

Section 4.14 - Sample Provision Excerpt (Public Preview)

Satellite Dishes. An 18" or smaller diameter satellite dish shall be permitted on any Residential Property provided that any such satellite dish must be visually shielded from adjacent Residential Properties with shielding approved by the ARC before such satellite dish is installed.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.14 (p. 3): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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:

Satellite Dishes. An 18" or smaller diameter satellite dish shall be permitted on any Residential Property provided that any such satellite dish must be visually shielded from adjacent Residential Properties with shielding approved by the ARC before such satellite dish is installed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Satellite Dishes. An 18" or smaller diameter satellite dish shall be permitted on any Residential Property provided that any such satellite dish must be visually shielded from adjacent Residential Properties with shielding approved by the ARC before such satellite dish is installed.