



- D. A partial list of acceptable home improvement items is shown in Appendix A.

4.2 Alterations and Additions

The Stockholder shall not, without written consent of the Corporation, make any alterations or additions in the premises or in the electric conduits, plumbing or other fixtures connected therewith, or remove any additions, improvements or fixtures from the premises.

4.3 Central Air Conditioning, Heat Pumps and Mini-Splits

For installation of central air conditioners, heat pump systems and mini-split systems, all components, including compressors, must be placed at the rear of the home. If a Stockholder wants to place an item on the side of the home, the Stockholder must obtain prior approval from the Board of Directors. Refer to 4.4 E for restrictions.

4.4 Restrictions

- A. The volume on TV sets, stereos and radios shall be turned low after 10:00 P.M. **This includes loud motorcycles and loud vehicles. Manchester Township ordinance limits loud noises from 10:00 PM to 7 AM.**
- B. No shortwave radio transmitters shall be permitted to operate in the village.

ISSUE #1

- C. Outside digital antennas are only permitted on the side of the fascia. Satellite dishes are permitted with written Board approval. Dishes may be on a pole, no more than two (2) feet from the house and no more than five (5) feet high. ~~The pole can only be located on the side or back of the house.~~ Dishes may also be mounted on the side fascia at the peak of the roof. The Stockholder should get an onsite reading before signing a contract with the dish company.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.4 (p. 9): 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 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Outside digital antennas are only permitted on the side of the fascia. Satellite dishes are permitted with written Board approval. Dishes may be on a pole, no more than two (2) feet from the house and no more than five (5) feet high.

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, fixed wireless broadband hub/relay device, 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).