

THE HILLCREST VILLAGE HOMEOWNERS ASSOCIATION, INC. RULES FOR INSTALLATION OF ANTENNAS

I. Preamble

These rules are adopted by the Board of Directors of The Hillcrest Village Homeowners Association, Inc., on September 6, 2007, to be effective, September 6, 2007

Recitals

WHEREAS, The Hillcrest Village Homeowners Association, Inc. (“Association”) is responsible for governance and maintenance of Hillcrest Village (“Community”); and

WHEREAS, the Association exists pursuant to Colorado Law and the Declaration of Covenants, Conditions and Restrictions of Hillcrest Village Condominiums; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the interests of the Community, pursuant to Colorado Law and the Declaration of Covenants, Conditions and Restrictions of Hillcrest Village Condominiums; and

WHEREAS, the Federal Communications Commission (“the FCC”) adopted a rule effective October 14, 1996, and as amended, preempting certain association restrictions on 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 Community and consistent with the FCC rule

NOW, THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the “Rules,” 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 Community, and which shall supersede any previously adopted rules on the same subject matter.

II. 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 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, cellular, or other signals.

- D. **Owner.** Any association unit owner. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the unit owner to install antennas.
- E. **Telecommunications signals.** Signals received by DBS, television broadcast, and MDS antennas.
- F. **Exclusive-use area.** Limited common area in which the owner has a direct or indirect ownership interest and that is designated for the exclusive use of the owner as defined in the Declaration of Covenants, Conditions and Restrictions of The Hillcrest Village Condominiums.

III. Installation Rules

A. Antenna Size and Type

- 1. DBS antennas that are one meter or less in diameter may be installed. Antennas designed to receive satellite signals which are larger than one meter are prohibited.
- 2. Antennas designed to receive and transmit multichannel multipoint distribution (MMDS) service one meter or less in diameter (or measured diagonally) may be installed. MMDS antennas larger than one meter are prohibited.
- 3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
- 4. Installation of transmission-only antennas that are not required for the use of an antenna listed above is prohibited unless approved by the Board of Directors.
- 5. All antennas not covered by the FCC rule are prohibited.
- 6. No more than one antenna for each type of service may be installed by an owner.

B. Location

- 1. Antennas must be installed solely in the owners’ unit or on individual-owned property or exclusive-use area, as designated in the Declaration of Covenants, Conditions and Restrictions of The Hillcrest Village Condominiums. Installation of antennas on a limited common element does not convert the limited common element to individual property.
- 2. If acceptable quality signals can be received by placing antennas inside a unit without unreasonable delay or unreasonable cost increase, then outdoor installation is prohibited.
- 3. Antennas must not encroach upon any general common elements, any other owner’s individual unit or limited common element, or the air space of another owner’s limited common element.
- 4. Antennas shall be located in a place shielded from view from outside the community or from other units to the maximum extent possible; provided, however, that nothing in this rule would require installation in an exclusive-use area where an acceptable quality signal cannot be received. This section does not permit installation on common property, even if an acceptable quality signal cannot be received from an individually-owned or exclusive-use area.

C. Installation on Exclusive Use Areas

- 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 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 the building.
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:
4. Contractor's General Liability (including completed operation): \$1,000,000.
 - a. Workers' Compensation: Statutory Limits
 - b. The purpose of this regulation is 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, posing a potential safety hazard to Association residents and personnel.
5. 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.
6. 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 unless they 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, 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 services signals.
7. If penetration of the exterior exclusive use areas 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.

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 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 damage 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 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 safety, the Association may remove antennas at the expense of the owner.
4. Owners shall be responsible for antenna 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 applicable city and state laws and regulations, and manufacturer's instructions. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental permit if required for safety reasons.
2. Unless the above-cited laws and regulations require a greater separation, no antenna shall be placed within two feet of electrical powers lines (above-ground or buried) and in no event shall antennas be placed within an area that can be reached by the play in electrical powers lines. The purpose of this requirement is to prevent injury or damage resulting from contact with powers lines. Homeowners are responsible for obtaining clearance and approval from utility providers for antenna installations.
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 association residents and personnel and safe and easy access to the association's physical plant.
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.

