

Resolution of the Board of Directors

Installation of Antennas

WHEREAS, the Kingswood II Condominium Association, Inc. (“the Association”) is responsible for governance and maintenance of the condominium and is authorized in Article XXV of the By-Laws to adopt and enforce reasonable rules and regulations in the best interests of the Association; 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 multipoint 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 Association and consistent with the FCC rule.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors, on behalf of the Association members, duly adopts the following restrictions and regulations for the installation of antennas.

I. Definitions

A. Antenna - any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint 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. Transmission-only Antenna - Any antenna used solely to transmit radio, television, and cellular or other signals.

D. Owner - Any homeowners 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. A copy of this permission must be furnished with the notification statement.

E. Telecommunication’s signal - Signals received by DBS, television broadcast, and MDS Antennas.

II. Installation Rules

A. Antenna Size and Type

1. DBS and MDS antennas that are one meter or less in diameter may be installed. Antennas large than one meter are prohibited.
2. Installation of transmission-only antennas are prohibited.
3. All antennas not covered by the FCC rule are prohibited.
4. No more than one antenna may be installed by an owner.

B. Location

1. Antennas must be installed solely in the owner's unit, exclusive use area, or a limited common area such as a deck.
2. If acceptable quality signals may be received by placing antennas inside a unit, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
3. Antennas must not encroach upon any common elements or any other owner's unit or limited common element, or the air space of another owner's limited common element.
4. Antennas shall be shielded from view from the street or from other units to the maximum extent possible; provided, however, that nothing in these rules would require installation in a location from which an acceptable quality signal may not be received.

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 void any warranties of the Association, or in any way impair the integrity of buildings on common areas.
3. Any installer other than the owner shall provide the association with an insurance certificate listing the association as a named insured prior to installation. Insurance shall meet the following minimum limits: Contractors General Liability: \$1,000,000; Workers' Compensation: Statutory Limits.
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 damage from wind velocity.
5. There shall be no penetrations of exterior, exclusive-use areas of the building unless it is necessary to receive an acceptable quality signal or it would unreasonably increase the cost of antenna installation. The following devices shall be used:
 - a. Devices that permit the transmission of telecommunication signals through a glass pane without cutting or drilling a hole through the glass pane;
 - b. Devices, such as a ribbon cable, which 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 use area is necessary, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. The purpose of this rule is to prevent structural damage to the building and residences from moisture or insects.

D. Maintenance

1. Owners who install or maintain antennas are responsible for all associated costs, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common areas;
 - c. Pay medical expenses incurred by person's injuries by antenna maintenance, or use;
 - d. Reimburse residents of the Association for damages caused by antenna installation, maintenance, or use.
 - e. Restore antenna installation sites to their original condition.

2. Owners shall not permit their antennas to fall into disrepair or to become safety hazards. Owners shall be responsible for antenna maintenance, repair and replacement, and the correction of any safety hazard.
3. If antennas become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association may remove antennas at the expense of the owner.
4. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all 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 and proof of insurance of the party performing the installation.
2. Unless the above cited laws and regulations require greater separation, antennas shall not be placed within 10 feet of power lines (above-ground or buried).
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.
4. Installations must comply with all applicable codes, take aesthetic considerations into account, and minimize the impact to the exterior and structure of the owner's unit.
5. To prevent electrical and fire damage, antennas shall be permanently grounded.

III. Antenna Camouflaging

- A. Antennas shall be painted to match the color of the structure to which they are attached.
- B. Camouflaging antennas through inexpensive screening or plants is required if antennas are visible from the street or other units.
- C. Exterior antenna wiring shall be installed so as to be minimally visible.

IV. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents, then the association may prohibit such installation. The notice of rejection shall specify these safety risks.
- C. Masts must be installed by a licensed and insured contractor.

V. Antenna Removal

Upon sale of the unit, the antenna must be removed. Antenna removal requires restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to restoration of this location.

