

WINDSOR PLAZA CONDOMINIUM ASSOCIATION, INC.

POLICY RESOLUTION NO. ~~005~~ 19
GUIDELINES FOR SATELLITE DISH AND EXTERIOR ANTENNA

RECITALS:

WHEREAS, pursuant to Article 3, Section 3.1 and Article 5, Section 5.8 of the Bylaws, the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association, and to adopt reasonable rules and regulations governing the use of the units and Common Elements; and

WHEREAS, the Federal Communications Commission adopted a rule effective October 14, 1996, which is intended to supersede the regulations of condominium associations concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Board of Directors believes it is in the best interest of the Association for the Board to adopt reasonable regulations governing installation, maintenance, and use of exterior antennas consistent with the FCC rule.

NOW, THEREFORE, the Board of Directors adopts the following regulations for the Association, hereinafter referred to as the "Rules," which shall be binding upon all Unit Owners and their family members, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess any sort of property interest in a unit within the Condominium, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.

I. DEFINITIONS

A. Antenna: any device used for the receipt of video programming services, including direct broadcast satellite dish (DBS), television broadcast antennas, and multipoint distribution service antennas (MDS). (Masts, cables, supports, conduits, wires, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.)

B. Mast: structure to which an antenna is attached that raises the height of the antenna.

C. Transmission-Only Antenna: any antenna used solely to **transmit** radio, television, cellular, or other signals.

D. Unit Owner: any party named in a deed of record as an owner of a unit in the Condominium or **any** party who acts with the written permission of the Unit Owner to install an antenna.

E. Telecommunications Signals: signals **received** by DBS satellite dishes or television broadcast and MDS antennas.

F. Exclusive-Use and Control Area: terrace, patio or balcony area designated in the Association's governing documents as a limited common element in which the owner has an indirect ownership interest.

II. APPLICATION/NOTIFICATION RULES

A. Unit Owners Have Two Options: They may submit either an application to the Association for approval of their proposed antenna or a notice of installation of the antenna. If the Unit Owner submits an application, it must be submitted before installation.

B. If a Unit Owner submits an application to the Association for approval of the antenna, the Association will review the application on an expedited basis. If the application meets all of the required criteria stated in this rule, the Association will rule on the application within 7 days of receipt of the application and issue a written notice of the ruling to the Unit Owner. In no event **will** the Association take more than 45 days from receipt of the application to issue a ruling on the application; if so, the application shall be deemed approved by waiver.

C. If a Unit Owner submits a Notice of Installation of an Antenna to the Association, the notice must be filed 3 business days of installation. In such a case, the Unit Owner bears all risk that the Association will not approve the antenna because of a lack of compliance with the Rules stated herein. The Association reserves all powers to inspect the antenna after installation to determine if the antenna complies with the Rules. If not, the Association reserves all powers to compel the Unit Owner to comply with the Rules, regardless of whether the owner has already installed the antenna.

D. Owners must file their applications/notices to the Association in writing at the following address: **Windsor Plaza Condominium Board of Directors, c/o Lynn House, Senior Community Manager, Legum & Norman, 1430 Spring Hill Road, Suite 300, McLean, Virginia 22102.**

E. Either the Board, its designated committee, or the Association's managing agent may act for the Association, depending upon the Board's discretion.

III. INSTALLATION RULES

A. Antenna Size and Type

1. Units Owners (or anyone acting with the owner's written permission) may install a DBS dish that is one meter (39.39 inches) or less in diameter. Satellite dishes that are larger than one meter in diameter are strictly prohibited.

2. Unit Owners (or anyone acting with the owner's written permission) may install a MDS antenna that is one meter or less in diameter. MDS antennas that are larger than one meter in diameter are strictly prohibited.

3. Pursuant to the FCC rule, Unit Owners (or anyone acting with the Unit Owner's written permission) may install a regular TV antenna designed to receive broadcast stations.

4. Unit Owners may not install any type of antenna that **transmits** a signal of any sort or disrupts the reception of the radios and television sets of neighbors. Such antennas are strictly prohibited.

