

Section 13. - Sample Provision Excerpt (Public Preview)

ANTENNA USE

RESIDENTIAL OR COMMERCIAL

ANTENNA. No exterior television, radio or other antenna or device of any type (including but not limited to satellite dishes and parabolic receivers) shall be erected, constructed, placed, or permitted on or shall remain on any Lot or Improvement, or otherwise be constructed on any Lot, unless and until the same shall

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 13. (p. 15): 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:

ANTENNA USE RESIDENTIAL OR COMMERCIAL ANTENNA. No exterior television, radio or other antenna or device of any type (including but not limited to satellite dishes and parabolic receivers) shall be erected, constructed, placed, or permitted on or shall remain on any Lot or Improvement, or otherwise be constructed on any Lot, unless and until the same shall...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).