VI. Association Maintenance of Locations Upon Which Antennas are Installed

- A. If antennas are installed on property that is maintained by the Association, the owners retain responsibility of antenna maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residences. If increased maintenance or damage occurs, the owners are responsible for all such costs.
- B. If maintenance requires the temporary removal of antennas, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing or relocating antennas before maintenance begins and replacing antennas 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 caused by Association removal.

VII. Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit to the Association. If the installation is routine, conforming to all of the above restrictions, the installation may be immediate.
- B. If the installation is other than routine for any reason, the owner and the Association must establish a mutually convenient time to meet to discuss installation methods.

VIII. Enforcement

- A. If these rules are violated a fine of \$50 shall be imposed by the Association for each violation (each day is considered a separate violation) after notice and opportunity to be heard. 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 against the Unit Owner to prohibit the installation 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.

Kingswood II Condominium Association, Inc.

P. O. Box 274 ☐ Georgetown, CT 06829 ☐ (203) 938-3172

Notice of Intent to Install Antenna

Bldg/Unit #: _____

Unit Owner: Name(s): _____

Phone #: () _____ (Home/Night)

Phone #: () _____ (Work/Day)

Mailing Address: Street: _____
(If Not at Kingswood) City: _____ State: _____ Zip: _____

Tenant Name: _____
(Attach copy of owner's written permission)

Type of Antenna: _____

Company Performing Installation: _____

Installation Location: Deck Inside Unit

Date Installation Performed: _____

Please indicate the method of installation:

Will the installation be in compliance with all association guidelines (which include manufacturer's guidelines and applicable building codes)? Yes No

If no, please contact the Managing Agent to schedule a mutually convenient meeting time.

Is an antenna mast necessary? Yes No Height: _____

I have read the Installation of Antennas resolution for Kingswood II and will comply with all of the Association's rules for installing, maintaining, and using antennas. I will assume liability for any damage to Association and other unit owner's property that occurs due to antenna installation, maintenance and use. I have attached a Certificate of Insurance listing the Association as a named insured.

Signed: _____ Date: _____

Kingswood II Condominium Association, Inc.

P. O. Box 274 □ Georgetown, CT 06829 □ (203) 938-3172

April 16, 2009

Mr. Ed Roloff
15 Kingswood Drive
Bethel, CT 06801

Dear Ed:

As you may be aware, the Federal Communications Commission (FCC) issues rules that permit residents in communities to utilize exclusive-use areas (areas in which an owner has direct or indirect ownership interest in and exclusive use of property such as a deck) for the installation of direct broadcast satellite, television broadcast, and multipoint distribution service antennas.

Associations are allowed to enforce rules relating to the means, method, and location of installation, as long as their rules do not unreasonably delay or increase the cost of antenna installation, maintenance, or use, or preclude the receipt of an acceptable quality signal. The FCC rules do not allow residents to install antennas on common areas such as roofs, yards, exterior walls, etc.

Please be aware that antennas installed on some exclusive-use areas may not receive an acceptable quality signal. Therefore, you are advised to ensure that good reception is possible before purchasing equipment, signing any agreement for the rental of equipment, or subscribing to any telecommunications service. Some satellite antennas typically cannot provide reception to more than one television set.

Any antenna installation must be in compliance with manufacturer's instructions, applicable safety codes, and the association's rules. Antenna owners will be liable for any personal injury, property damage, and voiding of warranties that occur due to the antenna installation.

Enclosed are the newly formulated Installation of Antennas Rules adopted by the Board of Directors. If you have any questions about how this process applies to you, please call the Managing Agent. Before installing any antenna, you must fill out the Notice of Intent to Install an Antenna and file it with the association. You are then free to carry out the installation, unless for some reason the size or location anticipated does not conform to the rules, in which case a meeting at a mutually convenient time to determine the best location for your antenna must be scheduled.

The Board wants to work with unit owners seeking to install antennas to facilitate compliance with association rules. However, the FCC is in the process of developing additional rules on the installation of antennas on common property. Therefore, it might be in your best interest to wait until those rules are issued before making a purchase.

Cordially,

The Board of Directors

Kingswood II Condominium Association, Inc.