

GVW of 10,00 pounds or over. The property owner may do interior work at any time, if it does not produce exterior noise. Specified holidays are New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. Any subcontractor doing work for a property owner that is acting as their own contractor must abide by all contractor requirements, (Contractors). Property owners must provide a list of all subcontractors to the Indian Rocks Office, with current insurance information.

MARKUP #1 ->

35) PROPERTY STRUCTURE LIMIT - Properties containing a dwelling are limited to 3 additional structures. An additional structure may be, but is not limited to a garage, shed, gazebo, greenhouse, carport, permanently installed play set, etc. One complete side of a deck or patio must be attached or adjacent to the existing dwelling to be considered part of said dwelling. Otherwise said deck or patio will count as an additional structure. Total impervious surface must not exceed 20% as per ACC impervious surface regulations.

36) ROOFING - All roofing repairs or replacement over 30 square feet require an ACC permit. Repairs or reroofing projects totaling 30 square feet or less do not require an ACC permit. All roofing colors must be earth tone shade of brown, gray, black, or dark green as per ACC color requirements.

ISSUE #1

37) SATELLITE DISHES / TV ANTENNA - Satellite dishes are allowed, provided they are located in an inconspicuous area, preferably in the back of the house. Permit is required with plot plan showing location of dish or antenna. Not to be within 10' easement. ~~Maximum diameter of dish is 36 inches. Antenna for the purpose of television, radio, phone, etc. are permitted~~ and do require an ACC permit. They will be treated on a case-by-case basis, and must meet all FCC, Salem Township, and Indian Rocks rules and regulations.

38) SEPTIC SYSTEM - Septic mounds, if possible, should be located in the rear or on the side of the property. If the only location deemed suitable is in the front of the property, a signed statement from the S.E.O. of Salem Township is required. As per PA Code Chapter 73 requirements, the absorption area (berm) must be located 10 feet from any property line or easement when they exist. Since a 10-foot easement exists in Indian Rocks, the absorption area must be 10 feet from said easement or 20 feet from all property lines. No part of septic system (Tank, Field, or Slope) allowed within 10-foot easement. Minimum slope of bed 2:1. Septic system must be clearly staked out and located on plot plan. A new septic system must be a minimum of 100 feet from an existing well. If the new septic is uphill from an existing well, it may be required to be as much as 200 feet from an existing well. See local and state codes for these situations.

39) SETBACKS - Any improvement or construction must comply with the following setbacks. Setbacks include any overhang, cantilever, chimney or projection as viewed from above. All setbacks are measured from the property line.

A - Bear Tract and Tanners Point - 25 feet front, 10 feet side and rear

B - Five Mile Creek, and sections 1, 2, and 3 - 40 feet front, 10 feet side and rear

40) SIDING / SIDING REPLACEMENT – No ACC permit is required for replacing 30 square feet of siding or less. Replacing more than 30 square feet of siding does require an ACC permit. All finished colors must be ACC approved colors as per the ACC color chart. All horizontal siding must have a wood grain look and feel. No smooth surfaces are permitted. Vertical board and batten appearance siding is permitted. Spacing between battens not to exceed 12 inches.

41) SKYLIGHTS - Skylights are allowed and do require an ACC Permit. Color to be earth tone shade of brown, black, or tan as per ACC color chart.

42) STORM WATER ENGINEERS REVIEW – Any time a Storm Water Engineers review is required by the ACC Rules and Regulations, or by the ACC Committee, the property owner has 2 options.

A – Property owner will pay current engineer’s fee to Indian Rocks (currently \$850) for the initial report. Any additional engineering needed is the responsibility of the property owner.

B – License and insurance information for an engineer chosen by the property owner must be submitted to the Indian Rocks office prior to work being done. The final report must include a Storm Water management plan, showing a design that outlines how the water will be controlled on the property, and have no impact on surrounding properties.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 7): 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:

37) SATELLITE DISHES / TV ANTENNA - Satellite dishes are allowed, provided they are located in an inconspicuous area, preferably in the back of the house. Permit is required with plot plan showing location of dish or antenna.

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).