

**LAKESIDE AT SOUTH RIDING CONDOMINIUM
UNIT OWNERS ASSOCIATION**

REGULATORY RESOLUTION NO. 2003-02

SATELLITE DISH AND ANTENNA POLICY

WHEREAS, Section 55-79.53 of the Virginia Condominium Act, Code of Virginia (1950, as amended) (the “Condominium Act”) and Article 9, Section 9.1 of the Bylaws of Lakeside at South Riding Condominium (the “Condominium”) require that each owner, tenant, or occupant of a Unit comply with the Act, the condominium instruments (including the Declaration and Bylaws) and the rules and regulations of the Lakeside at South Riding Condominium Unit Owners Association (“Association”), as may be amended from time to time;

WHEREAS, Article 5, Section 5.8(b) of the Bylaws grants the Association’s Board of Directors (“Board”) the power to adopt and modify rules and regulations governing the use of units and common elements;

WHEREAS, Article 5, Section 5.7 of the Bylaws provides that “no unit owner shall alter any common element or the exterior of the unit, including the doors and windows, nor shall any unit owner . . . alter the exterior of any building, without the prior written consent of the Board of Directors or the Covenants Committee, as appropriate” and Article 5, Section 5.8(a)(4) provides that “no unit owner shall obstruct any of the common elements nor shall any unit owner place or cause or permit anything to be placed on or in any of the common elements . . . without the approval of the Board . . . [nothing shall be altered or constructed in or removed from the common elements except with the prior written consent of the Board of Directors or the Covenants Committee, as appropriate”;

WHEREAS, Article 12, Section 12.1(a) and Article 8, Section 8.3 of the Declaration for South Riding Proprietary, the master association for the South Riding community, provide that unit owners within the Association must also abide by the master association’s rules and regulations, and that if a provision of those rules and regulations are inconsistent with a provision of the Association’s rules and regulations, the provision of the master association’s rules and regulations control;

WHEREAS, the Federal Communications Commission (“the FCC”) has adopted a rule (“the FCC rule”) preempting certain Association restrictions on the installation, maintenance and use of antennas for direct broadcast satellite service, local television broadcast, multipoint distribution service and fixed wireless signals via satellite; and

WHEREAS, the Association’s Board of Directors wishes to adopt reasonable restrictions governing installation, maintenance and use of antennas in the best interests of the Association and consistent with the FCC rule;

NOW THEREFORE, BE IT RESOLVED THAT the Board adopts the following restrictions and regulations for the Condominium hereinafter referred to as the “Rules,” to become effective thirty (30) days from the date a copy of this Resolution is mailed to Unit Owners and which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs and

assigns who currently or in the future may possess an interest in the Condominium, and which shall supersede any previously adopted rules on the same subject matter.

I. Definitions.

- A. Antenna** – any device that is used for the receipt of video programming services, including direct broadcast satellite (DBS), multipoint distribution service (MDS), and local television broadcast signals (TVBS); and any device used to receive or transmit fixed wireless signals (FWS). A mast, cabling, supports, guide wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of an antenna shall be considered part of the antenna.
- B. Common elements** – all portions of the condominium other than the Units and the limited common element(s) assigned to each Unit, as more specifically defined in the Association’s Declaration. Common elements include, but are not limited to, open grassy areas, roofs and exterior walls (including exterior walls between the unit and the unit’s patio or balcony).
- C. Exclusive-use area** – limited common element, as defined in the Association’s Declaration, in which the owner has a direct or indirect ownership interest and that is designated in the Declaration for exclusive use of owner. Limited common elements include, but are not limited to, the patio or balcony adjacent to a unit.
- D. Fixed wireless signals** – any commercial non-broadcast communications signal transmitted by wireless technology to and/or from a fixed customer location. Examples include wireless signals used to provide telephone service or high-speed internet access to a fixed location. The term “fixed wireless signals” does not include, among other things, AM/FM radio, amateur (“HAM”) radio, Citizens Band (“CB”) radio, and Digital Audio Radio Services (“DARS”) signals.
- E. Mast** – Structure to which an antenna is attached that raises the antenna height.
- F. Owner** – any Association unit owner or, for purposes of these Rules only, any tenant lawfully entitled to occupy a unit within the Condominium.
- G. Telecommunications signals** – signals received or transmitted by DBS, TVBS, MDS, or FWS antennas.

II. Installation Requirements.

A. Antenna Size and Type.

1. DBS, MDS, and FWS Antennas. DBS, MDS, and FWS antennas that are one meter (39.37 inches) or less in diameter may be installed by a unit owner. DBS, MDS, and FWS antennas that are larger than one meter in diameter are prohibited.

