

ISSUE #1

Section 1: [Rules and Regulations, Marina & Parking Rule 8.2] Satellite Dishes and Exterior Antennas

No exterior television antenna, radio aerial, or satellite dish of any size may be attached to the roof or front fascia of a residence or mounted in the front yard without written permission from the Park Manager and Architectural Committee, and all cable/dish installers must pay a \$50.00 permit deposit prior to installation.

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Rules and Regulations, Marina & Parking Rule 8.2 (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:

[Rules and Regulations, Marina & Parking Rule 8.2] Satellite Dishes and Exterior Antennas - No exterior television antenna, radio aerial, or satellite dish of any size may be attached to the roof or front fascia of a residence or mounted in the front yard without written permission from the Park Manager and Architectural Committee, and all cable/dish installers must pay a \$50.00 permit deposit prior to installation.

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).