

Section 20 - Sample Provision Excerpt (Public Preview)

No exterior antennas, satellite disks, solar panels, outdoor kennels, walls or fences shall be permitted unless approved in writing in advance by the Developer or the Architectural Control Committee, whichever is then applicable, as to location, material, height and color.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 20 (p. 7): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Wis. Stat. § 236.292 (Solar/Wind Access Rights).

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:

No exterior antennas, satellite disks, solar panels, outdoor kennels, walls or fences shall be permitted unless approved in writing in advance by the Developer or the Architectural Control Committee, whichever is then applicable, as to location, material, height and color.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No exterior antennas, satellite disks, solar panels, outdoor kennels, walls or fences shall be permitted unless approved in writing in advance by the Developer or the Architectural Control Committee, whichever is then applicable, as to location, material, height and color.