

**THE UNIT OWNERS ASSOCIATION OF THE CROSSING CONDOMINIUM
REGULATORY RESOLUTION NO. 2009-03**

(Amending Regulatory Resolution No. 2000-03)

SATELLITE DISH AND ANTENNA PLACEMENT POLICY

WHEREAS, Section 55-79.53 of the Virginia Condominium Act, Code of Virginia (1950, as amended) (the “Condominium Act”), charges all owners and 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 Unit Owners Association of The Crossing Condominium (the “Association”) grants and assigns the Board of Directors the power and duty to provide for the operation, care, upkeep and maintenance of all of the property and services of the Condominium and to adopt regulations governing the Condominium, including the units;

WHEREAS, Article XXI, Section 1(q), of the Declaration provides, “Any antenna or aerial erected or installed on the exterior walls of a Unit or on the Limited Common Elements or Common Elements of the Condominium, including the roof, without the written consent of the Board of Directors is subject to removal and disposal thereof without notice and at the cost of the Unit Owner for whose benefit the installation was made”;

WHEREAS, Article VI, Section 7, of the Bylaws provides that: “No Unit Owner shall cause to ... altered all or any portion of the exterior of any Unit without the prior written consent of the Board of Directors.”

WHEREAS, the Federal Communications Division (“the FCC”) adopted a rule effective on October 14, 1996, preempting certain Association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“antennas”);

WHEREAS, the Federal Telecommunications Act of 1996 preempts Article XXI, Section 1(q) of the Declaration and Article VI, Section 7, of the Bylaws regarding satellite dishes and antennas; and

WHEREAS, the Association wishes to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interest of the Association and consistent with FCC rules.

NOW THEREFORE, the Board 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 used for the receipt of video programming services, including direct broadcast satellite (DBS) and television broadcast.
- B. Exclusive-use area--limited common element in which the owner has a right of exclusive use as defined in the Declaration.

II. Installation Requirements

- A. Antenna Size and Type
 - 1. DBS antennas that are one meter (39 inches) or less in diameter may be installed. Antennas designed to receive satellite signals

which are larger than one meter in diameter are prohibited.

2. Installation of transmission-only antennas are prohibited unless approved by the Board of Directors.
3. All antennas not covered by, or otherwise exempt from, the FCC rule are prohibited.
4. Dish-type antennas must be gray in color.

B. Location

1. Antennas shall be installed solely in the owner's unit or on the limited common element exclusive-use areas specifically assigned to the requesting owner's unit, as designated in the Declaration and on the plats and plans of the Association (*i.e.*, on the patios and balconies). Installation of antennas on a limited common element does not convert the limited common element to individual property. Additionally, while placement on the limited common element exclusive-use area may be authorized, placement on any other common elements, including the exterior walls of the Condominium, **is strictly prohibited.**
2. Antennas shall not encroach upon common elements or common element airspace, or any other owner's individual unit or limited common element, or the air space of another owner's limited common element. Antennas within limited common elements such as patios or balconies shall not encroach upon the common element airspace, *i.e.*, a dish or other type of antenna covered by the FCC Rule shall not break the vertical plane of the railing or other vertical demarcation. Because all roofs of the condominium are common element, no antennas of any type shall be installed on any roof.
3. Antennas shall be located in a place shielded from view outside the Association or from other units to the maximum extent possible. This section does not permit installation on common elements (*i.e.*, open grassy areas, roofs or exterior walls), even if an acceptable quality signal cannot be received from an individual-owned or exclusive-use area. Installation of any antenna on the common elements of the Association is strictly prohibited.
4. Unit owners should note that if a resident cannot obtain reception for a satellite dish antenna device covered by the FCC Rule (*e.g.*, the resident is on the north side of a building and cannot obtain line-of-sight exposure to the southwestern sky), there is no

requirement under the FCC Rule that a condominium association provide any unit owner with an installation location on the common elements so as to provide reception to the unit owner. No waivers of these rules and regulations will be granted by the Board to any unit owner/occupant who cannot obtain satellite reception by the locations and installation methods prescribed herein.

C. Installation on Exclusive Use Areas

1. 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 condominium association or other owners, or in any way impair the integrity of building.
2. 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.
3. **There shall be no penetration of exterior common element.** Additionally, there shall be no penetration of the limited common element 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.
4. For antennas installed on patios and balconies, the use of a free standing pedestal or tripod is encouraged.

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/remove antennas;
 - b. Repair damage to any property, including the Condominium, 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 damage caused by antenna installation, maintenance, or use or the failure to perform any necessary maintenance, repair or replacement;
 - e. Restore antenna installation sites to their original condition;
 - f. Maintenance of all seals for any penetrations created in

relation to the installation of the antenna; and
g. Maintenance, repair and replacement of any attachments associated with the installation 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. Owners shall be responsible for antenna repainting or replacement if the exterior surface of the antenna deteriorates.

III. Antenna Removal

Owners must restore the property to the condition that existed prior to the installation of their antenna at their expense if their antenna is removed for any reason.

IV. Notification

- A. Any owner desiring to install an antenna that conforms with these rules, and in a manner of installation that conforms with these rules, may have the installation performed without prior notice to the Board of Directors.
- B. If the installation is other than routine for any reason, owners and the Board of Directors or the Association's community manager must establish a mutually convenient time to meet within 72 hours to discuss installation methods.

V. Enforcement

If these rules are violated, the Association, after giving notice and opportunity to be heard, may assess a charge of \$50 for each violation. If the violation is not corrected within a reasonable length of time, additional charges of \$10 per day will be imposed for each day that the violation continues, for a period of time not to exceed ninety (90) days in duration. Both of the aforementioned charges shall be imposed pursuant to Va. Code § 55-79.80:2. The Association shall be entitled to reasonable attorney's fees, costs, and expenses incurred in the enforcement of this policy.

VI. Severability

If any provision of these rules is determined to be or is ruled invalid, the remainder of these rules or any valid provisions of these rules shall remain in full force and effect.

RESOLUTION ACTION RECORD

Resolution Type: Regulatory _____ No. 2009-3

Pertaining to: Satellite Dish and Antenna Placement Policy (Amending Regulatory Resolution 2000-03)

Revision duly adopted at a meeting of the Board of Directors held August 18, 2009.

Motion by: Linda Buczek Seconded by: Alicia Prieto

VOTE: 3-YES 0-NO 0-ABSTAIN 1-ABSENT

<u>Alicia Prieto</u>	<u>3</u>	_____	_____
Director			
<u>Linda Buczek</u>	<u>3</u>	_____	_____
Director			
<u>Barry Paul</u>	<u>3</u>	_____	_____
Director			

Director

Director

ATTEST:

<u>Linda Buczek</u>	<u>10-21-09</u>
Secretary	Date

FILE:
Book of Minutes - 2009

Book of Resolutions:

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Special	_____	_____
General	_____	_____

Original Resolution effective: May 22, 2000; Revised Resolution effective: August 18, 2009