

Section 18.1 - Sample Provision Excerpt (Public Preview)

nearer than ten feet (10') to the front wall line. No microwave dishes or other antennas. recaivers, or transmitters shali be placed on any Lot without being fuily enclosed or fully screened from public view, axcept for satellite dishes of under 24" diameter, mounted on the side or back of a house. Solar apparatus, if erected, must be maintained in such a way that it is screened from public view, installed in a location not visible from the street, and must be approved by the ACC before erection.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 18.1 (p. 25): 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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