

# STOCKBRIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION

## **POLICY RESOLUTION NO. 02-01** (Policies and Procedures Regarding Satellite Dishes)

**WHEREAS**, Section 55-79.53 of the Virginia Condominium Act requires every condominium unit owner and all those authorized to occupy a unit with all provisions of the condominium; and,

**WHEREAS**, Article 3, Section 1 of the Bylaws grants the Board of Directors all of the powers and duties necessary for the administration of the affairs of the Unit Owners Association and the authority to adopt rules and regulations governing the use of the Common Elements; and

**WHEREAS**, the Federal Communication Commission ("FCC") adopts a rule effective October 14, 1996, preempting certain restrictions on the installation, maintenance and use of direct broadcast satellite, television broadcast and multipoint distribution service antenna ("antennas"), which rule has been subject of two subsequent Reconsiderations and Orders; and,

**WHEREAS**, the Association hereby adopts reasonable restrictions governing the installation, maintenance and use of antennas so as to serve the best interest of the Association, consistent with the mandate of the FCC rule; and,

**WHEREAS**, the Board of Directors deems it necessary and in the best interests of the Association to establish rules and regulations and an application process regarding satellite dishes.

**NOW, THEREFORE, BE IT RESOLVED THAT** the following rules, regulations, and procedures regarding the application process for satellite dishes are adopted.

### **A. Installation and Installation on Exclusive Use Areas**

1. No Unit Owner may install a satellite dish on any common element property.
2. The Board of Directors may, in its discretion, grant permission to any Unit Owner to install a satellite dish on limited common element property so long as the satellite dish is no larger than one meter in diameter and so long as the installation of the satellite dish will not compromise the structural integrity of the limited common element property.
3. Installation of antennas on the common elements is not permitted. Installation on the limited common elements or individual units shall be completed so as not to void any warranties of the condominium association or other owners, or in any way impair the integrity of building. Any application must include:
  - a) The full name and address of the Unit Owner;
  - b) The work and home telephone number of the Unit Owner;
  - c) The size of the satellite dish the Unit Owner wishes to install; and
  - d) The exact location where the Unit Owner wishes to install the satellite dish.

4. The Board shall have the right to physically visit the intended location of the satellite dish before and after approving the installation.
5. Any damage caused to the common elements or limited common elements by the installation or removal of a satellite dish will be assessed against the responsible Unit Owner.
6. Any Unit Owner owning a satellite dish will install, operate and maintain the satellite dish in accordance with applicable laws and regulations.
7. Unit Owner will reimburse the Association for all of its costs and attorney's fees incurred in enforcing the provisions of this resolution.
8. Antennas shall not be installed higher than is absolutely necessary for reception of an acceptable-quality signal, as identified by the manufacturer.
9. Any installer other than the owner shall provide the association with an insurance certificate listing the association as a named insured prior to installation. Insurance shall meet the following minimum limits:
  - a) Contractor's General Liability (including completed operations): \$1,000,000
  - b) Workers' Compensation: Statutory Limits
  - c) This regulation is intended to ensure that antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard to Association residents and personnel.
10. Antennas must be secured so they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the antennas, including damage from wind velocity.
11. There shall be no penetration of exterior common elements. Additionally, there shall be no penetration of the limited common element exclusive-use areas of the building unless it is necessary to receive an acceptable quality signal or it would unreasonably increase the cost of installation.
12. If penetration of the limited common elements is necessary, permissible, and appropriate, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. This rule is intended to prevent structural damage to the building and residences from water intrusion.

**B. Maintenance Requirements**

1. Owners who install or maintain antennas are responsible for the following tasks and all associated costs, including but not limited to:
  - a) Place (or replace), repair, maintain, and move/remove antennas;

- b) Repair damage to any property, including the Condominium, caused by antenna installation, maintenance or use;
  - c) Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
  - d) Reimburse residents or the Association for damage caused by antenna installation, maintenance, or use or the failure to perform any necessary maintenance, repair or replacement;
  - e) Restore antenna installation sites to their original condition;
  - f) Maintenance of all seals for any penetrations created in relation to the installation of the antenna; and
  - g) Maintenance, repair and replacement of any attachments associated with the installation of the antenna.
2. Owners shall not permit their antennas to fall into disrepair or to become a safety hazard. Owners shall be responsible for antenna maintenance, repair and replacement, and the correction of any safety hazard.
  3. If antennas become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment poses a safety hazard, the Association may remove the antenna(s) at the expense of the owner.
  4. Owners shall be responsible for antenna repainting or replacement if the exterior surface deteriorates.

