

Summerlin South Community Association

Model Rules for Installation of Antennas in Planned Unit Developments

Satellite Antenna Resolution & Criteria

I. Preamble

These rules are adopted by the ***Board of Directors of The Summerlin South Community Association***, on the day of November 13, 1997.

Recitals

WHEREAS, the Summerlin South Community Association (the "Association") is responsible for governance of the Association; and

WHEREAS, the Association exists pursuant to NRS.81.410 through 81.540 and the Covenants, Conditions, Restrictions and Reservation of easement for the Summerlin South Community Association; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Association, pursuant to Article III, Sec.3.2 and Article VII, Sec. 7.4; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restriction 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, the Association adopts the following restrictions and regulations for the Association, 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 Association, 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 homeowner 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.
- E. Telecommunications signals: Signals received by DBS, television broadcast, and MDS antennas.

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. MDS antennas one meter or less in diameter may be installed. MDS 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 are prohibited without the approval of the Design Review Committee.
- 5. **All antennas not covered by the FCC rule are prohibited without the approval of the Design Review Committee.**

B. Location

- 1. Antennas must be installed solely on individually-owned property as designated on the recorded deed.
- 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 common areas or any other owner's property.
- 4. Antennas shall be located in a place shielded from view 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 lot.

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 they do not damage the common areas of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of the buildings on common areas or lots.
- 3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place or replace, repair, maintain, and move or remove antennas;
 - b. Repair damages to the common property, other lots, and any other property

- c. damaged by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owners' structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. 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 applicable 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.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 25 feet of power lines (above-ground or buried) and in no event shall antennas be placed where they may come into contact with electrical power lines. This purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand winds of 60 mph.

IV. Antenna Camouflaging

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure which it is installed.
- D. Antennas may not obstruct a driver's view of an intersection or street.

V. Number of Antennas

No more than one antenna of each provider may be installed by an owner.

VI. 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. Masts extending more than 12 feet above the roofline 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 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. Mast must be installed by licensed and insured contractors.
- D. Masts must be painted the appropriate color to match the surroundings.
- E. Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure 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 another owner's lot or common property.
- H. Masts installed on the ground must sustain a minimum of 60 mph winds.

VII. Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit to Design Review Committee c/o the Association office. 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 Design Review Committee must establish a mutually convenient time to meet to discuss installation methods.

VIII. 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.

IX. Enforcement

- A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$100 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 will be imposed for each day that the violation continues. To the extent permitted by law, 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.

X. Severability

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

SUMMERLIN SOUTH COMMUNITY ASSOCIATION

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