

## Resolution #15 Establishing a Satellite Dish Antenna Installation Policy

WHEREAS, under the Declaration, Article XXV, Section 25.2, the Executive Board is empowered to adopt and amend Bylaws, Rules and Regulations; and

WHEREAS, satellite dish antennas are permitted only upon approval of the Executive Board (Rules, Article II, Section 2.6).

WHEREAS, this policy was circulated to unit owners in compliance with the Declaration, Article XXIV, Section 24.1, Right to Notice and Comment; and

WHEREAS, the Federal Communications Commission has adopted rules concerning certain association restrictions on the viewers' ability to receive video programming signals from direct broadcast satellites;

THEREFORE, BE IT RESOLVED that the Executive Board adopts the following reasonable policy regarding the installation, use and maintenance of satellite dish antennas used for the purpose of receiving television broadcasts. These rules are intended to be in compliance with FCC regulations and will allow for the use of satellite antennas while still protecting the rights of all owners and preserving the property values of the community.

To Be Effective on January 14, 2011.

Adopted by vote of the Executive Board on January 10, 2011 after giving all unit owners notice and an opportunity to comment.

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President, James Greeson

## Satellite Dish Antenna Installation Policy

These rules apply to home satellite receiving dishes that do not exceed one meter (39.37 inches) in diameter. These rules apply to viewers who place satellite dishes within property that they own (unit) or that is within their exclusive use or control (limited common element). A viewer may not place a satellite dish on any portion of the common elements of the Association.

The Association cannot ensure that a unit owner will receive adequate reception. The Association's obligation is limited to allowing installation in specific locations as mandated by the applicable federal law (FCC Over-the-Air Reception Devices ("OTARD") rule - 47 C.F.R. Section 1.4000).

This policy nor the FCC rule does not apply to antennas used to receive AM radio, FM radio, HAM radio, CB radio or Digital Audio Radio Service.

### **Location:**

Satellite dishes may be installed solely in a unit owner's unit or on limited common elements as designated as such in Article V of the Declaration of Strawberry Fields Condominium Association, Inc. These spaces include a rear patio surface, the deck surface and railing and the front porch surface. While the entry walk and driveway are also limited common elements, these areas are excluded from use for both safety reason and association accessibility for maintenance.

The suitability of any of these locations for mounting a dish may be limited due to lack of line-of-sight to the satellite. In any case, installation of the dish in these areas does not require permission from the Association. Such rights however do not extend to any required modification of the common elements in order to complete the installation and connection to the interior equipment.

Satellite dishes may not encroach upon the association common elements, any other unit owner's individual unit or any other unit owner's limited common elements. This includes the air space of another unit owner's limited common elements and the air space of the Association's common elements.

No more than one antenna may be installed unless the service provider states that additional antennas are necessary to receive the desired service.

To the greatest extent possible, satellite dishes shall be located in an area shielded from view from outside the condominium or from other units. If the antenna location required to receive a signal does not meet this objective, then approved screening or plants shall be installed by the dish owner to minimize the negative visual impact on your neighbors.

Satellite dishes shall not obstruct access to or egress from any unit, walkway, or electrical and mechanical equipment.

**Installation:**

Any unit owner desiring to install a satellite dish must complete a notification form provided by the Association and submit it to the property manager. If the installation meets all the requirements of this policy, installation may begin immediately as approval is not required. Otherwise the owner shall contact the property manager to discuss location and installation concerns.

The antenna may be self-installed. If the antenna will be professionally installed, please include with the notification form a certificate of insurance for the installer, listing the Association as an additional insured.

Only direct broadcast satellite dishes less than one meter in diameter (39.37 inches) may be installed. The smallest dish that yields an acceptable signal shall be used. Satellite dishes shall not be installed higher than required for reception of an acceptable quality signal. Satellite dishes must be properly secured in order to prevent damage to any adjacent structure or person. In the event of damage to the common or limited common elements due to wind storm, the cost of repair will be assessed against the unit.

No installation shall damage the common elements or individual units or in any way impair the integrity of the limited common element structure to which they are affixed. If the antenna requires mounting to a portion of the common elements, then a *Request for Variance* must be submitted for approval of such an installation and possible modification.

The following devices must be used in the order listed unless they would prevent an acceptable quality signal or unreasonably increase the cost of installation, maintenance or use:

- a) Devices that permit the transmission of signals through glass without cutting or drilling a hole;
- b) Devices such as a ribbon cable, which permit the transmission of signals through a window or door without physical penetration;
- c) Direct connection cable that penetrates the exterior of the unit. Such penetrations shall be properly waterproofed using coax cable wall bushings and sealed in accordance with building codes. Such cables must be installed to be minimally visible. The use of fasteners shall be minimized and all fastener hardware shall be non-corrosive.

In the case of option c), in advance of the work the owner must submit a *Request for Variance* that fully describes the required alteration to the common elements. The Association is under no obligation to approve such an alteration.

Satellite dishes shall be installed and secured in a manner that complies with all applicable municipal and state laws and regulations and in accordance with the manufacturer's instructions. Satellite dishes shall be properly grounded. Cables must be located and secured so as not to create a tripping hazard.

**Maintenance:**

Unit owners who install satellite dishes are responsible for all related costs, including but not limited to:

- a) Placement or replacement, repair, maintenance and removal;
- b) Repairing any damage to property caused by the satellite installation, maintenance or use;
- c) Restoring the installation site to its original condition upon removal of the satellite dish or upon sale of the unit;
- d) Correction of any safety hazard.

The owner of the satellite dish shall be responsible for all expenses associated with the maintenance, repair or replacement of a satellite dish and/or the property upon which it is placed. Satellite dishes must not be installed in a manner that will result in increased costs to the Association. If such increased costs occur, the Association shall charge back such costs to the unit owner.

If it becomes necessary to remove the satellite dish on a temporary basis in order to perform normal maintenance to the limited common elements upon which it is installed, the Association shall provide such unit owner with ten days notice. The unit owner shall be responsible for removing or relocating their satellite dish before and after maintenance has been performed. If the unit owner does not remove the satellite dish as requested, the Association may do so at the unit owners' sole expense. Neither the Association nor its agents shall be liable for any damage to the satellite dish caused by the Association's removal.

To Be Effective on January 14, 2011.

Adopted by vote of the Executive Board on January 10, 2011 after giving all unit owners notice and an opportunity to comment.

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President, James Greeson

## Satellite Antenna Notification Form

This notification form should be completed and returned prior to the installation of an antenna but must be provided no later than 5 days after the antenna is installed.

Installations that fully comply with the Associations Satellite Antenna Installation Policy may proceed without approval and without delay. Any aspect of the planned installation that does not meet the requirements of the Policy must be approved in advance by submitting a *Request for Variance* form that describes the non-compliant aspect of the installation.

Unit # \_\_\_\_\_

Owner Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone No. Day \_\_\_\_\_ Night \_\_\_\_\_

Explain in detail the location of the antenna and mast: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated date of installation: \_\_\_\_\_

Installation will be done by: ☐ Owner ☐ Contractor

Name of Contractor: \_\_\_\_\_

Address/Tel. Number: \_\_\_\_\_

A copy of the contractor's license and certificate of insurance is attached.

I will comply with the Association's policy regarding the installation, maintenance and replacement of my antenna and mast. I assume all liability, and hereby indemnify and hold the Association harmless, for any damage to the Common Elements or other owner's property and for injury to any person that occurs as a result of the antenna and/or mast having been installed.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This notice must be completed, signed and mailed to:

Magee Property Management Company  
7 Cody St.  
West Hartford CT 06110-1902