

**SAN IGNACIO VISTAS, INC.
ANTENNA (SATELLITE)
INSTALLATIONS,
MAINTENANCE, AND USE**

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Based on Model Rules and Restrictions for Antenna Installation, Maintenance, and Use,

**COMMUNITY ASSOCIATION INSTITUTE
(www.caionline.org/gettingconnected)**

**REVISED RULES FOR ANTENNA – (SATELLITE)
INSTALLATION, MAINTAINENCE AND USE**

INTRODUCTION

WHEREAS, the San Ignacio Vistas, Inc. Homeowners Association is responsible for governance and maintenance of the Common Areas; and

WHEREAS, the Association exists pursuant to applicable state law and the governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules in the interests of the Homeowners, pursuant to sections of state law and the governing documents permitting the Association to adopt and enforce rules; and

WHEREAS, the Federal Communications Commission (“FCC”) adopted a rule effective October 14, 1996, and amended effective January 4 and 22 and February 16, 1999, preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“Covered Antennas”); and

Whereas, the Association wishes to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Homeowners and consistent with the FCC Over-The-Air Reception Devices (OTARD) Rule;

THEREFORE, the Association adopts the following rules for San Ignacio Vistas, Inc., as a revision of **S.I.V. Rules 12/18/2000**, which shall be binding upon all owners and residents and their grantees, lessees, tenants, occupants, successors, heirs, and assigns and which shall supersede any previously adopted rules on the same subject matter.

I. Definitions

- A. **“Antenna”**: any device used for the transmission and receipt of video or audio services, including direct broadcast **satellite** (DBS), television broadcast, and multipoint distribution service (MDS). A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.
- B. **“Covered Antenna”**: this term means an Antenna covered by the FCC’s Over-the-Air Reception Devices (OTARD) Rule.
- C. **“Common Area”**: as defined in the Amended and Restated Declaration of Establishment of Covenants, Conditions and Restrictions for San Ignacio Vistas (CC&Rs).
- D. **“Individual Antenna”**: an Antenna installed by one Resident for the reception by that Resident.
- E. **“Homeowner”**: as defined, CC&Rs, Article I, Section 1.9, regardless of whether the Association has maintenance responsibilities for a portion of that owner’s property.
- F. **“Resident”**: any person (homeowner or tenant) residing in San Ignacio Vistas, Inc.
- G. **“Mast”**: Structure to which an Antenna is attached that raises the Antenna height to enable the Antenna to receive acceptable-quality signals.
- H. **“Transmission-Only Antenna”**: an Antenna that has limited transmission capability and is designed for the Resident to select or use video programming.

II. Antenna Size and Type

Subject to criteria detailed elsewhere in these rules, the following are Covered Antennas and may be installed.

- A. Antennas designed to receive DBS service that are 39.4 inches (1 meter) or less in diameter may be installed. DBS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.
- B. Antennas designed to receive MDS service that are 39.4 inches (1 meter) or less in diameter may be installed. MDS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.
- C. Antennas designed to receive television broadcast signals, regardless of size.
- D. Transmission-Only Antenna that is necessary for the use of Covered Antennas.
- E. Mast that is required for the installation of Covered Antennas.
- F. **All other Antennas (including amateur or ham radio antennas) not covered by the FCC's OTARD Rule as amended are prohibited or subject to the architectural review process.**

