

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

- v) Note that Waterford, Villages, Powhatan Place and Cromwell Ridge have separate requirements administered by their sub-associations.
- vi) When placing street numbers on the mailbox or post, the ARC recommends 4 inch height and reflective to aid emergency vehicles in locating your residence at night.
- vii) Paper tubes may be of the design provided by the newspaper distributors or a rectangular box affixed to the mailbox post.
- viii) While the builder provides the initial installation, replacement items are the responsibility of the homeowner.
- ix) Any resident desiring a replacement of post structures, mailboxes or post lights must submit a request to the ARC prior to installation.

d) Window Air Conditioners

- i) Window air conditioner units will not be allowed.

ISSUE #1

e) Exterior Antennae

- i) All residents shall be required to comply with the FCC regulations of 1996 "Over-the-Air Reception Devices Rule". This publication (<https://www.fcc.gov/media/over-air-reception-devices-rule>) clearly covers guidelines for the placement and size requirements of satellite receiving equipment and television antennae.
- ii) The ARC prefers the aforementioned devices not be attached in the front of any house if there are less noticeable placement options that would downplay view of such devices.
- iii) Commercial and/or recreational HAM (VHF, UHF) transmit/receive station mast and antenna configurations that do not fall under the FCC's guideline for residential areas shall not be permitted.

f) Exterior Clothes Drying Appurtenances

- i) Clotheslines and other clothes drying apparatus will only be allowed when, in the opinion of the ARC, the item is satisfactorily screened from public view.

g) Trash Receptacles

- i) All trash receptacles shall be stored in a manner making them essentially not visible to those passing by on the street and not objectionable to neighbors.
- ii) For those who do not wish to store them inside the garage, the recommended solution is a four-foot high picket or wooden or vinyl lattice enclosure.
- iii) Trash containers left at the street for pick up shall be returned to their storage location by the end of trash collection day.

3) MISCELLANEOUS

a) Storage of Boats, Trailers, and RVs

- i) Such equipment should be stored in garages or locations other than Powhatan

Sec. 12 (p. 14): 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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

e) Exterior Antennae i) All residents shall be required to comply with the FCC regulations of 1996 "Over-the-Air Reception Devices Rule". This publication (<https://www.fcc.gov/media/over-air-reception-devices-rule>) clearly covers guidelines for the placement and size requirements of satellite receiving equipment and television antennae.

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).