

**PARKFAIRFAX CONDOMINIUM  
UNIT OWNERS ASSOCIATION**

**POLICY RESOLUTION NUMBER FOURTEEN**

**SATELLITE DISH AND ANTENNA INSTALLATION AND PLACEMENT POLICY**

**WHEREAS**, Section 55-79.53 of the Virginia of Condominium Act, Code of Virginia (1950, as amended) (the “Condominium Act”) charges all owners and all those entitled to occupy a Unit with compliance with the Declaration and Bylaws of the Association as amended;

**WHEREAS**, Article III, Section 2 of the Bylaws of the Parkfairfax Condominium Unit Owners Association (“the Association”) grants and assigns to the Board of Directors (“Board”) the power and duty to provide for the operation, care, upkeep and maintenance of all of the Condominium property and to adopt rules and regulations governing the Condominium;

**WHEREAS**, the Federal Communications Commissions (“the FCC”) has adopted a rule preempting certain Association restrictions on the installation, maintenance and use of antennas for direct broadcast satellite service, local television broadcast, multipoint distribution service and fixed wireless signals via satellite (“antennas”); and

**WHEREAS**, the Association is a designated historic district and wishes to adopt reasonable restrictions governing installation, maintenance and use of antennas in the best interests of the Association and consistent with the FCC’s rule.

**NOW THEREFORE**, the Board on behalf of the Association adopts the following restrictions and regulations for the Condominium hereinafter referred to as the “Rules,” to become effective immediately and which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs and assigns who currently or in the future may possess an interest in the Condominium, and which shall supersede any previously adopted rules on the same subject matter.

## **I. Definitions.**

**A. Antenna**--any device that is used for the receipt of video programming services, including direct broadcast satellite (DBS), multipoint distribution service (MDS), and local television broadcast signals (TVBS); and any device used to receive or transmit fixed wireless signals (FWS). A mast, cabling, supports, guide 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. Transmission-only antenna**--any antenna used solely to transmit radio, television, cellular, or other signals.

**D. Owner**--any Association unit owner or, for purposes of these Rules only, any tenant lawfully entitled to occupy a unit within the Condominium.

**E. Telecommunication's signals**--signals received or transmitted by DBS, TVBS, MDS, or FWS antennas.

**F. Exclusive-use area**--limited common element in which the owner has a direct or indirect ownership interest and that is designated in the Declaration for the exclusive use of the owner.

**G. Fixed wireless signals**--any commercial non-broadcast communications signals transmitted by wireless technology to and/or from a fixed customer location. Examples include wireless signals used to provide telephone service or high-speed internet access to a fixed location. The term "fixed wireless signals" does *not* include, among other things, AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, and Digital Audio Radio Services ("DARS") signals.

## **II. Installation Requirements.**

### **A. Antenna Size and Type.**

1. DBS, MDS, and FWS antennas that are one meter (39.37 inches) or less in diameter may be installed. DBS, MDS, and FWS antennas that are larger than one meter in diameter are prohibited.

2. All antennas that are capable of transmitting signals, including FWS antennas, must meet all applicable FCC guidelines regarding radio frequency (RF) exposure limits, and must be professionally installed (*see Section IIE. 6. below*).

3. All antennas not covered by the FCC rule are prohibited.

4. No more than one antenna for each type of service may be installed by an owner.

## **B. Location.**

1. Antennas shall be installed solely in the following locations (listed in decreasing order of preference):
  - a. inside the owner's unit;
  - b. within the boundaries of the owner's limited common element/exclusive-use areas, if any, and only if such areas are: 1) designated in the Declaration and on the plats and plans of the Association; and 2) are located in or to the rear portions of the unit and are not open or exposed to public view from the public street, private street or public sidewalk areas. Any antennas so located must be screened or properly camouflaged and such installation, location and appropriate screening/camouflage must be previously approved by the Covenants Committee prior to installation. (*see Section II C. below*).
2. If acceptable quality signals may be received by placing antennas inside a unit without unreasonable delay or unreasonable cost increase, then the antenna shall be installed within the unit.
3. Except as otherwise provided herein, antennas shall not encroach upon common elements, any other owner's individual unit or limited common element, or the air space of another owner's limited common element or air space of the common elements. For instance, an antenna cannot be installed so that it extends out beyond the patio and into, on, or over common elements or into air space.
4. Antennas shall be located in a place shielded from view from outside the Condominium or from other units to the maximum extent possible. No antenna of any size may be placed or installed on or within the common elements (such as, without limitation, open grassy areas, roofs or exterior walls), even if an acceptable quality signal cannot be received from within a unit or exclusive-use area/limited common element.

