Section I - Sample Provision Excerpt (Public Preview)

Window air conditioners, exterior antennae, clothes lines or poles, awnings, and structures of a temporary nature, such trailers, tents, or sheds are prohibited. J. Trash pick-up is on Wednesday morning except when a holiday falls on Monday, Tuesday, or Wednesday, in which pick-up is delayed until Thursday. K.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

Sec. I (p. 3): 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:
Window air conditioners, exterior antennae, clothes lines or poles, awnings, and structures of a temporary nature, such as, trailers, tents, or sheds are prohibited. J. Trash pick-up is on Wednesday morning except when a holiday falls on Monday, Tuesday, or Wednesday, in which pick-up is delayed until Thursday. K.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Window air conditioners, exterior antennae, clothes lines or poles, awnings, and structures of a temporary nature, such as, trailers, tents, or sheds are prohibited. J. Trash pick-up is on Wednesday morning except when a holiday falls on Monday, Tuesday, or Wednesday, in which pick-up is delayed until Thursday. K. No sustained activity which interferes with the peaceful possession and proper use...