

Section 27. - Sample Provision Excerpt (Public Preview)

Radjo. JY Antennae. Te)evijpo Dishes. Solar Panels. Window Ajr Conditioners. No radio or television aerial wires, towers, antennae, discs, satellite dishes, solar panels, window or wall mounted air conditioners, or other unsightly apparatus or equipment of any type shall be erected, installed or placed on any Lot which extend more than eight (8') feet above the highest part of the roof of that dwelling and shall not be located on the front part of the dwelling or on the side of the dwelling nearer than ten (10') feet...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 27. (p. 13): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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