

Section IV - Sample Provision Excerpt (Public Preview)

temporary, including but not limited to, television satellite disc systems, radio antenna or towers, shall be erected, placed or altered on any lot or lots until and unless building plans, specifications and plot of such residence, structures or television satellite disc systems have been approved in writing by the ARC as to the conformity and harmony of...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. IV (p. 6): 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:

temporary, including but not limited to, television satellite disc systems, radio antenna or towers, shall be erected, placed or altered on any lot or lots until and unless building plans, specifications and plot of such residence, structures or television satellite disc systems have been approved in writing by the ARC as to the conformity and harmony of...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

temporary, including but not limited to, television satellite disc systems, radio antenna or towers, shall be erected, placed or altered on any lot or lots until and unless building plans, specifications and plot of such residence, structures or television satellite disc systems have been approved in writing by the ARC as to the conformity and harmony of external design and consistence with plans...