

TV DISH ANTENNA RULES AND PROCEDURES
VILLAGE WALK HOMEOWNERS ASSOCIATION
March, 2000

BACKGROUND

Part of Section 207 of the Telecommunications Act of 1996 prohibits Homeowners Associations from banning exterior receiving TV DISH ANTENNAS under 1 meter (39.4 inches) in diameter. The FCC was given the jobs of writing the implementing rule and of enforcing the Act. The implementing rule has recently been issued. In short, if a unit owner wants a TV DISH ANTENNA, it can be put up on property solely owned by him/her.

The Act does allow, however, Homeowners Associations to regulate and oversee exterior installations as follows:

- a. VWHA can prohibit an installation if UNSAFE.
- b. VWHA can prohibit an installation in COMMON AREAS (see note below), but can grant approval if it so desires.
- c. VWHA can require an installation in a preferred location and in a preferred manner, one that in its judgment is least intrusive to Village Walk, as long as VWHA does not "unreasonably infringe" on a unit owner's time-frame, cost or ability to get a clean signal.

(Note: The FCC is yet to publish rules regarding installations in Common Areas. Until then, Homeowners Associations may prohibit them at their discretion.)

[What is your property? Your unit and the land it sits on. The structure, inside and out, including garage, is your property, the roof, the chimney enclosure, the siding, doors and windows, shutters, gutters and downspouts, front porch, and patio or deck, including its fences and posts—all the real estate as recorded on your Deed. (You have given the responsibility for exterior maintenance and upkeep to VWHA, but you own the exterior nevertheless.)]

RULES

1. Dish antenna systems shall be no larger, nor installed higher, than is absolutely necessary for reception of an adequate quality signal. Interior dish installations should be considered and ruled out first, before considering the exterior options.
2. As technology advances, it is expected that dish size will come down. Eighteen inch diameter is now the norm. As sizes come down, VWHA can require that new dish systems represent the norm, if not an "unreasonable infringement" to the owner. Likewise, VWHA can also require interior dish systems if they, too, become the norm. VWHA will not require that existing installed dish systems be replaced as long as they remain functional.
3. Installation by an owner of two or more dishes from the same service provider is prohibited.
4. A preferred exterior location is one that is the least visible to others, and least disturbing to the building profile, given the circumstances. This needs to be determined on a unit-by-unit basis by the owner and VWHA, working together. Options typically include DECK, ROOF and CHIMNEY ENCLOSURE. A site survey by a qualified professional, to select possible locations, is the responsibility of the owner, and at the owner's cost.

VI Satellite dish specifications

5. Installation in the Common Area may be considered by VWHA, if necessary, if other options are not feasible. This is limited to the shrubbery areas immediately surrounding the unit. Keep in mind that this dish system will be close to or at ground level, subject to vandalism, theft or other damage. VWHA is not responsible for vandalism, theft or damage.
6. VWHA cannot be required to relocate structures, or trim/remove trees and shrubs in the Common Areas, in order to allow a clean signal to a unit.
7. Mounting masts or towers taller than 12 feet may be considered unsafe and could be disallowed.
8. The dish, mounting masts and lead-ins-all hardware-must be commercially manufactured and professionally installed and maintained. Owners are prohibited from climbing on or atop the exterior of their units. Installation must be in accordance with manufacturer's specifications. The installation must be properly grounded to earth. Those doing the installation or maintenance must be insured, and maintain on file with VWHA an up-to-date Certificate of Insurance. VWHA is in no way responsible for the installation or its outcome, nor for its maintenance, this is the responsibility of the owner. Owner satisfaction with the installation, quality of signal and of service, is solely between the owner and providers.
9. VWHA reserves the right to require the exterior hardware, including visible wiring, be painted, camouflaged or concealed when installed.
10. Maintenance includes appearance.
11. The cleaning of an installation that has been fouled by leaves, snow, nests, etc., is the responsibility of the owner, and must be done by an insured contractor if not reachable at ground level.
12. If dish removal is necessary for VWHA to do its required maintenance of the structure or Common Area, the dish is to be removed at owner's expense upon 10 day written notification by VWHA. If the dish has not been removed by the required time, VWHA will do so at the owner's expense, and is not responsible for any resulting damage. Reinstallation is the owner's responsibility.
13. This dish system is the property of the owner. As such, it can be removed and taken with him when he moves. If so, it must be professionally removed and the property returned to its original condition at the owner's expense.

The owner may also elect to leave the dish to the new owner when he moves, making it part of the sale. The Certificate of Compliance must indicate that the new owner accepts responsibility for continued maintenance.
14. A tenant may install a dish antenna with the written permission of the unit owner. The unit owner retains responsibility for adherence to all VWHA rules.
15. The owner accepts all liability for injury and damages caused by the dish antenna system. Examples: if a roof-installed system causes a roof leak into his unit, VWHA is free

of liability for interior damage and may bill the owner for roof repairs, if a windstorm tears off the dish, damaging the owner's or other property, or causing injury, the owner is responsible.

NOTIFICATION PROCEDURES

1. Any owner desiring to install a dish antenna system must complete a Variance Request and submit it to VWHA. The owner should also contact the Building Department of the Town of Webster, and any other applicable governmental entities, to obtain necessary permits or approvals. The Variance Request shall include the following information: type, size, height, location and orientation of the antenna, where and how mounted, and the name, address and phone number of the installer. Owner should also list all options considered. If any aspect of the selected option is not in conformance with VWHA rules, the owner shall so state, along with an explanation of why conformance is in this unreasonable or impractical. Other attachments should include the following:
 - a. Include diagrams and/or photos showing as precisely as possible the location, scale and appearance of the installation.
 - b. A Certificate of Insurance from the installer (if not already on file with VWHA.)
 - c. Copies of permits or approvals required by any government entity.
2. The A&G Committee will inform the Board of Directors of VWHA regarding conformity to VWHA rules.
3. VWHA shall notify the owner in writing of approval or rejection within 30 days of receipt of the completed Variance Request.
4. After installation, the owner shall notify VWHA, who will appoint an A&G member to inspect for compliance with the Variance Request and VWHA rules. The owner shall have 30 days to rectify any non-compliance. If a government entity also inspects for compliance, the Owner shall provide to VWHA copies of any compliance documents issued by them.

ENFORCEMENT

1. If these Rules are violated, VWHA may bring an 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 VWHA rules is enforceable, a fine of \$50.00 shall be imposed by VWHA for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10.00 per day will be imposed for each day that the violation continues. To the extent permitted by law, VWHA shall be entitled to attorney fees, costs and expenses incurred in the enforcement of this policy.
2. If the dish antenna system poses a serious, immediate safety hazard, VWHA may seek injunctive relief to prohibit or seek removal of the installation.

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