## **C. Installation on Limited Common Elements/Exclusive Use Areas.**

1. Antennas shall require the prior written approval of the Covenants Committee and shall be no larger nor extend higher than is absolutely necessary for reception of an acceptable-quality signal; but in no event higher than twelve (12) feet above ground level and only after approval is received from the Covenants Committee.
2. All installations shall be completed so that they do not materially damage the common elements, limited common elements, or individual units, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings.

Installation of antennas on a limited common element does not convert the limited common element to individual property.

3. To protect the interests of the owner and the Association, it is recommended that any installer other than the owner should be insured. Insurance should meet the following minimum limits:
  - a. Contractor's General Liability (including completed operations): *\$1,000,000*; and
  - b. Workers' Compensation: Statutory Limits. .

It is recommended that the owner have the installer provide the Association with an insurance certificate prior to installation, if other than inside the unit. This regulation is intended to ensure that antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures or pose a safety hazard to the Condominium's residents and to Condominium or personal property.

4. Antennas must be secured so they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the antennas, including but not limited to damage as a result of wind.
5. Except as allowed by paragraph 6, below, there shall be no holes put in or on the exterior of any of the buildings, including all common element exterior walls and roofs, and all components thereof. This rule is intended to prevent structural damage to the building and residences from water and insect intrusion and to preserve the historic nature of the property. The following devices shall be used unless their use would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation, maintenance or use:
  - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;
  - b. Devices, such as ribbon cable, that permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or
  - c. Existing wiring for transmitting telecommunications signals and cable service signals.
6. If penetration of the exterior common element or limited common element/exclusive use areas is necessary to obtain an acceptable quality signal or to prevent an unreasonable increase in the cost of installation, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. This rule is intended to prevent structural damage to the building and residences from water and insect intrusion. The Owner shall be responsible for repair of all damages caused by their or their agent's penetration through common element or limited common element.

#### **D. Maintenance Requirements.**

1. Owners who install or maintain antennas are responsible for the following tasks and all associated costs, including, but not limited to:
  - a. Place (or replace), repair, maintain, and move or remove antennas, to include, without limitation, when needed for the Association to do required maintenance to limited common elements or common elements;
  - b. Repair damage to any property caused by antenna installation, existence, maintenance or use;
  - c. Pay medical expenses incurred by persons injured by antenna installation, existence, maintenance, or use;
  - d. Reimburse residents or the Association for damage caused by antenna installation, maintenance, or use or the failure to perform any necessary maintenance, repair or replacement;
  - e. Restore building components at antenna installation sites to their original condition;
  - f. Maintain all seals for any penetrations created in relation to the installation of the antenna; and
  - g. Maintain, repair and replace any attachments associated with installation of the antenna.
2. Owners shall not permit their antennas to fall into disrepair or become a safety hazard. Owners shall be responsible for antenna maintenance, repair and replacement, and the prompt correction of any safety hazard.
3. If antennas become fully or partially detached, owners shall remove or repair such attachment within 72 hours of the detachment. If the detachment threatens 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 exterior surface of the antenna deteriorates.

#### **E. Safety.**

1. Antennas shall be installed and secured in a manner that complies with all applicable county and state laws and regulations, and manufacturer's instructions. Owners shall, prior to installation, provide the Association with a copy of any applicable governmental permits that are required for safety reasons.

