

FORRESTAL VILLAGE COMMUNITY SERVICES ASSOCIATION, INC. POLICY RESOLUTION NO. 28

Rules for Installation of Antennas in Princeton Landing

I. Preamble

These rules are adopted by the *Board of Directors of Forrestal Village Community Services Association, Inc.*, on the day of January 27, 1998.

WHEREAS, the *FVCSA* is responsible for the governance and maintenance of the Community; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, and,

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning antennas;

WHEREAS, the Association desires to adopt reasonable restrictions governing installation, maintenance, and use of direct broadcast antennas in the best interests of the Community and consistent with FCC rules;

WHEREAS, the Board adopted Policy Resolution No. 28 relating to the Rules for Installation of Antennas in Princeton Landing on February 10, 1998;

NOW, THEREFORE, the Association adopts the following restrictions and regulations for the Community, which shall be binding upon all homeowners and their tenants, and shall supersede any previously adopted rules on the same subject matter.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that Policy Resolution No. 28 effective February 10, 1998 is rescinded and replaced with this new Policy Resolution No. 28 with respect to Rules for Installation of Antennas in Princeton Landing:

II. Definitions

A. Antenna - Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), multi point dish service (MDS), and FM or television antenna. An antenna that has limited transmission capability designed for the viewer to select or use video programming is considered a reception antenna provided 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 the antenna is attached) that raises the antenna height.

C. Homeowner - Any homeowner or unit owner in the Association.

D. Tenant - A tenant who has written permission of the homeowner/landlord to install an antenna.

E. Telecommunications signal - A signal received by DBS and MDS antenna and television broadcast.

III. Association and Homeowner Responsibility

A. Homeowners are responsible for antenna installation including responsibility for antennas that are installed on individually owned and/or limited common elements but Association - maintained property such as roofs and decks. Homeowners may not install antennas in a manner that increases maintenance costs for the Association. If damage to Association maintained property or other homeowner property occurs, homeowners are responsible for all repair and maintenance costs. The homeowner is responsible for all payment of medical expenses and other liability incurred by persons injured by antenna installation, maintenance, and / or removal.

B. The Association shall provide homeowners with 10 days written notice if maintenance requires antenna removal. Homeowners shall be responsible for removing antennas before maintenance begins. If homeowners do not remove antennas by the stated date, the Association may remove the antenna at the homeowner's expense. The Association is not liable for any damage resulting from the removal, installation, or use and maintenance of the antenna.

C. Installation by Tenants

Tenants may install antennas in accordance with these rules after obtaining written permission from the homeowner to install an antenna. A copy of this permission notice must be submitted to the Association, prior to installation.

D. Proof of Insurance

Each contractor employed to provide such services must provide a Certificate of Insurance evidencing both general liability and workers compensation insurance.

IV. Notification Process

A. Any homeowner desiring to install an antenna must notify the Covenants Committee in writing in accordance with standard Covenants Committee Guidelines. If the installation is routine conforming to all of the rules and restrictions, the installation may begin within seven days of notification to the Association.

B. Notification content that does not conform to all of the above rules and regulations will be returned to the homeowner or tenant for modification within seven days.

V. Antenna Camouflaging

A. Antennas or masts may not extend beyond a railing or fence if an acceptable quality signal may be received from an alternative location as determined by the signal strength measured by the installer's meter.

B. Antennas installed in or situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such alternative location. If no such existing landscaping screening exists, the Association may require antennas to be camouflage screened by new landscaping. These costs are borne by the homeowner.

C. Antennas, masts, and any visible wiring must match or be in harmony with the structure to which it is installed.

D. Antennas may not obstruct a clear view of an intersection or street by the operator of a vehicle.

VI. Number of Antennas

No more than one DBS/MDS antenna of each provider may be installed and no more than one FM antenna or TV antenna may be installed on an individual unit. If more than one antenna is necessary to receive the

desired services, the homeowner may apply for approval from the Covenants Committee.

VII. Mast Installation

- A.** Mast height may be no higher than absolutely necessary to receive acceptable quality signals. Masts must be painted to match surroundings.
- B.** Masts may extend up to 12 feet beyond the roofline but no more than 6 feet above the chimney. Higher installation may be requested of the covenants committee. The committee will review such applications and grant or deny such application based upon aesthetic and safety concerns, i.e., wind, risk of falling antennas and masts.
- C.** Masts shall not encroach upon another homeowner's lot or common property.
- D.** Masts must be designed to withstand wind, ice, snow, any inclement weather and heavy birds.
- E.** Masts must be installed by a licensed and insured contractor. ;

VIII. Installation Rules

A. Antenna Size and Type

- 1. DBS and MDS antennas may be installed if they are one meter or less in diameter. DBS or MDS antennas larger than one meter in diameter are prohibited.
- 2. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
- 3. Transmission only antennas are prohibited.

B. Location

- 1. Antennas shall be installed solely on individually owned property, as designated on the Deed for such unit/home and as defined by the governing documents, directly onto the exterior or interior of a unit and be in compliance with Township Code.
- 2. Antennas may not encroach upon common areas or another homeowner's property.
- 3. Antennas shall be located on individually owned property and in a place shielded from view from the street or from other units/home(s) to the maximum extent possible while not precluding reception of an acceptable quality signal.

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, the lot or unit of any resident, or void any Association or homeowner's warranties, or in any way impair the integrity of buildings, common areas or lots.
- 3. All equipment must be permanently secured in a building-mounted installation.

4. When possible, wire color must match the house color and not be visible from the street.

D. Maintenance

1. Homeowners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Homeowners shall be responsible for antenna maintenance and repair.
3. Homeowners shall be responsible for repainting or replacement if the exterior surface of the antenna deteriorates.
4. Any incursion into the structure (roofs, walls, etc.) that results in damage or water/moisture penetration is the homeowner's responsibility to remediate.
5. If the antenna is removed for any reason, the homeowner must remediate any holes that were made relative to the antenna installation, restoring the exterior to its condition prior to the installation.
6. When the homeowner moves, the homeowner must either require the new homeowner to accept responsibility in writing or to remediate as described above.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable Township and state laws and regulations, and manufacturer's instructions. The homeowner, prior to installation, shall provide the Association with a copy of applicable governmental permits.
2. Installations must comply with all applicable codes.
3. Antennas shall be permanently and effectively grounded to avoid and prevent electrical and fire damage.
4. Antennas must be able to withstand all adverse weather conditions such as heavy winds, snow and ice.

IX. Enforcement

A. If these rules are violated, the Association may bring action for Declaratory relief with the FCC or any court of competent jurisdiction. The unit owner has the option of requesting ADR, Alternate Dispute Resolution. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within 10 days of notification, additional fines of \$25 per 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. The Association may seek injunctive relief to prohibit or seek removal of the installation if antenna installation poses a serious, immediate safety hazard.

X. Severability

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

Resolution Type: Policy Resolution

Regarding: Policy Resolution No. 28: Rules for Installation of Antennas in Princeton Landing

ATTEST:



Mary Ryan, Secretary

DATE: _____

Yes No Abstain

Yes No Abstain

Yes No Abstain

Yes No Abstain

Yes No Abstain

Yes No Abstain

Yes No Abstain



Av Magram, President



Mari Molenaar, Vice-President



Mary Ryan, Secretary



Mike Barnett, Director



Richard Ciarciello, Director



Phil Blocker, Director



Beth Dalzell, Director

Adopted at a Regular Meeting of the Board of Directors on: July 26, 2011