### C. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city, county and state laws and regulations, and manufacturer's instructions. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental permits if any are required for safety reasons.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 10 feet of power lines (above-ground or buried). The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. 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. The purpose of this requirement is to ensure the safety of association residents and personnel and safe and easy access to the association's physical plant.
4. Installation must comply with all applicable codes, take aesthetic considerations into account, and minimize the impact to the exterior and structure of the owner's unit.

5. Antennas shall be permanently grounded to prevent electrical and fire damage.

**D. Antenna Camouflaging**

1. Antennas shall be painted to match the color of the structure to which they are installed so long as painting the antenna will not void any warranties or prevent the reception of an acceptable quality signal.
2. Exterior antenna wiring shall be installed so as to be invisible or barely visible from other units, the common areas or the streets and parking areas.

**E. Antenna Removal**

Owners must restore the property to the condition that existed prior to the installation of their antenna at their expense if their antenna is removed for any reason.

**F. Association Maintenance of Locations Upon Which Antennas are Installed**

1. If antennas are installed on property that is maintained by the Association, the owners retain responsibility for maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residents. If increased maintenance cost or damage occurs, the owners are responsible for all such costs.
2. If maintenance requires the temporary removal of antennas, the Association shall provide owners with 10 days written notice of the need for temporary removal of the antenna. Owners shall be responsible for removing or relocating antennas before maintenance begins and replacing antennas afterward. If they are not removed in the required time, then the Association may do so, at the owner's expense. The Association is not liable for any damage to antennas or any related equipment, seals or wires caused by Association removal.

**G. Notification Process**

1. Any owner desiring to install an antenna must complete a notification form and submit it to the Board of Directors care of the Association's management agent's office. If the installation is routine conforming to all of the above restrictions, the installation may begin immediately.
2. If the installation is other than routine for any reason, owners and the Board of Directors or the Association's community manager must establish a mutually convenient time to meet within 72 hours to discuss installation methods.

#### **H. Installation by Tenants**

These rules shall apply in all respects to tenants. Tenants desiring to install antennas shall obtain prior written permission of the owner of the condominium unit, which they lease or rent. A copy of this permission must be furnished with the notification statement. The Association shall not be liable to any owner for a tenant's failure to comply with this provision.

#### **I. Enforcement**

1. If these rules are violated, the Association, after notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association rule is enforceable, an assessed charge of \$50 may be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional charges of \$10 per day will be imposed for each day that the violation continues, for a period of no more than 90 days. The Association shall be entitled to reasonable attorney's 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 if time permits, otherwise the Association may take such action is necessary to prevent injury to persons or property at the antenna owner's expense.

#### **J. Severability**

If any provision of these rules is determined to be or is ruled invalid, the remainder of these rules or any valid provisions of these rules shall remain in full force and effect

The effective date of this resolution is July 14, 2002.

This resolution was duly adopted by the Board of Directors this 29th day of May, 2002.

Stockbridge Condominium Unit Owners Association

By: Janice Parks  
Janice Parks, President

STOCKBRIDGE CONDOMINIUM UNIT OWNERS ASSOCIATION

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors held on MAY 29, 2002.

Motion by: DAVID WENZEL

Seconded by: BRENDA HODGES

VOTE:

	Yes	No	Abstain	Absent
<u>Janine Parks</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>D W</u> Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>VINCE DEES</u> Treasurer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
_____ Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Brenda Ruby Hodges</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

I hereby certify that I mailed a copy of this resolution to all unit owners of record on

June 14, 2002.

Janine Parks  
~~Secretary~~ PRESIDENT