

ISSUE #1

Section 1: [Paragraph 9] Television and Radio Antennas and Satellite Dishes

MARKUP #1 ->

No outside television antenna, radio aerial, satellite dish, or other exterior electronic receiving or transmitting device shall be erected, placed, or maintained upon any Lot or structure in Pebble Valley.

Section 2: [Paragraph 11] Signs and Exterior Displays

No sign of any kind shall be displayed to the public view on any Lot except one professional sign of not more than five (5) square feet advertising the property for sale or rent; all political signs, candidate signs, and issue signs are prohibited at all times.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Paragraph 9 (p. 1): 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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Paragraph 9] Television and Radio Antennas and Satellite Dishes - No outside television antenna, radio aerial, satellite dish, or other exterior electronic receiving or transmitting device shall be erected, placed, or maintained upon any Lot or structure in Pebble Valley.

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 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).