or similar structures shall be erected on a Lot without the approval of the Declarant and/or shall be subject to the ARB standards. However, a satellite reception disk or dish less than 20" In diameter shall be permitted provided it is not viewable from a street...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).