

AUTUMN LAKES ASSOCIATION

Rules Pertaining to Satellite Dishes and Other Video Signal Receiving Devices

I. Preamble

THESE RULES, entitled “Rules Pertaining to Satellite Dishes and Other Video Signal Receiving Devices,” are adopted by the Board of Managers of Autumn Lakes Association (“Association”), this 25th day of August, 2003.

WHEREAS, the Board is authorized to adopt and enforce reasonable rules and regulations in the interests of the Community in Section 13.10 of the Autumn Lakes Condominium Declaration of Condominium and By-Laws (“Declaration”); and

WHEREAS, the Federal Communications Commission (“FCC”) adopted an Order entitled “Over The Air Reception Devices,” effective October 14, 1996, as amended (“OTARD”), affecting certain private restrictions imposed on the installation, maintenance, and use of certain satellite dishes and other video signal receiving and transmitting devices (“Antennas”); and

WHEREAS, OTARD preempts, to some extent, Section 9.4 of the Declaration as to certain Antennas, but permits reasonable regulations provided that such regulations do not impair reception of an acceptable quality signal, or unreasonably prevent or delay installation, maintenance or use of an Antenna, or unreasonably increase the cost of installing, maintaining or using an Antenna; and

WHEREAS, the Association desires and intends to adopt reasonable rules, pursuant to Section 13.10 of the Declaration, for the location, installation, maintenance and use of Antennas in the best interests of the Community and consistent with OTARD.

NOW, THEREFORE, the Association adopts the following rules and regulations for the Community, hereinafter referred to as the “Rules,” which shall be binding upon all current and future Owners, tenants and other occupants of the Community, and which shall supersede any previously adopted rules or regulations 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. Central Antenna: an antenna system installed by the Association to serve more than one Owner simultaneously.
- C. Exclusive Use Area: a balcony or patio area allocated for the exclusive use or exclusive control of an Owner, limited to the airspace of such area.

- D. Individually-Owned Property: a Unit, as defined in the Declaration and Plat.
- E. Mast: Structure to which an Antenna is attached for the purpose of elevating the Antenna to receive an acceptable quality signal.
- F. Owner: any Unit Owner of record in the Community. For the purpose of this Rule only, "Owner" includes a tenant of the Owner.
- G. Telecommunications Signals: signals received by DBS, television broadcast, and MDS Antennas.
- H. Transmission-Only Antenna: any antenna used solely to transmit radio, television, cellular or other signals.

III. Reasonable Regulations

These Rules shall be valid and enforceable to the extent any regulation herein does not preclude reception of an acceptable quality signal, or unreasonably prevent or delay installation, maintenance or use of an Antenna, or unreasonably increase the cost of installing, maintaining or using an Antenna, all in accordance with OTARD.

IV. Size, Location, Installation, Maintenance

Any Owner may install an Antenna in compliance with these Rules by providing written notice (the "Notice"), as provided in Article VIII below, to the Board or managing agent at least seven (7) days in advance of the date of such installation. Any Owner requiring a waiver of any provision of these Rules shall, in the Notice, request a meeting with the Board or managing agent at any reasonable date and time, to request and obtain such waiver prior to installation.

A. Antenna Size and Type

1. DBS Antennas one meter (39 inches) or less in diameter may be installed by an Owner.
2. MDS Antennas one meter (39 inches) or less in diameter may be installed by an Owner.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed by an Owner.
4. A Mast may be installed by an Owner, if necessary for installation of any Antenna permitted by these Rules, pursuant to Article VI of these Rules.
5. Installation of Transmission-Only Antennas are prohibited without the prior written consent of the Board, unless they are necessary for the reception of video programming signals, are within the size requirements and are installed in accordance with these Rules.
6. All Antennas other than those permitted under these Rules, including amateur or ham radio antennas, are prohibited without the prior written consent of the Board.
7. No more than one Antenna for each type of service may be installed by an Owner.

