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

Section 3 - Sample Provision Excerpt (Public Preview)

Antennae. a. Outside television antennas are not allowed. b. Outside satellite dish antennas which are greater than forty inches (40") in diameter are not allowed. c. An outside antenna for a licensed operator of an amateur radio station is niot allowed. d. Outside microwave antennas are not allowed. e.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3 (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:

Antennae. a. Outside television antennas are not allowed. b. Outside satellite dish antennas which are greater than forty inches (40") in diameter are not allowed. c. An outside antenna for a licensed operator of an amateur radio station is niot allowed. d. Outside microwave antennas are not allowed. e.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennae. a. Outside television antennas are not allowed. b. Outside satellite dish antennas which are greater than forty inches (40") in diameter are not allowed. c. An outside antenna for a licensed operator of an amateur radio station is niot allowed. d. Outside microwave antennas are not allowed. e. Outside short/long wave antennas of any kind are not allowed.