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

Section 3.20 - Sample Provision Excerpt (Public Preview)

Cell Towers and Antennas. Cell towers may not be erected on the Property by any Owner, and this prohibition cannot be waived by the Town Council or the ARC; non-cell towers (such as for domestic television or internet service) require ARC approval, may not exceed 60 feet television antennas, including aerial or receiving dishes greater than 24" in diameter,...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.20 (p. 21): 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:

Cell Towers and Antennas. Cell towers may not be erected on the Property by any Owner, and this prohibition cannot be waived by the Town Council or the ARC; non-cell towers (such as for domestic television or internet service) require ARC approval, may not exceed 60 feet television antennas, including aerial or receiving dishes greater than 24" in diameter,...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).