

**SOUTHGATE CONDOMINIUM ASSOCIATION  
POLICY RESOLUTION NO. 97-1  
(Satellite Dish and Exterior Antenna Guidelines)**

**RECITALS:**

**WHEREAS, the Association is responsible for the preservation of the architectural appearance of the Condominium under state law and the governing documents of the Condominium; and**

**WHEREAS, the Federal Communications Commission adopted a rule effective October 14, 1996, which is intended to supersede the regulations of condominium associations concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“antennas”); and**

**WHEREAS, the Board of Directors believes it is in the best interest of the Association for The Board to adopt reasonable regulations governing installation, maintenance, and use of exterior antennas consistent with the FCC rule.**

**NOW, THEREFORE, the Board of Directors adopts the following restrictions and regulations for the Association, hereinafter referred to as the “Rules”, which shall be binding upon all owners and their family members, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess any sort of property interest in a unit within the Condominium, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.**

**I. DEFINITIONS**

- A. Antenna: any device used for the receipt of video programming services, including direct broadcast satellite dish (DBS), television broadcast antennas, and multipoint distribution service antennas (MDS), (Masts, cables, supports, conduit, wires,, 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 height of the antenna.**
- C. Transmission-only antenna: any antenna used solely to transmit radio, television, cellular, or other signals.**
- D. Owner: any party named in a deed of record as an owner of a unit in the Condominium or any party who acts with the written permission of the unit owner to install an antenna.**

- E. Telecommunications signals: signals received by DBS satellite dishes or television broadcast and MDS antennas.
- F. Exclusive-use area: patio or balcony area designed in the Association's governing documents as a limited common element in which the owner has an indirect ownership interest

## II. APPLICATION/NOTIFICATION RULES

- A. Owners have two options: They may submit an application to the Association for approval of their proposed antenna or they may file a notice of intent to install an antenna. In either case, the owner must submit the application/notice before installation.
- B. If an owner submits an application to the Association for approval of the antenna, the Association will review the application on an expedited basis. If the application meets all of the required criteria stated in this rule, the Association will rule on the application within 7 days of receipt of the application and issue a written notice of the ruling to the owner. In no event will the Association take more than 45 days from receipt of the application to issue a ruling on the application; if so, the application shall be deemed approved by waiver.
- C. If an owner submits a Notice of Intent to Install an Antenna to the Association, the notice must be filed 3 days before the installation. In such a case, the owner bears all risk that the Association will not approve the antenna because of a lack of compliance with the Rules stated herein. The Association reserves all powers to inspect the antenna after installation to determine if the antenna complies with the Rules. If not, the Association reserves all powers to compel the owner to comply with the Rules, regardless of whether the owner has already installed the antenna.
- D. Owners must file their applications/notices to the Association in writing at:

Southgate Condominium Association  
2004-G Colts Neck Road-Office  
Reston, VA 20191

- E. Either the Board, its designated committees, or the Association's managing agent may act for the Association, depending upon the Board's decision.

## III. INSTALLATION RULES

- A. Antenna Size and Type
  - 1. Owners (or anyone acting with the owner's written permission) may install a DBS dish that is one meter (39 inches) or less in diameter. Satellite dishes which

are larger than one meter in diameter are strictly prohibited.

2. Owners (or anyone acting with the owner's written permission) may install a MDS antenna that is one meter or less in diameter. MDS antennas which are larger than one meter in diameter are strictly prohibited.
3. Pursuant to the FCC rule, owners (or anyone acting with the owner's written permission) may install a regular TV antenna designed to receive broadcast stations.
4. Owners may not install any type of antenna which transmits a signal of any sort or disrupts the reception of the radios and television sets of neighbors. Such antennas are strictly prohibited.
5. Any type of antenna not specifically protected by the FCC rule is strictly prohibited.
6. Owners (or anyone acting with the owner's written permission) may install no more than one antenna for each type of service.

#### B. Location

1. Owners must install their antenna in one of the following designated location: inside a window within the unit, on the patio surface (if application), or on the balcony deck surface (if applicable).

No alternative locations shall be permitted without (i) a written certification from the owner that installation of the antenna in the approved locations would not afford sufficient signal strength for adequate reception and (ii) a precise statement describing the alternative location where sufficient signal strength would be adequate for reception.

In such cases, the Association shall reserve the power to grant a variance from any of the Rules expressed herein, but shall endeavor to protect the Condominium from architectural blight to the greatest degree possible and shall strive to ensure that all concerns over safety are satisfied.

The Association will not recognize any conversion of limited common element property to individually owned property if an owner installs the antenna in any of the approved limited common element locations.

2. If an owner can receive an acceptable quality signal from the antenna by placing it inside the unit without unreasonable cost or delay, then the owner may not install the antenna anywhere on the exterior of the Condominium.

3. Owners are prohibited from installing an antenna which in any way, shape or form encroaches upon any common elements, any other owner's individual unit or limited common element, or the air space of another owner's limited common element.
4. Owners must locate their antenna in a place and manner which shields it from view from the nearest street(s) or from other units to the maximum extent possible. The Association reserves the power to require an owner to install visual barriers, natural or otherwise, around the device to diminish any adverse visual effect which may be caused by the installation of the antenna.
5. Owners are strictly prohibited from installing antennas on the common elements of the Association.

