

Section 5 - Sample Provision Excerpt (Public Preview)

3. Satellite Dish Antennae. Satellite dish antennae shall be approved by the ARC only if the following requirements are met:

a. Each satellite dish antenna shall be situated in the back portion of the lot so that it is not visible from any street that borders the property.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 11): 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:

3. Satellite Dish Antennae. Satellite dish antennae shall be approved by the ARC only if the following requirements are met: a. Each satellite dish antenna shall be situated in the back portion of the lot so that it is not visible from any street that borders the property.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

3. Satellite Dish Antennae. Satellite dish antennae shall be approved by the ARC only if the following requirements are met: a. Each satellite dish antenna shall be situated in the back portion of the lot so that it is not visible from any street that borders the property.