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

Section 9.08 - Sample Provision Excerpt (Public Preview)

Antennae. No antenna, satellite dish, or tower shall be affixed to or placed outside of any dwelling on any Lot, except a
be approved by the Architectural Review Committee. Such approval by the Architectural Review Committee may be conditioned upon appropriate screening of such antenna, satellite dish or tower from public view.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9.08 (p. 20): 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:

Antennae. No antenna, satellite dish, or tower shall be affixed to or placed outside of any dwelling on any Lot, except as may be approved by the Architectural Review Committee. Such approval by the Architectural Review Committee may be conditioned upon appropriate screening of such antenna, satellite dish or tower from public view.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennae. No antenna, satellite dish, or tower shall be affixed to or placed outside of any dwelling on any Lot, except as may be approved by the Architectural Review Committee. Such approval by the Architectural Review Committee may be conditioned upon appropriate screening of such antenna, satellite dish or tower from public view.