III. General Rules

- A. **Residents may install Covered Antennas according to the following rules, provided that these rules do not unreasonably delay Covered Antenna installation, maintenance or use; unreasonably increase the cost of Covered Antenna installation, maintenance, or use; or preclude reception of acceptable-quality signals from Covered Antennas**
- B. Location
 - 1. Covered Antennas shall be installed solely on a Homeowner's property, but not on private property maintained as Common area, as defined in the CC&Rs.
 - 2. Television broadcast Covered Antennas must be installed inside a home whenever possible.
 - 3. Covered Antennas shall not encroach upon any Common Area, any other Homeowners property, Common Area airspace, or the airspace of another Homeowners owned area.
 - 4. Covered Antennas shall be located in a place shielded from view from other homes, from streets, or from outside San Ignacio Vistas, Inc. to the maximum extent possible. If Covered Antennas can receive acceptable-quality signals from more than one location, then Covered Antennas must be located in the least visible preferred location. This section does not permit installation on the Common Areas, or private property maintained as a Common Area, even if an acceptable-quality signal cannot be received from an homeowners area.
 - 5. If an installation cannot comply with the previous section because the installation would unreasonably delay, unreasonably increase the cost, or preclude reception of acceptable-quality signals, the Resident must ensure that the installation location is as close to a conforming location as possible. The Association may request an explanation of why the nonconforming location is necessary.
- C. Installation
 - 1. Covered Antennas shall be neither larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
 - 2. All installations shall be completed so that they do not materially damage any property in San Ignacio Vistas, Inc., or void any warranties of San Ignacio Vistas, Inc. or other Residents, or in any way impair the integrity of any building in San Ignacio Vistas, Inc.
 - 3. A Resident is not required to hire a professional antenna installer. However, any installer other than the Resident shall employ qualified personnel to install the Covered Antenna. The purpose of this regulation is to ensure that Covered

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.

4. Covered Antennas must be secured so that they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the Covered Antennas, or cause property damage, including damage from wind velocity.
5. Residents are liable for any personal injury or damage occurring to Common Areas or other Homeowners Property arising from installation, maintenance or use of a Covered Antenna. And shall pay the costs to
 - a. Repair damages to the Common Area, Homeowners property and any other property damaged by Covered Antenna installation, maintenance or use;
 - b. Pay medical expenses incurred by persons injured by Covered Antenna installation, maintenance, or use; and
 - c. Reimburse residents or San Ignacio Vistas, Inc. for damages caused by Covered Antenna installation, maintenance, or use.
6. A resident installing a Covered Antenna shall indemnify San Ignacio Vistas, Inc. against injury or loss caused by the Covered Antenna.

D. Maintenance

1. Residents shall not permit their covered Antennas to fall into disrepair or to become a safety hazard. Residents shall be responsible for Covered Antenna maintenance, repair, and replacement, and the correction of any safety hazard within thirty days after notification of the need for repair.
2. If Covered Antennas detach, residents shall remove the Antennas or repair such detachment within seventy-two hours of the detachment. If the detachment threatens safety, the Association may remove Covered Antennas at the expense of the Resident.
3. Residents shall be responsible for Covered Antenna maintenance if the exterior surfaces of the Covered Antennas deteriorate.
4. If the Resident does not correct a safety hazard within thirty days after notification, the Association may enter onto the property to repair the Covered Antenna. Any repair expense will be charged to the Resident.
5. If a Covered Antenna is not properly maintained, the Resident shall be responsible for any personal injury or property damage to any Common Area or an Homeowners property and shall indemnify the association for any personal injury or property damage.

E. Covered Antenna Camouflaging

1. Covered Antennas shall be neutral in color or painted to match the color of the structure on which they are installed.¹
2. Covered Antennas installed on the ground and visible from the street or other Residents' property must be camouflaged. A covered antenna preferably should be camouflaged by existing landscaping or screening. If existing landscaping will not adequately camouflage the Covered Antenna, then the Association may require additional camouflage. If the camouflaging will cause an unreasonable cost increase, then the Association has the option to pay for additional camouflaging.
3. Exterior Covered Antenna wiring shall be installed so as to be minimally visible and blend into the material to which it is attached.

¹ Some manufacturers assert that painting may prevent the reception of an acceptable-quality signal. Residents should make sure that paint will not degrade the signal.

