

- b. Permanent standby generators approval will be based on relative size, location, noise, exhaust impact and aesthetics on applicant’s unit as well as the neighboring unit. The generator shall be installed by a registered electrician in accordance with applicable state, county and Township regulations, and the manufacturer’s specifications.

ISSUE #1

20.

Satellite Dishes/Antennas

- a. Satellite dishes or antennas may only be installed on a homeowner’s property.
- b. Sizes of above shall be smallest size possible and shall not exceed one (1) meter in diameter or diagonal dimension.
- c. To the maximum extent possible, ground level satellite dishes shall be screened from view from the street, and other lots using landscaping or fencing.
- d. Satellite dishes/antenna may not be installed on the ground in the front yard where they may be easily viewed by other homeowners unless the homeowner can document that the signal reception is unacceptable in the described preferred installation locations.
- e. All exposed wires shall be concealed and made as unobtrusive as possible.
- f. Satellite dishes and antennas must be properly installed in accordance with all applicable state and county statutes and regulations, as well as the manufacturer’s specifications.

Section 2

ARB Solar Panel Rules

Please see Section 4 for application and approval process. Once changes/modifications have been completed, the ARB committee will inspect completed changes for compliance. The laudable goal of saving energy and incorporating equipment and systems into and onto homes has resulted in increased interest in the installation and use of solar energy devices and equipment. The Association does not want to prevent use of such devices, but feels it is important to ensure that such equipment is reasonably controlled as to appearance and location of installation, so as to protect neighbors and the community as a whole from unsightly equipment and/or installation, and to protect homeowner value. Accordingly, the purpose of these rules about solar energy and equipment is to reasonably control use and location to protect home values and aesthetics in the community, without preventing their use.

1. Due to the high density of areas of our community, solar panels shall only be allowed in the Classics and Estates. However, solar panel requests from other sections of the community will be considered on a case by case basis considering safety, the density of

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4 (p. 21): 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:

Satellite Dishes/Antennas a. Satellite dishes or antennas may only be installed on a homeowner's property. b. Sizes of above shall be smallest size possible and shall not exceed one (1) meter in diameter or diagonal dimension.

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).