

ISSUE #1

Section 1: [Rule 22] 24-Inch Diameter Limit and Rear-Roof Mandate for Satellite Dishes

22. Antennae and satellite dishes: a. Antennae and dishes shall not be greater than 24-inch diameter. b. Antennae and dishes must be inconspicuous from the public eye. i. Preferred placement is low on rear roof and the color must blend with roof.

MARKUP #1 ->

Section 2: [Enforcement Policy] Withholding Statutory Resale Certificate for Unpaid Fines or Uncured Violations

AT THE DISCRETION OF THE ARDEN WOOD BOARD, A LIEN MAY BE PLACED ON A RESIDENTIAL UNIT FOR FAILURE TO PAY A FINE AND FOR THE COST INCURRED BY THE BOARD TO CORRECT A VIOLATION THE UNIT OWNER REFUSED TO CORRECT. A CERTIFICATE OF RESALE WILL NOT BE ISSUED IF THERE ARE ANY OUTSTANDING FINES, VIOLATIONS OR DUES.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Rule 22 (p. 1): Caps satellite dish size at 24 inches in diameter rather than the federal 1-meter (39.37-inch) standard.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices (OTARD) Rule, 47 C.F.R. § 1.4000(a)(1)(i), associations are preempted from restricting satellite dishes that are 1 meter (39.37 inches) or less in diameter; a 24-inch cap is facially unlawful.

CURRENT WORDING IN DOCUMENT:

[Rule 22] 24-Inch Diameter Limit and Rear-Roof Mandate for Satellite Dishes - 22. Antennae and satellite dishes: a. Antennae and dishes shall not be greater than 24-inch diameter. b. Antennae and dishes must be inconspicuous from the public eye. i. Preferred placement is low on rear roof and the color must blend with roof.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Rule 22 ([Rule 22] 24-Inch Diameter Limit and Rear-Roof Mandate for Satellite Dishes - 22. Antennae and satellite dishes: a. Antennae and dishes shall not be greater than 24-inch diameter. b. Antennae and dishes must be inconspicuous from the public eye. i. Preferred placement is low on rear roof and the color must blend with roof.) to conform with 47 C.F.R. § 1.4000 (FCC OTARD Rule) and the manual attorney audit recommendations for Arden Wood Homeowners Association.