

ISSUE #1

Section 1: [Rule 14] 24-Inch Cap and Single-Dish Limit on Satellite Dishes

MARKUP #1 ->

14.) Satellite dishes must be attached to home on side wall, back wall, or back side roof. The satellite dishes shall not exceed 24" in diameter and only one satellite dish per house is allowed. Efforts should be made to conceal wiring.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Rule 14 (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:

[Rule 14] 24-Inch Cap and Single-Dish Limit on Satellite Dishes - 14.) Satellite dishes must be attached to home on side wall, back wall, or back side roof. The satellite dishes shall not exceed 24" in diameter and only one satellite dish per house is allowed. Efforts should be made to conceal wiring.

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).