2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 10 feet of power lines (above-ground or buried). The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. Antennas shall not obstruct access to or exit from any unit, walkway, ingress or egress from an area, electrical service equipment, or any other areas necessary for the safe operation of the Condominium. The purpose of this requirement is to ensure the safety of Condominium residents and personnel and the safe and easy access to the Condominium's physical plant.
4. Installation must comply with all applicable codes, take aesthetic considerations into account, and minimize the aesthetic and structural impact to the exterior and structure of the owner's unit, limited common elements or the common elements.
5. Antennas shall be permanently grounded to prevent electrical and fire damage.
6. All transmitting antennas, including FWS antennas, shall be installed only by professional installers. The purpose of this requirement is to minimize the possibility that the antenna will be placed in a location that is likely to expose Condominium residents and guests to the transmit signal at close proximity and for an extended period of time.
7. Prior to any digging or excavating on any limited common element, the unit owner or his/her agent will call Ms. Utility and confirm the location of existing underground lines.

### **III. Antenna Camouflaging.**

- A. Owner shall purchase their antenna in a color, to the extent available, that most closely matches the color of the structure to which the antenna is installed, or in the alternative, shall paint their antenna so that the antenna blends into the background against which it is mounted.
- B. Camouflaging antennas through screening or plants is required if antennas are visible from the street or other units, so long as such camouflaging does not prevent the reception of an acceptable quality signal.
- C. Exterior antenna wiring shall be installed so as to be invisible or barely visible from other units, the common elements or the streets and parking areas. For instance, Owner can hide the wiring by using vinyl tubing that matches the color of the surface on which the wiring is installed, or such other camouflaging tubing, devices, or methods consistent with all applicable industry standards and manufacturer's instructions and warranties.

#### **IV. Antenna Removal/Removal of Unauthorized Antennas.**

- A. If an owner's antenna is removed by the owner for any reason, then the owner must restore the property, at his/her expense, to the condition that existed prior to the installation of the antenna. Upon the cessation of use of the antenna, the unit owner shall immediately remove the antenna. Any antenna no longer in use but still installed after ten (10) days from the date of cessation of use shall be deemed to be an unauthorized antenna and may be removed by the Association at the unit owner's expense.
- B. Any antenna installed or erected which is not in conformance or compliance with this resolution shall be deemed to be unauthorized and may be immediately removed from its location by the Association at the unit owner's expense.

#### **V. Association Maintenance of Locations Upon Which Antennas are Installed.**

- A. If antennas are installed on property that is maintained by the Association, the owner retains responsibility for antenna maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residents. If increased maintenance or damage occurs, the owner is responsible for all such costs.
- B. If maintenance requires the temporary removal of an antenna, the Association shall provide the owner with 10 days written notice of the need for temporary removal of the antenna. Owner shall be responsible for removing or relocating the antenna before maintenance begins and replacing the antenna afterward. If they are not removed in the required time, then the Association may do so, at the owner's expense. The Association is not liable for any damage to antennas or any related equipment, seals or wires caused by the Association's removal.

#### **VI. Notification Process / Prior Approval.**

Any owner desiring to install an antenna in a location other than within his own unit must obtain the Association's prior written approval for such installation in accordance with Article V, Section 7 of the Bylaws of the Association. An application must be submitted to the Association's Covenants Committee, which will then determine whether such installation is acceptable in accordance with the Association condominium instruments and this resolution.

#### **VII. Installation by Tenants.**

These rules shall apply in all respects to tenants. The Association shall not be liable to any owner for a tenant's failure to comply with this provision. An owner shall be responsible for any damages caused by a tenant.

## **VIII. Enforcement.**

- A. If these rules are violated, in accordance with Article X of the Bylaws, the Association may bring an action for declaratory relief with the FCC or any court of competent jurisdiction. Pursuant to Section 55-79.80:2 of the Condominium Act, the Association, after providing notice and an opportunity to be heard, may assess a rules violation charge of \$50 for each violation or, if the violation is not corrected within a reasonable length of time, rules violation charges of \$10 per day, for a maximum of 90 days, may be imposed for each day that the violation continues. The Owner may be responsible for paying the Association's reasonable attorneys' fees, costs, and other expenses incurred in the enforcement of these Rules, as allowed by law.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation if time permits, otherwise the Association may take such action is necessary to prevent injury to persons or property at the antenna owner's expense in accordance with Article X, Section 1 (t) of the Bylaws.

## **IX. Severability.**

If any provision of this Resolution is ruled invalid by a court or the FCC, then any valid intent of that provision and the remaining provisions of this Resolution shall remain in full force and effect.