

Appendix D - Installation of Protected Devices

Definitions

Antenna Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution services (MDS). A reception antenna that has limited transmission capability designed the viewer to select or use video programming is a reception antenna if it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna must be considered part of the antenna.

Mast Structure to which an antenna is attached that raises the antenna height.

Transmission Only Antennae Any antenna used solely to transmit radio, television, cellular, or other signals.

Owner Any homeowner in the Association. For the purpose of this rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.

Telecommunications Signal Signals received by DBS, television broadcast, and MDS antennas.

Installation Rules Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas is prohibited unless permitted by the Board of Directors.
5. All antennas not covered by the FCC rule are prohibited.

Location

1. Antennas must be installed solely on individually owned property.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
3. Antennas must not encroach upon Common Areas or any other owner's property.
4. Antennas must be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot.

Installation

1. Antennas must be no larger nor installed higher than is necessary for reception of an acceptable-quality signal.
2. All installations must be completed so that they do not damage the Common Areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on Common Areas or Lots.
3. Owners are responsible for all costs associated with the antennas, including but not limited to, costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance, or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use; and
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

Maintenance

1. Owners must not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners must be responsible for antenna maintenance and repair.
3. Owners must be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

Safety

1. Antennas must be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. Upon request, the owner must provide the Association with a copy of any applicable governmental permit.
2. Antennas must comply with all laws and regulations regarding separation from power lines and must not be placed unreasonably close to power lines, (above-ground or buried) and in no event must antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines. (Consult the electric utility to determine the proper distance required.)
3. All installations must comply with all applicable codes and antennas are required to withstand winds.
4. In order to prevent electrical and fire damage, antennas must be permanently and effectively grounded.

Camouflaging

1. Antennas may not extend beyond a railing or fence.
2. Existing landscaping or fencing must camouflage antennas situated on the ground and visible from the street or from other lots, if an acceptable quality signal can only be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost. The Association may require more expensive screening if the Association chooses to fund part of the cost.
3. Any visible wiring must be painted to match the color of the structure to which it is installed.
4. Antennas may not obstruct a driver's view of an intersection or street.

Number of Antennas

1. An owner may install no more than one antenna of each provider.

Notification Process

1. Any owner installing an antenna must complete an ARC Questionnaire and submit it to the ARC. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
2. If the installation is other than routine for any reason, owners must submit documentation to the ARC supporting the location of the antenna.

Installation by Tenants

1. Tenants may install antennas in accordance with these rules with written permission of the homeowner. A copy of this permission must be furnished with the notification statement.

Enforcement

1. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, the Association for each violation may impose a fine of \$50. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association must be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
2. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

Severability

1. If any provision is ruled invalid, the remainder of these rules must remain in full force and effect.