Section 7.11.22 - Sample Provision Excerpt (Public Preview)

Mechanical equipment, communication dishes, and antennae located on rooftops must not be visible from public view, drainage easements or public Rights-of-Way. Where flat rooftops have been allowed, parapets must be tall enough to screen all rooftop equipment from public view.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 7.11.22 (p. 12): 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:
Mechanical equipment, communication dishes, and antennae located on rooftops must not be visible from public view, drainage easements or public Rights-of-Way. Where flat rooftops have been allowed, parapets must be tall enough to screen all rooftop equipment from public view.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).