B. Permitted and Preferred Locations

1. An Antenna may only be installed solely within the Owner's Individually-Owned Property or Exclusive Use Area. If an acceptable quality signal can be received by placing the Antenna inside a unit, then such location is preferred. Locations not visible from the front of the building are preferred.
2. Installation of an Antenna on an Exclusive Use Area shall not convert such area to Individually-Owned Property.
3. An Antenna shall not encroach upon any common elements, any other Owner's Individually-Owned Property or Exclusive Use Area, or the air space of another Owner's Exclusive Use Area.
4. Antennas installed on an Exclusive Use Area shall be shielded from view to the maximum extent possible; provided, however, that nothing in this Rule shall require installation on an Exclusive Use Area where an acceptable quality signal cannot be received.
5. No Owner shall install an Antenna on any portion of the common elements, including airspace, even if an acceptable quality signal cannot be received from an Owner's Unit or Exclusive Use Area, unless the Board provides a waiver and designates a portion of the common elements for such purpose as provided in subsection 6 of this Section B.
6. In the event an Owner is unable to receive an acceptable quality signal if the Antenna is located in his Unit or Exclusive Use Area, such Owner may apply to the Board for a waiver to locate the Antenna on the roof or grounds. The Board may install a platform or other appropriate device on the roof or grounds capable of accommodating two or more Antennas per building. The reasonable cost of such device shall be paid by the Owners who install an Antenna thereon, equally or on any other basis deemed fair and equitable by the Board.
7. The Association, acting through the Board and in accordance with OTARD, may erect one or more Central Antennas to provide video services to some or all of the Owners in lieu of individual Antennas. In such event, an Owner shall not be entitled to install an individual Antenna for the same service except within his own Unit, provided that:
 - (a) the Central Antenna offers the same service from the same provider as the individual Antenna;
 - (b) the signal quality received by the Central Antenna is at least as good as that received by an individual Antenna;
 - (c) the cost of the Central Antenna to the individual Owner (including the share of installation costs and subscriber fees) is not any greater than the cost of individual Antenna installation, maintenance and use;
 - (d) installation of the Central Antenna does not unreasonably delay reception of video programming.

If the Association installs a Central Antenna, it may remove any pre-existing individual Antenna which provides the same service, provided that the Association pays for the removal and reimburses the Owner for the cost of such Antenna.

C. General Installation Standards

1. An Owner is not required to hire a professional Antenna installer. However, any installer other than the Owner shall provide the Association with an insurance certificate listing the Association as a named insured prior to installation. This provision shall be applicable only to the extent that the Association requires contractors to provide insurance for the installation or replacement of other similar devices in comparable locations. Insurance shall meet the following minimum limits:
 - (a) Contractor's General Liability (including completed operations): \$1,000,000.00.
 - (b) Workers' Compensation: in compliance with the laws of the State of Missouri.
2. All installations and penetrations shall be completed so they do not materially damage the common elements, Exclusive Use Areas, or individual Units, or void any warranties of the Association or other Owners, or degrade the exterior surfaces or integrity of the building.

D. Installation on Exclusive Use Areas

1. Antennas shall be no larger nor installed higher than is necessary for reception of an acceptable quality signal.
2. No installation shall be made on any portion of a rail assembly of a balcony or patio, or on any fence.
3. If penetration is made of any surface of a balcony or patio, support posts or any common elements, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes for the purpose of protecting the improvements from damage due to moisture, wind or other elements.
4. The following devices shall be used to the extent reasonably available:
 - (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, such as a ribbon cable, which permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall;
 - (c) Existing wiring for transmitting telecommunications signals and cable services signals.

E. Maintenance by Owner

1. The Owner shall be responsible for all maintenance and costs associated with his Antenna, including but not limited to:
 - (a) Installing or replacing, repairing, maintaining, moving or removing Antennas;
 - (b) Repairing damage to any property caused by an act or omission of the Owner in Antenna installation, maintenance, or use;
 - (c) Medical expenses incurred by persons injured by an act or omission of the Owner in Antenna installation, maintenance, or use;
 - (d) Reimbursing the Association and/or other Owners or residents for damage caused by Antenna installation, maintenance or use;
2. The Owner shall not permit his Antenna to fall into disrepair or to become a safety hazard. The Owner shall be responsible for Antenna maintenance, repair, and replacement, and the correction of any safety hazard.
3. If an Antenna becomes detached, the Association shall notify the Owner and afford reasonable opportunity to remove or repair such detachment within seventy-two (72) hours. If the Owner fails or refuses to correct said conditions, the Association may take appropriate corrective measures and assess all costs to the Owner. If the detachment presents an imminent threat to safety, the Association may take appropriate corrective measures without prior notice, and assess all costs to the Owner.
4. The Owner shall be responsible for Antenna repainting or replacement if the exterior surface of the Antenna deteriorates.

F. Safety

The purpose of the following safety regulations is to protect residents and others from personal injury, and to protect property against damage, by requiring compliance with code, manufacturer's installation guidelines and other reasonable and industry standards for installation and maintenance. These safety provisions shall be applicable only to the extent the Association imposes the same requirements for other outdoor devices that pose a similar or greater risk to safety.