2. Antennas that Transmit Signals. All antennas that are capable of transmitting signals, including FWS antennas, must be labeled to provide notice of radio frequency (RF) safety hazards and reference the applicable FCC-adopted limits on RF exposure; in addition, all such antennas must be professionally installed (see Section II.E.6. below).
3. Prohibited Antennas. All antennas not specifically included within the definition of “antenna” set forth above, or otherwise covered by the FCC rule, are prohibited.
4. Number of Antennas. No more than one antenna for each type of service (as specified in Section I.A. above) may be installed by an owner.

B. Location.

1. Inside Unit. If acceptable quality signals may be received by placing antennas inside a unit without unreasonable delay or unreasonable cost increase, then the antenna must be installed within the unit.
2. Acceptable Locations. Subject to the requirement in the prior paragraph, antennas shall be installed solely in the following locations (listed in decreasing order of preference):
 - a. inside the owner’s unit;
 - b. within the boundaries of the owner’s limited common element/exclusive-use areas, as designated in the Declaration and on the plats and plans of the Association (such as patios and balconies) (see Section II.C. below); or
 - c. subject to the prior written approval of the Association’s Board of Directors in accordance with Section VII.C. below, on common elements.
3. Unacceptable Locations/Encroachments. Except as otherwise provided herein, antennas shall not encroach upon common elements, any other owner’s individual unit or limited common element, or the air space of another owner’s limited common element or air space of the common elements. For instance, an antenna cannot be installed so that it extends out beyond the balcony or patio and into, on, or over common elements. Except as otherwise provided in Section II.B.2.c. above, no antenna of any size may be placed or installed on the common elements, even if an acceptable quality signal cannot be received from within a unit or exclusive-use area/limited common element.
4. Shielded From View. Antennas shall be located in a place shielded from view from outside the Condominium or from other units to the maximum extent possible; provided, however, that nothing in this rule requires installation where an acceptable quality signal cannot be received or in such a manner that unreasonably increases the cost of installation.

C. Installation on Limited Common Elements/Exclusive Use Areas.

1. In General. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal. Installation must comply with all applicable codes, take aesthetic considerations into account, and

minimize the aesthetic and structural impact to the exterior and structure of the owner's unit, limited common elements or the common elements.

2. Do Not Damage Property. All installations shall be completed so that they do not materially 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 integrity of buildings. Installation of antennas on a limited common element does not convert the limited common element to individual property.
3. Preferred Locations. To the extent an acceptable quality signal can be obtained, the satellite dish should be installed on a tripod or similar device, not attached to any part of the structure, on the floor of the balcony/patio, fully inside the balcony/patio railing.
4. Installer Qualifications. To protect the interests of the owner and the Association, it is recommended that any installer other than the owner should be licensed, bonded and insured. Insurance should meet the following minimum limits:
 - a. Contractor's General Liability (including completed operations):
\$1,000,000; and
 - b. Workers' Compensation: Statutory Limits.

It is recommended that the owner have the installer provide the Association with a copy of the installer's license and insurance certificate prior to installation, if other than inside the unit. This recommendation is intended to ensure that antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions, and to protect the interests of the Association. Improper installation could cause damage to structures or pose a safety hazard to the Condominium's residents and to Condominium or personal property.

The Association's management agent maintains a list of installers who have indicated their ability to install antennas in compliance with all regulations and procedures. This list of installers is provided solely for the convenience of the owners and shall not be construed to indicate the Association's endorsement or recommendation of a particular installer.

5. Securing of Antennas. 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.
6. Drilling of Holes — Limited Common Elements. There shall be no holes drilled, made or put into structural components of limited common element/exclusive-use areas of the building unless this requirement prevents an acceptable quality signal or unreasonably increases the cost of antenna installation. The following devices shall be used unless their use would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation, maintenance or use:
 - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;

- b. Devices, such as ribbon cable, that permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall;
 - c. The unit's existing cable entry path; or
 - d. Existing unit wiring for transmitting telecommunications signals and cable service signals into the unit.
7. Drilling of Holes — Common Elements. No unit owner shall be permitted to drill, put or make holes into the exterior building walls or other common elements, or to otherwise penetrate through the common elements for the purpose of routing antenna cable, without the prior written approval of the Board of Directors, and if approved, the penetration shall be properly waterproofed and sealed by the unit owner in accordance with applicable industry standards and building codes. This rule is intended to prevent structural damage to the building and residences from water and vermin or insect intrusion. The Owner shall be responsible for repair of all damages caused by their, or their agent's, penetration through common elements or limited common elements.
8. Use of Existing Coaxial Cable. If the owner currently subscribes to cable services and desire to use the unit's existing coaxial cable for the installation of the antenna, the Owner's use of the existing cable is at the Owner's sole risk and the Association shall not be responsible for any resulting damages or claims. The Owner must provide notice to the current cable service provider as required by the cable provider, currently believed to be at least seven days, before attempting to splice or connect to the existing cable, and must comply with the cable service provider's requirements.

