

Copperfield Neighborhood Association - Declaration of Covenants, Conditions & Restrictions - Page 1

ISSUE #1

MARKUP #1 ->

Section 1: [Copperfield Deed of Restrictions, Section 9] Prohibition on Exterior Antennas, Satellite Dishes, and Yard Signs

No exterior television or radio aerial, antenna, or satellite dish shall be erected or maintained on any Lot or residence. No signs of any character shall be displayed on any Lot except one standard real estate 'For Sale' sign.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Copperfield Deed of Restrictions, Section 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:

[Copperfield Deed of Restrictions, Section 9] Prohibition on Exterior Antennas, Satellite Dishes, and Yard Signs - No exterior television or radio aerial, antenna, or satellite dish shall be erected or maintained on any Lot or residence. No signs of any character shall be displayed on any Lot except one standard real estate 'For Sale' sign.

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).