C. Installation on Exclusive Use Areas

1. Antennas shall not be larger or installed higher than is absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so they do not 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 structural integrity of the building. The Association reserves the power to require the owner to specifically observe all building code requirements applicable under Virginia law.
3. The Association further reserves the power to require any installer other than the owner to provide the Association with an insurance certificate listing the Association as a named insured prior to installation.
4. Antennas must be properly secured so they do not jeopardize the structural integrity of any structure or the safety of any person near the antennas.
5. The Association shall not approve any antenna which requires penetrations through exterior portions of the Condominium's building during installation, unless it is absolutely necessary for the owner to receive an acceptable quality signal or to avoid an unreasonably high increase in the cost of installation of the antenna. Owners shall use the following devices or apparatus unless they would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation, maintenance or use:
  - a. Devices which permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;

- b. Devices (i.e., ribbon cable) which permits the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or
  - c. Devices which use the Condominium's existing wiring for receipt of telecommunication and cable service signals.
6. If an owner finds that installation of the antenna requires penetration of the exterior portion of the Condominium's building, the owner is responsible for ensuring that the point of penetration(s) is properly waterproofed and sealed in accordance with applicable industry standards and building codes. The Association reserves the power to specially assess the owner for any costs the Association incurs to correct the structural damage to the building and residences caused by moisture or any other cause.

#### D. Maintenance

1. Owners who install or maintain antennas are responsible for all associated costs, including but not limited to, the cost to:
  - a. Place (or replace), repair, maintain, and move or remove antennas;
  - b. Repair damage to any property caused by antenna installation, maintenance or use;
  - c. Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
  - d. Reimburse residents or the Association for costs incurred to correct damage caused by antenna installation, maintenance or use;
  - e. Restore antenna installation sites to their original condition after removal of the antenna.
2. Owners shall not permit their antennas to fall into disrepair or to become a safety hazard. 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 anyone's 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 appearance of the exterior surface of their antenna deteriorates or is damaged in any way.

#### E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable Virginia building codes and manufacturer's instructions. Prior to installation, owners shall provide the Association with a copy of any applicable governmental permit if it is required for safety reasons.
2. Antennas shall not be placed anywhere near power lines (above-ground or buried). Owners must ensure that wind velocity or other forces could not cause the antenna to collide with a power line.
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 building codes and industry standards, take aesthetic considerations into account, and minimize the impact to the Condominium's common elements and the owner's unit and those of his/her neighbors.
5. Antennas shall be permanently grounded to minimize the possibility of electronic and fire damage.

#### IV. ANTENNA CAMOUFLAGING

- A. The Association reserves the power to require owners to paint any portion of the antenna so that it matches or is reasonably compatible with the color of the structure to which it is attached. If such a requirement would void the warranty from the manufacturer, the owner must submit a copy of the warranty to the Association in order to be absolved of the requirement.
- B. The Association reserves the power to require owners to install or provide screening around the antenna if the antenna is visible from the street or other units.
- C. Owners must install exterior wiring for the antenna in the least obtrusive manner.

#### V. MAST INSTALLATION

- A. Mast Height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts must be installed by licensed and insured contractors

## **VI. ANTENNA REMOVAL**

When an owner removes an antenna, he/she is required to restore the location of the installation to its original condition. Owners shall be responsible for all costs relating to restoration of this location.

## **VII. ASSOCIATION MAINTENANCE OF LOCATIONS UPON WHICH ANTENNAS ARE INSTALLED**

If an owner installs an antenna in any location where the Association has any maintenance responsibility, the owners retain responsibility for the maintenance of their antenna. The Association reserves the power to deny approval for the installation of any antennas which would result in increased maintenance costs for the Association or for other residents.

If the Association sustains any increased maintenance costs or sustains damage caused in some direct way by an owner's antenna, the Association shall hold the owner of the antenna responsible for all such costs and may levy a special assessment to recover the sums due.

If, in order to fulfill any of its regular maintenance responsibilities, the Association requires the temporary removal of any antenna, the Association shall provide the responsible owners with 10 days written notice unless emergency situation dictate otherwise. Owners shall be responsible for the removal or relocation of their antenna as required by the Association. If the owner does not remove the antenna in the required time, then the Association may do so at the owner's expense. The Association is not liable for any damage to any antenna caused by the Association's removal under these circumstances, nor shall the Association be responsible for relocating the antenna.

## **VII. INSURANCE**

The association shall not accept any responsibility to insure any antenna installed by an owner. The antenna shall be considered the personal property of the owner who installed the antenna.

## **IX. INSTALLATION BY TENANTS**

These Rules shall apply in all respects to tenants. Those tenants who desire to install an antenna permitted under these Rules must obtain prior written permission of the owner/landlord and furnish the Association with a copy of this permission with the application/notification form.

## **X. ENFORCEMENT**

- A. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of special charges, subject to the due**

process procedure set forth in Virginia Code Section 55-79.80:2.

- B. If any antenna installation poses a serious, immediate safety hazard or threat to property, the Association reserves the power to remove the antenna without notice to the owner; however, whenever feasible, the Association shall provide advance written notice to the owner of the Board's concern for safety and its request of the owner to remove, relocate, or resecure the antenna.

#### XL. SEVERABILITY

If a Court of law rules any provision herein to be invalid, the remainder of these rules shall remain in full force and effect.