D. Maintenance Requirements.

1. Owner Responsibility. Unit Owners with antennas are responsible for all related maintenance, repair and replacement obligations, and associated costs, including, but not limited to, the following:
 - a. Place (or replace), repair, maintain, and move or remove antennas, to include, without limitation, when needed for the Association to do required maintenance to limited common elements or common elements;
 - b. Repair damage to any property caused by antenna installation, existence, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna installation, existence, 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 building components at antenna installation sites to their original condition;
 - f. Maintain all seals for any penetrations created in relation to the installation of the antenna; and
 - g. Maintain, repair and replace any attachments associated with installation of the antenna.
 - h. Repaint or replace antenna if the exterior surface of the antenna deteriorates.

2. Maintenance Affecting Common Elements. Owners must obtain the prior permission of the Association's management agent prior to performing service or maintenance on the owner's antenna if such service or maintenance may potentially affect or involve the common elements.
3. No Safety Hazard. Owners shall not permit their antennas to fall into disrepair or become a safety hazard. Owners shall be responsible for antenna maintenance, repair and replacement, and the prompt correction of any safety hazard.
4. Repair of Detached Antennas. If antennas become fully or partially detached, owners shall remove or repair such antenna within 72 hours of the detachment. If the detachment threatens safety, the Association may remove the antenna immediately at the expense of the owner if the owner does not do so immediately.

E. Safety.

1. Compliance Standards. Antennas shall be installed and secured in a manner that complies with all applicable county and state laws and regulations, and manufacturer's instructions. Owners shall, prior to installation or soon thereafter as reasonably possible, provide the Association with a copy of any applicable governmental permits that are required for safety reasons. In addition, upon request, the Owner shall make available to the Association a copy of the antenna manufacturer's instruction/safety manual.
2. Proximity to Power Lines. 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. Obstructions. 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 Condominium residents and personnel and the safe and easy access to the Condominium's physical plant.
4. Grounding. Antennas shall be permanently grounded in accordance with the manufacturer's specifications to prevent electrical and fire damage.
5. Professional Installation. Only professional installers shall install all antennas capable of transmitting signals, including FWS antennas. The purpose of this requirement is to minimize the possibility that the antenna will be placed in a location that is likely to expose Condominium residents and guests to the transmit signal at close proximity and for an extended period of time.

III. Antenna Camouflaging.

- A. **Color**. Owners shall purchase their antenna in a color, to the extent available, that most closely matches the color of the structure to which the antenna will be installed, or in the alternative, shall paint their antenna so that the antenna blends into the

background against which it is mounted, so long as the painting of the antenna will not void any warranties or prevent the reception of an acceptable quality signal.

- B. Screening.** Camouflaging antennas through inexpensive, visually attractive screening is required if antennas are visible from the street or other units, so long as such camouflaging does not prevent the reception of an acceptable quality signal.
- C. Wiring.** Exterior antenna wiring shall be installed so as to be invisible, to the greatest extent possible, from other units, the common elements or the streets and parking areas, so long as this requirement does not impair the installation, maintenance or use of the antenna. For instance, the owner can hide the wiring by using vinyl tubing that matches the color of the surface on which the wiring is installed, or such other camouflaging tubing, devices, or methods consistent with all applicable industry standards and manufacturer's instructions and warranties.

IV. Mast Installation.

- A. Height/Encroachments.** Mast height may be no higher than absolutely necessary to receive acceptable quality signals. However, masts shall not encroach upon common elements, any other owner's individual unit or limited common element, or the air space of another owner's limited common element or air space of the common elements. For instance, a mast cannot be installed so that it extends out beyond the balcony or patio and into, on, or over common elements; as a further example, a mast cannot be so high as to extend beyond the upper boundary of the owner's unit and/or into the air space above the roof line.
- B. Prior Notification/Approval.** A mast that is 12 feet high or less and is consistent with the requirements of Section IV. A. may be installed subject to the ordinary notification process addressed below. Masts that would violate Section W.A., or which exceed 12 feet in height must be approved by the Board of Directors before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Applications for masts requiring Board approval must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the need for the proposed mast. If the installation of a mast exceeding 12 feet in height (but which is otherwise consistent with Section IV.A.) will pose a safety hazard to Association residents and personnel, then the Board may prohibit such installation, and the notice of rejection shall specify these safety risks. Nothing herein requires the Board to approve masts that violate Section IV. A.
- C. Professional Installation.** Approved masts exceeding 12 feet in height must be installed by a licensed and insured contractor due to safety concerns posed by wind loads and the risk of falling antennas and masts.

