

# **LAKEWOOD HILLS #1 COMMUNITY ASSOCIATION**

## **POLICY RESOLUTION NO. 97- 1**

### **SATELLITE DISH AND EXTERIOR ANTENNA**

#### **GUIDELINES**

##### **RECITALS:**

**WHEREAS**, the Association is responsible for the regulation and enforcement of architectural controls over all of the lots within the community; and

**WHEREAS**, the Federal Communications Commission adopted a rule effective October 14, 1996, which is intended to supersede the regulations of community association concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service 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 restrictions and regulations for the Association, hereinafter referred to as the "Rules," which shall be binding upon all 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 lot within the community, 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. Owner: any party named in a deed of record as an owner of a lot in the community or any party who acts with the written permission of the lot owner to install an antenna.
- E. Telecommunications signals: signals received by DBS satellite dishes or television broadcast and MDS antennas.

## II. APPLICATION RULES

- A. Owners must submit an application to the Association for approval of their proposed antenna before installation.
- B. After an 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 owner. In no event will the Association take more than 30 days from receipt of the application to issue a ruling on the application; if so, the application shall be deemed approved by waiver.
- C. Owners must file their applications to the Association in writing at Lakewood Hills #1 Community Association, % Cardinal Management Group, 5900 Prince James Drive, Springfield, Virginia 22152.
- D. 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. Owners (or anyone acting with the owner's written permission) may install a DBS dish that is one meter (39 inches) or less in diameter. Satellite dishes which are larger than one meter in diameter are strictly prohibited.
  - 2. 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 which are larger than one meter in diameter are strictly prohibited.
  - 3. Pursuant to the FCC rule, owners (or anyone acting with the owner's written permission) may install a regular TV antenna designed to receive broadcast stations.
  - 4. Owners may not install any type of antenna which 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. Owners (or anyone acting with the owner's written permission) may install no more than one antenna for each type of service.

## B. LOCATION

- 1. Owners must install their antenna in one of the following designated locations:
  - i. inside a window within the home; or

- ii. at ground level in the rear yard screened or decorated with natural landscaping or flowers; or
- iii. (if installed with a mast) entirely within and below the height of approved privacy fencing which fully encloses the rear yard; or
- iv. above the walking surface of a railed deck, provided that no portion of the device projects more than 6 inches above the height of the deck railing; or
- v. on the rear side of the roof.

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.

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 architectural blight to the greatest degree possible and shall strive to ensure that all concerns over safety are satisfied.

- 2. Owners are prohibited from installing an antenna which in any way, shape or form encroaches upon any common area, any other owner's individual lot, or the air space of another owner's lot.
- 3. Owners must locate their antenna in a place and manner which shields it from view from the nearest street(s) or from other lots in the community to the maximum extent possible. The Association reserves the power to require an owner to install visual barriers, natural or otherwise, around the device to diminish any adverse visual effect which may be caused by the installation of the antenna.
- 4. Owners are strictly prohibited from installing antennas on the common areas of the Association.

## C. **INSTALLATION**

- 1. Antennas shall not be larger or installed higher than is absolutely necessary for reception of an acceptable quality signal.
- 2. Antennas must be properly secured so they do not jeopardize the safety of any passerby.
- 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, owners shall provide the Association with a copy of any applicable governmental permit if it is required for safety reasons.
- 4. Antennas shall not be placed anywhere near power lines (above-ground or buried). Owners must ensure that wind velocity or other forces could not cause the antenna to collide with a power line.

5. 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 lot's aesthetic appearance.
6. Antennas shall be permanently grounded to minimize the possibility of electronic and fire damage.

#### **D. MAINTENANCE**

1. 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 the owner's failure to properly install, maintain or use the antenna;
  - c. Pay medical expenses incurred by persons injured by the owner's failure to properly install, maintain, or use the antenna;
  - d. Reimburse residents or the Association for costs incurred to correct damage caused by the owner's failure to properly install, maintain or use the antenna.
2. Owners shall have a continuing duty to prevent their antennas from falling into disrepair or becoming a safety hazard. Owners shall be responsible for antenna maintenance, repair and replacement, and the correction of any safety hazard.
3. If an antenna becomes detached, the owner must 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 owner.
4. 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 owners 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 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 owners to install or provide screening around the antenna if the antenna is visible from the street or other lots.
- C. 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. 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 owner/landlord and furnish the Association with a copy of this permission with the application/notification form.

## **VII. 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 55-513.B.
- 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.

## **VII. 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.

97-1  
RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held May 15, 1997

Motion by: Paul Richard

Seconded by: Mary Keene

*President : Paul Richard*

*Vice President: Mary Keene*

*Treasurer: Doug Westenhouse*

*Secretary: Mary Ann Miles*

*Director: Karen B.*

ATTEST:

Secretary: Mary Ann Miles     5-16-97

Resolution effective: May 15, 1997

**LAKWOOD HILLS #1 COMMUNITY ASSOCIATION**

**ADMINISTRATIVE RESOLUTION NO. 97-1**

(Appointment of Assistant Secretary)

**WHEREAS**, Article VII, Section 1 of the Bylaws provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Association; and

**WHEREAS**, the Board of Directors has determined that an Assistant Secretary is needed to expedite the prompt processing and filing of Memoranda of Lien and lawsuits on behalf of the Association;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors hereby appoints Juan R. Cardenas and Timothy P. Titus, counsel for the Lakewood Hills #1 Community Association, as Assistant Secretaries for the purpose of signing Memoranda of Lien and lawsuits on behalf of the Association.

The Board of Directors of the Lakewood Hills Community Association adopted this resolution on this 20 day of February, 1997.

LAKWOOD HILLS #1 COMMUNITY  
ASSOCIATION  
By: Paul Richard, President