

ISSUE #1

Section 1: [Section 8(r)] Total Prohibition on Exterior Television or Radio Antennas

MARKUP #1 ->

(r) No exterior television or radio antenna of any kind shall be constructed or erected on any lot or residence after such time as a central television system has been made available to the Section or Subdivision at rates commensurate with those prevailing in the area.

Section 2: [Section 8(g)] Blanket Prohibition on All Signs Without Prior Written Committee Permission

(g) All signs, billboards, or advertising structures of any kind are prohibited except upon application to and written permission from the Committee.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Section 8(r) (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:

[Section 8(r)] Total Prohibition on Exterior Television or Radio Antennas - (r) No exterior television or radio antenna of any kind shall be constructed or erected on any lot or residence after such time as a central television system has been made available to the Section or Subdivision at rates commensurate with those prevailing in the area.

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).