Section 14. - Sample Provision Excerpt (Public Preview)

No antenna may be erected upon the r0of of any residence or structure if any part of same is visible from any street. N standing antenna shall be placed upon any lot. No satellite dish system shall be permitted on any lot if any part of same is visible from any street or other lot. Sey wall or windar teany partof aite is vienle tedanyteeet. 516-35-1864

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 14. (p. 12): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Tex. Prop. Code §§ 202.010, 202.019.

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:
No antenna may be erected upon the r0of of any residence or structure if any part of same is visible from any street. No free standing antenna shall be placed upon any lot. No satellite dish system shall be permitted on any lot if any part of same is visible from any street or other lot. Sey wall or windar teany partof aite is vienle tedanyteeet. 516-35-1864

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No antenna may be erected upon the r0of of any residence or structure if any part of same is visible from any street. No free standing antenna shall be placed upon any lot. No satellite dish system shall be permitted on any lot if any part of same is visible from any street or other lot. Sey wall or windar teany partof aite is vienle tedanyteeet. 516-35-1864 [FEDERAL OTARD CARVEOUT]: Provided...