5. Any type of antenna not specifically protected by the FCC rule is strictly prohibited.

6. Unit Owners (or anyone acting with the Unit Owner's written permission) may install no more than one antenna for each type of service.

B. Location

1. The Association has designated the following locations as preferred placements sites for antennas: (a) inside the sunroom or another room window within the unit, (b) on the surface of the patio (if applicable), (c) on the balcony/terrace surface (if applicable), or (d) above the walking surface of the terrace or balcony/patio, provided that no more than six inches above the height of the balcony railing or patio railing or fence.

No alternative locations shall be permitted without (i) a written certification from the owner that installation of the antenna in the approved locations would not afford sufficient signal strength for adequate reception, and (ii) a precise statement describing the alternative location where sufficient signal strength would be adequate for reception. Such written certification must be submitted within three (3) days after the satellite dish antenna is installed. If the satellite dish is installed in a location other than a designated preferred location, the Association reserves the power to verify that adequate signal strength is unavailable at the preferred locations. If an adequate signal strength is found to be available at a preferred location, the Board may require the Unit Owner to move the antenna to a designated preferred location.

In such cases, the Association shall reserve the power to grant a variance from any of the Rules expressed herein, but shall endeavor to protect the community from the architectural blight to the greatest degree possible and strive to ensure that all concerns over safety are satisfied.

The Association will not recognize any conversion of limited common element property to individually owned property if a Unit Owner installs the antenna in any of the approved limited common element locations.

2. Unit Owners are prohibited from installing an antenna which in any way, shape or form encroaches upon any common elements (including common element air space), any other Unit Owner's individual unit or limited common element, or the air space of another Unit Owner's limited common element.

3. Unit Owners are strictly prohibited from installing antennas on the common elements of the Association.

C. Installation on Exclusive Use Areas

1. Antennas shall not be larger or installed higher than is absolutely necessary for reception of an acceptable quality signal.

2. Antennas shall be installed and secured in a manner so they do not damage the common elements, limited common elements, or individual units, or void any warranties of the Association or other owners, or in any way impair the structural integrity of the building.

3. Antennas shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions. Prior to installation, Unit Owners shall provide the Association with a copy of the applicable governmental permit if it is required for safety reasons.

4. Antennas shall not be placed anywhere near a power line (above ground or buried). Unit Owners must ensure that the wind velocity or other forces could not cause the antenna to collide with power lines.

5. Unit Owners are required to exercise their best efforts to install their antenna in such a way and location where they can obtain an adequate signal without incurring unreasonable costs and with the least adverse impact upon the aesthetic appearance of the unit and/or the limited common element.

6. The Association further reserves the power to require any installer other than the owner to provide the Association with an insurance certificate listing the Association as a named insured prior to installation.

7. Antennas must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the antennas.

8. The Association reserves the power to require the owner to accept full responsibility for all damages caused to the building by the installation.

9. The Unit Owner is responsible for ensuring that the point of penetration(s) is properly waterproofed and sealed in accordance with applicable industry standards and building codes.

10. The Association reserves the power to specially assess the Unit Owner for any costs the Association incurs to correct any damage to the building caused by moisture or any other cause.

11. If a Unit Owner finds that he needs to use a device in order to penetrate through the exterior portion of the Condominium's building in order to avoid an unreasonable cost or to obtain an acceptable quality signal, then the Unit Owner must apply to the Board for a variance.

12. Antennas shall not obstruct access to or exit from any unit, walkway, ingress or egress from an area, electrical service equipment, or any other areas necessary for the safe operation of the Condominium.

13. Antennas shall be permanently grounded to minimize the possibility of electronic and fire damage.

D. Maintenance

1. Unit Owners who install or maintain antennas are responsible for all associated costs, including, but not limited to, the costs to:

- a. Place (or replace), repair, maintain, and move or remove antennas:
- b. Repair damage to any property caused by a Unit Owner's failure to properly install, maintain, or use the antenna.
- c. Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
- d. Reimburse residents or the Association for costs incurred to correct damage caused by the Unit Owner's failure to properly install, maintain or use the antenna;
- e. Restore antenna installation sites to their original condition after removal of the antenna.