IV. Safety

Because the Association has a legitimate safety interests in preventing personal injury or property damage occurring due to improper or unsafe Covered Antenna installation, Residents must follow the listed safety guidelines;

- A. Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, county and state laws and regulations, and manufacturer's instructions. If a Resident must obtain a permit in compliance with a valid safety law or ordinance, then the Resident shall provide a copy of that permit to the Association before installation. The purpose of this rule is to ensure that Covered Antennas are installed safely and securely, and to minimize the possibility of detachment and resulting personal injury or property damage.
- B. To prevent electrical and fire damage, Covered Antennas shall be permanently and effectively grounded.**
- C. To prevent detachment during a storm, Covered Antennas shall be installed to withstand wind speeds of 70 mph.

V. Number of Covered Antennas

No more than one Covered Antenna providing the same service from the same provider may be installed by a Resident.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable-quality signals.
- B. Masts extending 12 feet or less beyond the roofline may be installed on Homeowner Owned property, subject to the regular notification process (see below). Masts that extend more than 12 feet above the roofline or are installed nearer to the lot line than the total height of the Mast and Covered Antenna above the roof must be preapproved due to safety concerns posed by wind loads and the risk of falling Covered Antennas and Masts. Any application for a Mast higher than 12 feet must include a description of the Covered Antenna and the Mast, the location of Mast and Covered Antenna installation, a description of the means and method of installation, including any manufacturer specifications, and an explanation of the necessity for a Mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
- C. Since Masts extending more than 12 feet above the roofline pose risks of personal injury and damage to Common Areas or other Residents' Individually Owned Property, these Masts shall be installed by an insured Covered Antenna installer to ensure proper and secure installation.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts shall not encroach upon the Common Areas, private property maintained as Common Area or another Resident's area.
- F. To prevent personal injury and property damage, Masts must be installed to safely withstand environmental conditions natural to the Association's location

VII. Covered Antenna Removal

Covered Antenna removal requires restoration of the installation location and any other affected locations, if any, to their original condition. Residents shall be responsible for all costs relation to restoration of these areas.

VIII. Notification Process

- A. Any Resident desiring to install a Covered Antenna must complete a notification form and submit it to the Architectural Committee, San Ignacio Vistas, P. O. Box 1150,

Green Valley AZ 85622-1150. The installation may then begin immediately. The purpose of the notification process is to allow the Association to provide Covered Antenna installation rules and other information to Residents, to know if a person other than the Resident will be entering the San Ignacio Vistas, Inc. for Covered Antenna installation, and to determine whether the installation could pose a safety hazard.

- B. Any Resident having an existing Covered Antenna must complete a notification form and submit it to the Architectural Committee, San Ignacio Vistas, P. O. Box 1150, Green Valley AZ 85622-1150.
- C. The Association may hire an independent contractor to determine whether an installation in a non-conforming location is necessary. If the independent contractor finds that installation in a conforming location is possible, then the Resident will be required to relocate the Covered Antenna.

IX. Installation by Tenants

These rules shall apply in all respects to all Residents, whether owners or tenants.

X. Enforcement

- A. If these rules are violated, the Association, after providing the Resident with 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 rules are enforceable, a fine of \$50 shall be imposed by the Association for each violation twenty-one days after the Association rules have been validated, unless the rules had previously been validated and the Resident does not contest the rules' application to his or her particular situation. In this situation, the Association will fine the Resident immediately upon revalidation of the rules. If the violation is not corrected with a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues.
- B. If permitted in Association documents or by state statute, attorneys' fees may be collected for any work done after the Association rules have been validated by the FCC or a local court.
- C. If Covered Antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

XII. Severability

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

These Rules are adopted by the Board of Directors, San Ignacio Vistas, Inc. on 07 July 2003 effective 07 July 2003.

Sincerely,

S/S
Vernon L. Kliewer, President

S/S
Marianne M. Bishop, Secretary

Karl H. Anderson, Vice-President
Linda S. Gregory, Board Member
Arlene P. Haugan, Board Member and Treasurer
Ronald L. Sorenson, Board Member

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