1. Antennas and wiring shall be installed and secured in a manner that complies with all applicable state laws and local governmental regulations and safety codes, manufacturer's installation guidelines, and industry standards. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental code compliance or permit.
2. Antennas shall not be placed any closer to power lines (above-ground or buried) than is required for such separation by applicable governmental code, safety ordinance, laws and regulations. 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 egress from any Unit, walkway, ingress, or egress from an area, electrical service equipment, or any other areas necessary for the safe operation of the Community to ensure the safety of residents and personnel, and safe and easy access to the Community's physical plant.
4. Antennas shall be permanently grounded to prevent electrical and fire damage.
5. Antennas shall be installed to withstand wind speeds of seventy (70) mph.
6. Antennas shall be attached to withstand the pressure of snow and ice.

V. Antenna Camouflaging

- A. Antennas shall be neutral in color or be painted to match the color of the immediate surrounding buildings. Camouflaging Antennas through inexpensive screening or plantings is required if Antennas are visible from the front of the building. These provisions shall be applicable only to the same extent as the Association may impose such requirements on other similar devices. The cost of compliance shall not be unreasonable compared to the cost of the Antenna (including installation) and for the treatment of other similar devices in comparable locations.
- B. Exterior Antenna wiring shall be installed so as to be minimally visible. Penetrations through exterior walls shall be limited to one per Unit, shall be no larger than necessary for wiring, and shall be properly sealed.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts extending twelve feet (12') or less beyond the roofline may be installed, but only to such height as necessary to receive an acceptable quality signal and subject to the provisions of the Notice (see Article VIII below). Masts extending more than 12 feet above the roofline or taller than the distance between the installed location and privacy fence (if any) must be pre-approved 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 12 feet. If this installation poses a safety hazard to Association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks. (This provision may change if the BOCA Code is amended).
- C. Masts shall be installed by licensed and insured contractors to minimize risk of personal injury and damage to property.
- D. Masts shall be painted to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to an adjacent Unit or Exclusive Use Area than the total height of the Mast and Antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the Mast were

to fall during a storm or from other causes. (This provision may change if the BOCA Code is amended.)

- F. Masts shall not be installed nearer to electric power lines than the total height of the Mast and Antenna above the roof. The purpose of this regulation is to avoid damage to electric power lines if the Mast should fall in a storm.
- G. Masts shall not encroach upon common property or another owner's Individually-Owned Property or Exclusive Use Areas.
- H. Masts installed on the ground must sustain a minimum of seventy (70) mph winds to prevent them from falling over in windstorms and causing personal injury and property damage.
- I. Masts shall be installed to withstand the weight of ice and snow to prevent them from falling over in windstorms and causing personal injury and property damage.

VII. Association Maintenance of Antenna Site

- A. Antennas shall not be installed in a manner that will result in increased maintenance costs for the Association or for other Owners. If increased maintenance or damage occurs, the Owner of that Antenna shall be responsible for all such costs.
- B. If maintenance requires the temporary removal of an Antenna, the Association shall provide the Owner with ten (10) days written notice. The Owner shall be responsible for removing or relocating Antennas before maintenance begins and replacing Antennas afterward. If an Antenna is 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 an Antenna caused by Association removal or by the Owner's failure or refusal to remove the Antenna prior to Association maintenance of the location.

VIII. Notification Process

- A. An Owner desiring to install an Antenna or Mast shall complete the form Notice and submit same to the Board c/o the Association Manager. If the installation is routine, conforming to all of the above regulations, the installation may begin immediately.
- B. No Owner may install an Antenna if the installation requires a waiver of any provision of these Rules, without first applying for and obtaining the waiver. The Owner and the Board shall establish a mutually convenient time to meet to resolve any waivers that may be at issue prior to installation.
- C. Form Notices of Intent to Install Antennas and to Install Oversized Masts are attached hereto and made a part of these Rules.

IX. Installation by Tenants

These Rules shall apply in all respects to tenants, who shall have the same rights and obligations under these Rules as the Owner.

X. Enforcement

- A. If any provision of these Rules is violated, the Association, pursuant to Section 7.7 of the Declaration, after notice and opportunity to be heard, may impose a reasonable monetary penalty not to exceed \$50.00 for the initial violation and \$10.00 per day that the violation continues after a reasonable period of time to cure. The Association or an Owner may bring action for declaratory ruling with the FCC or for declaratory, injunctive or other appropriate relief in any court of competent jurisdiction. Enforcement of these Rules against a violator shall be stayed during the pendency of any such proceeding. Any monetary penalty shall be stayed until twenty-one (21) days after final adjudication, and shall be waived in its entirety if the violator complies within said twenty-one (21) days.
- B. If an 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. As provided in the UCA and Declaration, the Association shall be entitled to recover its reasonable attorney's fees, costs, and expenses incurred in the enforcement of these Rules.

XI. Severability

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