2. Unit Owners shall have a continuing duty to prevent their antennas from falling into a state of disrepair. Unit Owners shall be responsible for antenna maintenance, repair and replacement, and the correction of any safety hazard.

3. If antennas become detached, Unit Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens anyone's safety, the Association may remove the antenna at the expense of the Unit Owner.

4. Unit Owners shall be responsible for antenna repainting or replacement if the appearance of the exterior surface of their antenna deteriorates or is damaged in any way.

IV. ANTENNA CAMOUFLAGING

A. The Association reserves the power to require Unit Owners (or their tenant residing in the Unit) to paint any portion of the antenna so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the Unit Owner must submit a copy of the warranty to the Association in order to be absolved of the requirement.

B. The Association reserves the power to require Unit Owners to install or provide screening around the antenna if the antenna is visible from the street or other units. However, in no event will a Unit Owner be required to insure an unreasonable expense to install a screening. Any such screening must be installed within one week of installation.

C. Unit Owners must install exterior wiring for the antenna in the least obtrusive manner

V. MAST INSTALLATION

A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.

B. Masts must be installed by licensed and insured contractors.

VI. ANTENNA REMOVAL

When a Unit Owner removes an antenna, he/she is required to restore the location of the installation to its original condition. Unit Owners shall be responsible for all costs relating to restoration of this location.

VII. ASSOCIATION MAINTENANCE OF LOCATIONS UPON WHICH ANTENNAS ARE INSTALLED

If a Unit Owner installs an antenna in any location where the Association has any maintenance responsibility, the Unit Owners retain responsibility for the maintenance of their antenna.

If the Association sustains any increased maintenance costs or sustains damage caused in some direct way by a Unit Owner's antenna, the Association shall hold the Unit Owner of the antenna responsible for all such costs and may levy a special assessment to recover the sums due.

If, in order to fulfill any of its regular maintenance responsibilities, the Association requires the temporary removal of any antenna, the Association shall provide the responsible owners with 10 days written notice unless emergency situations dictate otherwise. Unit Owners shall be responsible for the removal or relocation of their antenna as required by the Association. If the Unit Owner does not remove the antenna in the required time, then the Association may do so at the Unit Owners' expense. The Association is not liable for any damage to any antenna caused by the Association's removal under these circumstances, nor shall the Association be responsible for relocating the antenna.

VIII. INSURANCE

The Association shall not accept any responsibility to insure any antenna installed by an owner. The antenna shall be considered the personal property of the Unit Owner who installed the antenna.

IX. INSTALLATION BY TENANTS

These Rules shall apply in all respects to tenants. Those tenants who desire to install an antenna permitted under these Rules must obtain prior written permission of the Unit Owner/landlord and furnish the Association with a copy of this permission with the application/notification form.

X. ENFORCEMENT

A. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of special charges, subject to the due process procedures set forth in Virginia Code Section 55-79.80:2.

B. If any antenna installation poses a serious, immediate safety hazard or threat to property, the Association reserves the power to remove the antenna without notice to the owner; however, whenever feasible, the Association shall provide advance written notice to the owner of the Board's concerns for safety and its request of the owner to remove, relocate, or resecure the antenna.

XI. SEVERABILITY

If a Court of law rules any provision herein to be invalid, the remainder of these rules shall remain in full force and effect.

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MOTION BY: _____ SECONDED BY: _____
RESOLUTION DECLARED ADOPTED : _____ or, FAILED: _____
BY VOICE VOTE: _____ BY DIVISION (ROLL CALL) _____
BY ROLL CALL – MEMBERS PRESENT AND VOTING:

MEMBER	AYE	NAY	ABSTAINED	OTHER
S. Denkensohn	_____	_____	_____	_____
J. Green	_____	_____	_____	_____
C. Litchfield	_____	_____	_____	_____
M. Long	_____	_____	_____	_____
N. Montague	_____	_____	_____	_____

WINDSOR PLAZA CONDOMINIUM ASSOCIATION, INC.

By: _____
Jeff Green, President

ATTEST:

Carol Litchfield, Secretary
Cs/Feb.20/00