

RESOLUTION OF THE
QUAILRIDGE II HOMEOWNERS ASSOCIATION
SATELLITE DISHES AND ANTENNAS

WHEREAS, IN JANUARY 1996, the California Civil Code was amended by the addition of Section 1376. This Section makes unenforceable certain CC&R restrictions prohibiting homeowners from installing satellite dishes or television antennas;

WHEREAS, IN AUGUST 1996, the FCC adopted a rule limiting the ability of Associations to prohibit the installation of satellite dishes or television antennas. The FCC rule, which takes precedence over California Civil Code Section 1376, differs in several important ways;

WHEREAS, Article VII, Section 10 of the Association's CC&Rs currently prohibits the installation by homeowners of "radio or television receiving or transmitting antennae or external apparatus on any lot". In addition, Article II, Section 1. e. of the CC&Rs permits the adoption of reasonable rules to enforce and interpret the CC&Rs;

WHEREAS, under the California Civil Code and the FCC Rule, the Association may no longer enforce Article VII, Section 10 of the CC&Rs to prohibit the installation of satellite dishes which are 39 inches or less in diameter, or for television antennas.

WHEREAS, under the CC&Rs, California Civil Code and the FCC rule, the Board of Directors may adopt *and enforce installation guidelines* governing the installation of satellite dishes and antennas. In addition, the Association may continue to enforce Article VII, , Section 10 of the CC&Rs to prohibit the installation of dishes/antennas which are not covered under the FCC rule;

WHEREAS, the FCC rule defines "reasonable restrictions" as those restrictions that do not "unreasonable delay or prevent installation, unreasonably increase the cost of installation or reduce the acceptability or quality of any signal;

WHEREAS, the FCC rule expressly forbids the Association from requiring prior approval, the CC&Rs, California Civil Code and FCC does not prohibit the charging of a homeowner for any loss or damage caused by the unauthorized installation of a satellite dish or antenna on the common areas, such as common area roofs or common area building walls or any other portion of the common area.

THEREFORE, BE IT RESOLVED and in light of the Board of Directors' findings, as described above, the Board of Directors hereby adopts the following installation guidelines for satellite dishes no larger than 39 inches in diameter, and for antennas, either of which are to be installed in such a way as to create a minimum of visual intrusion from the common areas:

SATELLITE DISH AND ANTENNA INSTALLATION GUIDELINES

- a. Homeowners should notify the Association of their intent to install or notify the Association once they have installed a satellite dish or an antenna. As a part of the notification, the dimensions of the satellite dish or antenna and the location of the installation should be provided.
- b. Satellite dishes or antennas are preferably to be installed in the roof or chimney areas at the side or back of the house, pursuant to the "reasonable restriction" clause above.
- c. The installation of the satellite dish or antenna shall be completed in a good workmanlike manner to prevent the satellite dish or antenna from falling. Cables and wires may not be left "dangling". No holes may be drilled through common area walls, unless permission has been obtained, in advance, from the Association.
- d. The satellite dish may be installed **only** on an individual owners separate interest in the Homeowners' Association.
- e. The homeowner shall make an effort in a manner which will, as much as possible, camouflage the installation using shrubs, landscape or screening with paint or other means.
- f. Once completed, the Association will review the installation to confirm compliance with these installation guidelines. Satellite dishes or antennas which do not meet these criteria (e.g. they are larger than 39 inches or they are installed anywhere on the common area), continue to be prohibited, unless approved by the Association, in writing, prior to installation.
- g. Homeowners will be responsible for reimbursing the Association for any costs which the Association may incur to repair damages to any common area caused by the homeowner's installation of satellite dishes or antennas.

This Resolution was approved by the Board of Directors at their meeting on March 16, 2000.