

Hunter's Ridge Homeowners' Association
Rules for Installation of Telecommunications Devices
(Satellite Dishes & Antennas)

I. Preamble

These Rules are adopted by the Board of Directors of Hunter's Ridge Homeowners' Association, on this 8th day of February 2005 effective March 1, 2005.

WHEREAS, the Hunter's Ridge Homeowners' Association ("the Association") is responsible for governance and maintenance of Hunter's Ridge ("the Community"); and

WHEREAS, the Association exists pursuant to the Pennsylvania Uniform Planned Community Act ("U.P.C.A."), and the Declaration of Covenants, Conditions, Restrictions and Easements of Hunter's; and

WHEREAS, the Association is authorized to adopt and enforce reasonable Rules and Regulations in the best interests of the Community, pursuant to Section &5302 of the Pennsylvania U.P.C.A. and Article II, Section I, Paragraph (g) of the Declaration; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multi-point distribution service antennas ("antennas") and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules", which shall be binding upon all Unit Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

II. Definitions

- A. Antenna -any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multi-point distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided that it meets FCC standards for radio frequency emission. 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. Mast-Structure – to which an antenna is attached that raises the antenna height.
- C. Owner – any homeowner in the Association. For the purpose of this rule only, "Owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas/satellite dish.
- D. Telecommunications signal – signals received by DBS, television broadcast, and MDS antennas.

III. Installation Rules

A. Antenna Size and Type:

1. DBS antennas that are 18” or less in diameter may be installed. Antennas larger than one meter are prohibited.
2. MDS antennas 18” or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas are prohibited unless approved by the Board of Directors of Hunter’s Ridge.
5. All antennas not covered by the FCC rules are prohibited.

B. Location

1. Antennas shall not encroach upon common areas or any other owner’s property.
2. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible. **It may not be installed on the roof or vinyl siding.** It may be installed on the fascia or on a mast.

C. Installation

1. Antennas shall be no 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 damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property damaged by antenna;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
 - e. Removal of antenna upon sale of unit, unless agreement with new owner is provided to the Board of Directors of the Association.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner’s structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior surface of antenna deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within ten (10) feet of power lines (above-ground or buried) and in no event shall antennas be placed where they may come into contact with in electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand winds of one hundred (100) mph, and shall be designed to withstand the pressure of snow and ice.

IV. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts must be installed by a licensed and insured contractor.
- C. Masts shall not encroach upon another owner's lot or common area or property.
- D. Masts installed on the ground must sustain a minimum of 100-mph winds.
- E. Masts must be designed to withstand the weight of ice and snow.

V. Association Maintenance of Locations Upon Which Antennas are Installed

- A. If antennas are installed on property for which the Association has maintenance responsibility, owners retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, owners are responsible for these costs.

- B. If maintenance requires antenna removal, the Association shall provide owners with ten (10) days written notice. Owners shall be responsible for removing antennas before maintenance begins. If owners do not remove antennas by the required time, then the Association may do so, at owners' expense. The Association is not liable for any resulting damage to antennas.

VI. Notification Process

- A. Any owner desiring to install an antenna must complete an Installation Notification Form and shall submit it to the Board of Directors. If the installation is routine (conforms to all of the above Rules and Restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, owners and the Board of Directors must establish a mutually convenient time to meet to discuss installation methods.

VII. Installation by Tenants

Tenants may install antennas in accordance with these Rules with written permission of the homeowner(s)/landlord(s). A copy of this permission must be furnished with the notification statement to the Board of Directors.

VIII. Enforcement

- A. If these Rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after Notice and an opportunity to be heard is provided. If the court or FCC determines that the Association rule is enforceable, a fine of \$50.00 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10.00/day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

IX. Severability

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

X. Signatures

(Board Member)

(Date)

(Owner)

(Date)