V. Antenna Removal.

If an owner's antenna is removed for any reason, then the owner must restore the property, at his/her expense, to the condition that existed prior to the installation of the antenna.

VI. Association Maintenance of Locations Upon Which Antennas are Installed.

- A. In General.** If antennas are installed on property that is maintained by the Association, the owner retains responsibility for antenna 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 or damage occurs, the owner is responsible for all such costs.
- B. Temporary Removal of Antenna.** If maintenance or repair requires the temporary removal of an antenna, the Association shall provide the owner with 10 days' written notice of the need for temporary removal of the antenna. Owner shall be responsible for removing or relocating the antenna before maintenance begins and replacing the antenna 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 the Association's removal. In an emergency, prompt removal may be required or may be done at the owner's cost.

VII. Notification Process / Prior Approval.

- A. Prior Notification.** Any owner desiring to install an antenna must submit prior written notification to the Board of Directors, care of the Association's management agent. The prior notification should be given as much in advance of installation as possible without unreasonably delaying the installation. The notification must include specific details regarding the intended placement of the antenna and related equipment and wiring, and must identify who (or what company) will be installing the antenna. Tenants must include their lease/rental agreement along with the written notice.
- B. Non-Routine Installations/Clarifications.** If the installation is routine (i.e., conforming to all of the rules in this Resolution), the installation may begin immediately after submission of the notice. If the installation is other than routine for any reason or if the owner is unsure whether the installation will comply with these Rules, the owner and the Board of Directors (or the Association's management agent) must, prior to installation, establish a mutually convenient time to meet to discuss the proposed installation (usually within 72 hours after submission of the notice, if possible).
- C. Prior Approval For Common Elements.** If an Owner desires to locate an antenna on the common elements in accordance with Section II.B.2.c above, then the Owner must first obtain the prior written consent of the Board of Directors. The decision whether to allow placement of an antenna on common elements shall be in the sole discretion of the Board of Directors. The Board of Directors shall provide the Owner with a written decision as soon as reasonably possible, typically within 45 days after the Board receives the Owner's written application, which must contain a detailed description of the proposed antenna installation, a diagram of the proposed location, and an explanation why other permissible locations are unacceptable.

VIII. Installation by Tenants.

These rules shall apply in all respects to tenants. The Association shall not be liable to any owner for a tenant's failure to comply with this provision. An owner shall be responsible for any damages caused by a tenant.

IX. Enforcement.

- A. Violation Charges, Costs, Attorney's Fees.** If these rules are violated, the Board of Directors may, pursuant to Section 55-79.80:2 of the Condominium Act and after providing notice and an opportunity to be heard, assess a rule violation charge of \$50 for each violation or, if the violation is not corrected within a reasonable length of time established by the Board, a rule violation charge of \$10 per day, for a maximum of 90 days, may be imposed for each day that the violation continues. The Owner may be responsible for paying the Association's reasonable attorneys' fees, costs, and other expenses incurred in the enforcement of these Rules, as allowed by law and the Bylaws. In addition, the Association may bring an action for declaratory relief with the FCC or any court of competent jurisdiction.
- B. Safety Hazards.** If antenna installation or maintenance issues pose 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 in accordance with Article 9, Section 9.1(e) of the Bylaws.
- C. Non-Exclusive Remedies.** The remedies set forth in this Section IX are not the Board's exclusive remedies for violations of these Rules, but rather are in addition to any other remedies available to the Board as provided by law or the condominium instruments.

X. Severability.

If any provision of this Resolution is ruled invalid by a court or the FCC, then any valid intent of that provision and the remaining provisions of this Resolution shall remain in full force and effect.

XI. Retroactive Application.

- A. On Common Elements.** Any antennas previously installed on common elements without the written approval of the Board of Director must be removed within sixty (60) days of the effective date of this Resolution. If a unit owner is unsure of whether his/her antenna is currently installed on the common elements, then it is that unit owner's responsibility to request confirmation or clarification from the Board of Directors.
- B. On Limited Common Elements/Exclusive Use Areas.** Any antennas previously installed on limited common elements/exclusive use areas must comply with this Resolution (except the requirement for prior notification), unless bringing the antenna into compliance with this Resolution unreasonably delays, prevents or increases the

cost of installation, maintenance or use of the antenna, or precludes reception of an acceptable quality signal.

XII. Compliance with South Riding Proprietary's Rules and Regulations.

All members of the Association are also members of the master association, South Riding Proprietary, by virtue of their ownership of units within the South Riding Community. Accordingly, all members of the Association (and all those lawfully entitled to occupy the units) are also responsible for knowing and abiding by any and all rules and regulations adopted by South Riding Proprietary. For information concerning any applicable Proprietary requirements for antenna installation and maintenance, unit owners should contact the Proprietary's management office directly.

Last Modified: 2008-03-10