IV. Antenna Camouflaging

- A. Unless painting shall void the warranty, antennas shall be painted to match the color of the structure to which they are installed.
- 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.

V. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts extending 12 feet or less beyond the roofline may be installed, subject to the regular notification process (see below). Masts extending more than 12 feet above the roofline must be preapproved due to safety concerns posed by wind loads and the risk of falling antennas and masts. Applications for a mast higher 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 need for a mast higher than twelve feet. If this installation will pose a safety hazard to Association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
- C. Masts must be installed by licensed and insured contractors.

VI. Antenna Removal

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.

VII. Association Maintenance of Locations upon Which Antenna are Installed

- A. If antennas are installed on property that is maintained by the Association, the owners retain 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 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, the Association may do so, the owners' expense. The Association is not liable for any damage to antennas caused by Association removal.

VIII. Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit to the Board of Directors, c/o Weststar Management Company 6795 East Tennessee Avenue, Suite 601, Denver, CO 80224. If the installation is routine, conforming to all of the above restrictions, the installation may begin immediately.
- 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.

IX. Installation by Tenants

These rules shall apply in all respects to tenants. Tenants desiring to install antennas shall obtain prior written permission of the unit owner. A copy of this permission must be furnished with the notification statement.

X. Enforcement

- A. If these rules are violated, the Association, after notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. 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 a reasonable length of time, additional fines of \$10 per day may be imposed for each day that the violation continues. To the extent permitted by Colorado Law and the Declaration, 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 to prohibit the installation or seek removal of the installation.
- C. The regulations contained in these Rules do not relieve any Owner from obtaining approval for other exterior modifications, alterations or additions as may be required by the Association's governing documents.

XI. Severability

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

**Notice of Intent to Install Antenna
On Individually-Owned or Exclusive-Use Area**

Unit/Home Owner(s): _____

Address: _____

If rented, tenant's name (*Attach copy of owner's written permission*):

Telephone (Day): _____ Telephone (Evening): _____

Type of Antenna: _____

Direct broadcast satellite _____ 18-inch _____ other _____ size
Television broadcast _____
Multipoint distribution service _____ size _____

Company Performing Installation _____

Identify Installation Location: Patio _____ Rear _____ Deck _____ Balcony _____
Other _____ Indicate "other": _____

Date installation performed: _____

Please indicate the method of installation.

Will the installation be in compliance with all association guidelines (which include manufacturers; guidelines and applicable building codes)? Yes _____ No _____

If no, please provide three days and times for which you are available to meet with us to discuss antenna installation. At this meeting, you will need to provide information supporting the necessity for non-routine action. (A list of preferable days and times is attached.)

Is a mast necessary for reception? Yes _____ No _____

If yes, is the mast required to extend more than 12 feet above the roofline or extend to a height greater than the distance from the installation to the lot line? Yes _____ No _____

If yes, then you must complete the form for mast installation.

I will comply with all of the Association's rules for installing, maintaining, and using antennas. I assume liability for any damage to Association and other owners' property that occurs due to antenna installation, maintenance, and use.

Signed: _____ Date: _____

**NOTIFICATION FORM
FOR INSTALLATION OF OWERSIZED MASTS**
(To be submitted to association by unit owner)

Is a mast extending more than 12 feet above the roofline required for your antenna?
Yes _____ No _____

If you responded "yes", please provide your reasons why such a mast is necessary. Include a detailed drawing of the installation plans, including:

- Description of the antenna and mast
- Exact location of the mast and antenna installation
- Description of the manner and method of installation
- Total height of the mast and the height it will extend beyond the roofline
(Include an explanation of why the mast must extend to this height)
- Manufacturer specifications regarding the installation of the mast

Please provide a copy of the certificate of insurance of the contractor installing the antenna and the mast.

Also indicate a date and time that would be convenient for you to meet with the *Board of Directors*. *(A list of preferable days and times is attached.)*

I will comply with all of the Association's rules for installing, maintaining, and using antenna masts. I assume liability for any damage to Association or other owners' property that occurs due to mast installation, maintenance, and use.

Signed: _____

Date: _____

Address: _____

Phone: (Day) _____ (Evening) _____