

HIDDENBROOK HOMES ASSOCIATION

POLICY RESOLUTION 2015-1

Regarding Satellite Dishes and Exterior Antennas

WHEREAS, Article VI, of the Declaration of Covenants, Conditions and Restrictions of Hiddenbrook Homes Association recorded at Deed Book 3738 at Page 246, et. seq. ("Declaration" and "Association" respectively) states:

No building, fence, wall, antenna, swimming pool or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board; and

WHEREAS, the Federal Communications Commission ("FCC") adopted a rule effective October 14, 1996, which is intended to supersede the regulations of community association 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 adopt reasonable regulations governing installation, maintenance, and use of exterior antennas consistent with the FCC rule.

I. DEFINITIONS

A. Antenna: any device used for the receipt of video programming services, including direct broadcast satellite dish (DBS), television broadcast antennas, and multipoint distribution service antennas (MDS). (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. Telecommunications signals: signals received by DBS satellite dishes or television broadcast and MDS antennas.

II. NOTIFICATION OF INSTALLATION

A. An owner should submit an ARC Application before installing an Antenna. 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 restrictions and guidelines stated herein. The Association reserves all powers to inspect the antenna to determine if the antenna is in compliance and the Association reserves all powers to compel the owner to comply with the terms of this resolution, regardless of whether the owner has already installed the antenna.

B. Owners must send their application to the Association in writing to Hiddenbrook HOA, PO Box 582, Herndon, VA 20170 or Hiddenbrook_Homes@hotmail.com.

III. ANTENNA INSTALLATION RULES

A. Antenna Size and Type

1. Owners may install a DBS dish that is one meter or less in diameter. Satellite dishes which are larger than one meter in diameter are strictly prohibited.
2. Owners 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 may install a regular TV antenna designed to receive broadcast stations.
4. Owners may not install any type of antenna which transmits a signal of any sort that 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 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 unless an adequate signal reception cannot be received from any of the designated locations:

- i. inside a window within the home; or

ii. at ground level in the rear of any home, reasonably screened or decorated with natural landscaping or flowers; or

iii. (if installed with a mast) entirely within and below the height of approved privacy fencing which fully encloses the rear yard; or

iv. On the rear side of the roof; or

v. above the walking surface of the deck, providing that no portion of the device projects no more than six inches above the height of the deck railing.

No alternative locations shall be permitted without (i) a written notice from the owner 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. Such written notice must be submitted prior to satellite dish installation. If the satellite dish is installed in a location other than a designated preferred location, the Association reserves the power to verify that an adequate signal reception is unavailable at any preferred location. If an adequate signal reception is found to be available at a preferred location, the Board or Architectural Review Committee may require the owner to move the antenna to a designated preferred location.

2. Owners are prohibited from installing an antenna which encroaches upon any common area, any other owner's individual lot, or the air space of another owner's lot.

3. Owners must locate their antenna in a place and manner which shields it from view from the nearest street(s) or from other lots in the community to the maximum extent possible. The Association reserves the power to require an owner to install visual barriers, natural or otherwise, around the device to diminish any adverse visual effect which may be caused by the installation of the antenna. However, in no event will an owner be required to incur an unreasonable expense to install a visual barrier. Any visual barrier so required must be installed within one week of the installation of the antenna.

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 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 anyone.

3. Antennas shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions. Prior to installation, owners

shall provide the Association with a copy of any applicable governmental permit if it is required for safety reasons.

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 without incurring unreasonable costs and with the least adverse impact upon the lot's aesthetic appearance.

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

D. Maintenance

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

- a. Place (or replace), repair, maintain, and move or remove antennas;
- b. Repair damage to any property caused by the owner's failure to properly install, maintain or use the antenna;
- c. Pay medical expenses incurred by persons injured by the owner's failure to properly install, maintain, or use the antenna;
- d. 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.

2. 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.

3. If an antenna becomes detached, the owner must remove or repair it 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.

4. 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.

IV. MAST INSTALLATION

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

- B. Masts must be installed by licensed and insured contractors.

V. ENFORCEMENT

- A. The Association reserves all of its legal remedies to enforce this resolution.

B. 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.

HIDDENBROOK HOMES ASSOCIATION

RESOLUTION ACTION RECORD

Resolution Type: Policy

No.: 2015-1

Regarding: Satellite dishes and exterior antennas

Duly adopted at a meeting of the Board of Directors of the HIDDENBROOK HOMES ASSOCIATION held on the 17 day March of 2015.

Motion by: Carrie Hester

Seconded by: Joan Koss

		<u>Vote</u>			
		Yes	No	Abstain	Absent
<u>Cruz Holland</u>	, Director	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>Paige Dyer</u>	, Director	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>Pam Spencer</u>	, Director	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u> </u>	, Director	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	, Director	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ATTEST:

Paige Dyer
Secretary

3.17.15
Date

Resolution Effective:

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CERTIFICATE OF MAILING OR DELIVERY

The Managing Agent hereby attests that notification of this Policy Resolution was mailed and/or hand-delivered to the addresses of record of the Owners on this _____ day of _____, 2015.

Date

Lisa Cornaire, Managing Agent

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