

Section 14 - Sample Provision Excerpt (Public Preview)

No radio or television aerial wires or antennae shall be maintained on any portion of any residential lot forward of the front building line of said lot. No radio or television aerial wires or antenna shall be placed or maintained on any building on any residential lot to extend more than ten (10) feet above the roof of the main residence on said lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 14 (p. 3): 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:

No radio or television aerial wires or antennae shall be maintained on any portion of any residential lot forward of the front building line of said lot. No radio or television aerial wires or antenna shall be placed or maintained on any building on any residential lot to extend more than ten (10) feet above the roof of the main residence on said lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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