MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->



## Section 8.16. - Sample Provision Excerpt (Public Preview)

cransmitting antenna
similar
equipment upon any Lot unless such
appaiatus
is erected and maintained in such a vay that it is screencd
from public vies in a manner acceptable to the Architectural Controi

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

**Sec. 8.16. (p. 15): 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:

cransmitting antenna similar equipment upon any Lot unless such appaiatus is erected and maintained in such a vay that it is screencd from public vies in a manner acceptable to the Architectural Controi Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

**Fencing. All fencing must be approved in advance Architectural Control Committee 217 fences frontiro public or private road frontags shall be pipe-an-cable pipe-and-pipc or approved by construction, the Architectural Control Conmittee, except for retaining decorative walls installed by decorative public or privaie road frontage may be of other materials approved by the Architectural Control...**