

STONELEIGH ASSOCIATION

POLICY RESOLUTION NO. 02-1

**SATELLITE DISH AND EXTERIOR ANTENNA
GUIDELINES**

RECITALS:

WHEREAS, the Stoneleigh Association ("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 associations 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 revise its 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:** antennas designed (i) to receive video programming services, including direct broadcast satellite dish (DBS), digital television broadcast (DTV), local television broadcast antennas and multipoint distribution service antennas (MMDS), or (ii) to receive and transmit "fixed wireless services". Antennas used for "fixed wireless services" must be "customer-end antennas". (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. **Video-programming signals:** signals **received** by DBS satellite dishes, DTV antennas, local television broadcast antennas and MMDS antennas.

F. **Fixed wireless signals:** commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Examples include wireless signals used to provide telephone service or high-speed Internet access. It does not however include, among other things, AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, and Digital Audio Radio Services ("DARS") signals.

G. **Customer-end antennas:** antennas placed at a customer location for the purpose of providing service to customers at that location. It does not include antennas used to transmit

II. APPLICATION/NOTIFICATION RULES

A. Owners have two options: They may submit an application to the Association for approval of their proposed antenna or they may file a Notice of Installation of an Antenna. If an Owner submits an application to the Association, he must submit the application before installation.

B. If 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. If the application does not meet all of the required criteria, the Association will not take more than 30 days from receipt of the application to issue a ruling on the application. If no ruling is issued within 30 days, the application shall be deemed approved by waiver.

C. If an Owner submits a Notice of Installation of an Antenna to the Association, the Owner must submit the Notice within 3 days of the installation. In such a case, the 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 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 3704 Golf Trail Lane, Fairfax, VA 22033.

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 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. The Association has designated certain locations as preferred locations for the installation of a satellite dish. Owners must install their antenna in one of the following designated locations*:

a. Rear Roof Mount: Must be located on the rear of the roof, below the roof peak; or

b. Ground Mount, Rear of Lot: Must be located on a rear lot location, with the highest point of the antenna located below the height of the back yard fence.

*If an Owner cannot receive an adequate signal reception from either a rear roof mount or ground mount in the rear of their lot, the Owner may install a satellite dish in an alternative location, provided he submits (i) a written certification 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 is adequate for reception. The Owner must submit such written certification within three days after the satellite dish is installed.

2. Owners shall not install an antenna in such a way that it encroaches upon any common area, or any other Owner's individual lot, including the air space.

3. Owners must locate their antenna in a place and manner that shields it from view from the nearest street(s) and from other lots in the community to the maximum extent possible.

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 at the point of installation 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.

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 with the least adverse impact upon the lot's aesthetic appearance. In this regard, technology now offers a number of highly efficient, economical, and aesthetically harmonious or invisible antenna alternatives for receiving broadcast television signals, in lieu of, or in addition to DBS or MDS antennas.

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

7. The Association reserves the power to require Owners to camouflage 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.

8. 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. However, in no event will an Owner be required to incur an unreasonable expense to install a visual barrier.

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

D. Mast Installation

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

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

IV. MAINTENANCE

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

1. Place (or replace), repair, maintain, and move or remove antennas;

2. Repair damage to any property caused by the Owner's failure to properly install, maintain or use the antenna;

3. Pay medical expenses incurred by persons injured by the Owner's failure to properly install, maintain, or use the antenna;

4. 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.

B. 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.

C. 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.

D. 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.

V. ENFORCEMENT

A. The Association reserves 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.

B. 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 and the Association's Rules and Regulations.

C. 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.

VI. 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.

Enacted this _____ day of _____, 2002.

BOARD OF DIRECTORS OF THE
STONELEIGH ASSOCIATION

By: _____
Mitchell Sacks, President