

Section 8.16 - Sample Provision Excerpt (Public Preview)

Antennas and Satellite Dish System
Permitte Antenna
Limitations on Permitted Antenna
ACC Approval and Notice as to Permitted Antenna
Prohibited Antetina
Signs

ISSUE #1

Prolibited Signs
Permitted Signs
Extcrior Lighting ...
Tree Removal.
Traffic Sight Line Areas:
Solat and Other Energy Devices.....
Exterior Colors
vi
S1

MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 8.16 (p. 7): 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:

Antennas and Satellite Dish System Permitte Antenna Limitations on Permitted Antenna ACC Approval and Notice as to Permitted Antenna Prohibited Antetina Signs General Prolibited Signs Permitted Signs Extcrior Lighting ... Tree Removal. Traffic Sight Line Areas: Solat and Other Energy Devices..... Exterior Colors vi S1

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).