

**LETTER TO ASSOCIATION RESIDENTS REGARDING
COVERED ANTENNA RULES AND RESTRICTIONS**

Dear Resident:

The Federal Communications Commission (FCC) has revised its rules permitting residents in community associations to use individually owned property or exclusive-use areas (areas in which a resident has a direct or indirect ownership or leasehold interest and of which the resident has exclusive use) for the installation of direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS) antennas. Associations are allowed to enforce reasonable rules relating to the means, method, and location of installation, as long as these rules do not unreasonably delay or increase the cost of antenna installation, maintenance, or use or preclude the reception of acceptable-quality signals.

In response to the revised FCC rules, the Co-Moor Valley Cluster Association has updated its antenna rules and restrictions. Before installing an antenna, please read the enclosed rules and restrictions included with this letter and note the following general guidelines:

The only antennas you may install without going through the normal architectural review process are DBS antennas 39.4 inches (1 meter) or less in diameter, MDS antennas 39.4 inches (1 meter) or less in diameter, television broadcast antennas, transmission antennas that must be used in conjunction with these antennas, and masts. Other types of antennas are prohibited or subject to normal architectural review guidelines, as stated in Association documents.

Any mast that extends more than 12 feet above the roofline or to a height greater than the distance of the mast installation to the lot line is subject to normal architectural review.

You may install antennas only on property you individually own or have the exclusive right to use. You may not install antennas on common property or on property that others have the right to use.

If you are a tenant, you may install an antenna only on your landlord's individually owned or exclusive use area property.

Any antenna or mast must be installed safely, to minimize the risk of personal injury and damage to Association or other residents' property.

Please note that the Co-Moor Valley Cluster Association requires you to complete and submit the attached notification form before you install your antenna. If your antenna is one of the types specified above, you are not seeking to install an oversized mast, and you submit this notification form, you do not need to wait for Association approval of your antenna installation.

Any installation must be in compliance with the manufacturer's instructions, applicable safety codes, and the Association's rules and restrictions. Antenna owners will be liable for any personal injury, property damage, and voiding of warranties that occur as a result of the antenna installation.

Please be aware that antennas installed on some individually owned property or exclusive-use areas may not receive an acceptable signal. Therefore, ensure that good reception is possible before purchasing equipment, signing any agreement for the rental of equipment, or subscribing to a telecommunications service.

If you have any questions, please do not hesitate to contact the Association. Thank you in advance for your compliance with these rules and restrictions.

Sincerely,

Board of Managers

**RULES FOR INSTALLATION OF ANTENNAS
FOR
CO-MOOR VALLEY CLUSTER ASSOCIATION**

I. Preamble

These rules are adopted by the Board of Managers of Co-Moor Valley Cluster Association, on the day of 2/8/, 2001, effective 3/1/, 2001.

Recitals

WHEREAS, the Co-Moor Valley Cluster Association ("the Association") is responsible for governance and maintenance of the Co-Moor Valley Cluster Association; and

WHEREAS, the Association exists pursuant to the Declaration of Covenants and Restrictions filed in Volume 88-1717, Page 34, et seq. on April 21, 1988 in the Cuyahoga County Recorder's office; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to Article VIII, Section 1 of the Association's Bylaws; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions 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 Community 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 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 that 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 raise 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 signal: 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 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 is prohibited unless approved by the Board of Trustees.
- 5. **All antennas not covered by the FCC rule are prohibited.**

B. Location

- 1. Antennas shall be installed solely on individually-owned property as designated on the recorded deed of the individually owned property.
- 2. **If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.**
- 3. Antennas shall not encroach upon common areas or any other owner's property.
- 4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not 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 that 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 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 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 owner's 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 owners, 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 ___ feet of power lines (above-ground or buried) and in no event shall antennas be placed where they may come into contact within electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines. *(The required distance from the power lines would vary. Consult the electric utility to determine the proper distance required.)*
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 100 mph, and shall be designed to withstand the pressure of snow and ice.

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 to which it is installed. *(Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)*
- D. Antennas may not obstruct a driver's view of an intersection or street.
- E. Camouflaging antennas may not be unreasonably expensive.

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 that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer 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 necessity 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. *(This 12-foot baseline may change, if the BOCA Code is amended.)*
- C. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their 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 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.
- 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 100 mph winds.
- I. Masts must be designed to withstand the weight of ice and snow.

VII. Association Maintenance of Locations Upon Which Antennas Are Installed

- A. If antennas are installed on property for which the Association has maintenance responsibility, owners retain responsibility for antenna maintenance. Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, owners are responsible for these costs.
- B. If maintenance requires antenna removal, the Association shall provide owners with 10 days' written notice. Owners shall be responsible for removing antennas before maintenance begins. If owners do not remove antennas by the required time, then the Association may do so, at owners' expense. The Association is not liable for any resulting damage to antennas.

VIII. Notification Process

- A. Any owner desiring to install an antenna must complete a notification form and submit it to the Board of Managers or Architectural Review Committee c/o the Association office. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, owners and the Board or the Architectural Review Committee must establish a mutually convenient time to meet to discuss installation methods. *(A schedule of convenient times for Board or the Architectural Review Committee, is included herein).*

IX. Installation by Tenants

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the notification statement.

X. Enforcement

- A. If these rules are violated, the Association may enforce these rules pursuant to the provisions of enforcement as outlined in the Declaration.
- B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

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 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 dates 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 installation. (A list of preferable dates 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/or other owners' property that occurs due to antenna installation, maintenance, and use.

Signed: _____ Date: _____

APPROVAL FORM FOR INSTALLATION OF OVERSIZED MASTS

Prior approval is required for masts, used in conjunction with antennas covered by the Federal Communications Commission's Over-the-Air Reception Devices Rule, that extend more than 12 feet above the roofline or to a height greater than the distance between the installation location and the lot line. This approval is required because such installations pose a greater safety risk to association residents and common and individually owned property. The *Board of Managers or the Architectural Review Committee* will evaluate all mast applications and permit the installation of those that do not pose a safety risk. Any rejection of an application will specify the safety risks.

Unit/Home Resident(s): _____

Address: _____

Phone (day): _____ Phone (evening): _____

Fax: _____ E-mail: _____

- ☐ The desired mast extends more than 12 feet above the roofline.
- ☐ The desired mast extends to a height greater than the distance from the installation to the lot line.

Please explain why such a mast is necessary. Provide a detailed drawing of the installation plans and include the following information:

- A description of the antenna and mast;
- The exact location of the mast and antenna installation;
- A description of the manner and method of installation;
- The total height of the mast and the height to which it will extend beyond the roofline, including an explanation of why the mast must extend to this height; and
- The manufacturer's specifications regarding the installation of the mast.

Name of company performing installation (if any): _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Also indicate a date and time when it would be convenient for you to meet with the Board of Managers. A list of preferred days and times is attached.

After reviewing the terms and conditions of antenna installation, please sign the statement below:

I will comply with all of the Association's valid rules for installing, maintaining, and using antennas. I assume liability for any personal injury and/or damage to Association and other residents' property that occur due to antenna installation, maintenance, and use.

Signature: _____ Date: _____