

**ARLINGTON VILLAGE TOWNHOUSE ASSOCIATION, A CONDOMINIUM
POLICY RESOLUTION NO. 2004-1
GUIDELINES FOR SATELLITE DISH AND EXTERIOR ANTENNA**

RECITALS:

WHEREAS, Article III, Section 2 of the Bylaws provides that the Board of Directors shall have power to adopt rules and regulations deemed necessary for the benefit and enjoyment of the Condominium; and,

WHEREAS, the Federal Communications Commission (“FCC”) adopted rule, 47 CFR 1.400 (“FCC Rule”), which is intended to supersede condominium associations rules and covenants concerning the installation, maintenance and use of direct broadcast satellite, television broadcast, multipoint distribution service Antennas, and customer end fixed wireless communication Antennas (collectively hereinafter “Antennas”); and,

WHEREAS, the Condominium (“Arlington Village Historic District”) is listed on the National Registry of Historic Places; and,

WHEREAS, the Board of Directors believes it is necessary for the benefit and enjoyment of the Unit Owners to adopt regulations governing installation, maintenance and use of exterior Antennas consistent with the FCC Rule.

NOW, THEREFORE, in order to preserve the historic character of the community and the community’s standing in the National Register of Historic Place and Virginia Landmark Register, the Board of Directors adopts the following regulations for the Association, which shall be binding upon all Unit Owners and their family members, tenants, occupants, successors, heirs and assigns who currently or in the future may possess any sort of property interest in a unit within the Condominium, and which shall supersede any current restrictions of record or previously adopted rules on the same subject matter.

RULES AND REGULATIONS

I. APPLICATION RULES

- A. Whenever any resident wants to install an Antenna which in any way penetrates the common elements of the condominium, the resident must first submit an application for approval to the Covenants Committee prior to the installation and then therefore wait for an approval from the Covenants Committee.
- B. Applications for approval from the Board are not required for installation of an Antenna when the resident performs the installation in an area within their exclusive use, which does not require any penetration through the common elements. For example, an Antenna could be located within the boundaries of the Unit, as defined in the Declaration.
- C. Residents must submit their applications to the Covenants Committee at the address listed below:

Arlington Village Office
1400 S. Edgewood Street, #525
Arlington, VA 22204

- D. Upon receipt of a completed application, the Covenants Committee will review it within seven (7) days.
- E. A completed application should contain the following:
 - 1. Certification that the installation will be performed by a professional installation company; and
 - 2. A notarized statement accepting responsibility for all damages which might occur to the property or person as a result of the installation of the Antenna; and
 - 3. Any and all information in reference to the design, type and proposed location of the Antenna; and
 - 4. A "License Agreement" signed by the Unit Owners and residents if the Antenna will be installed on the roof.
- F. The Association will not review an incomplete application.

II. LOCATION AND INSTALLATION

- A. Antennas may be installed and maintained on the following preferred location sites:
 - 1. the rooftop of the resident's Unit provided that the Antenna is not in plain view from the streets, courtyards or the windows of other Units; or
 - 2. on the floor of the limited common element rear deck appurtenant to a resident's Unit provided that it is not in plain view from the streets, courtyards or the windows of other Units (Antennas cannot be installed on the deck railings if the antenna in any way encroaches on the common elements), or
 - 3. inside the boundaries of a Unit, as defined in the Declaration, provided that the Antenna is not in plain view from the streets, courtyards or the windows of other Units.
- B. Antennas shall not be installed or maintained in any other location on the general common elements, another Unit or the limited common elements appurtenant to another Unit except as noted in Section A of this Article II.
- C. The color of the Antenna should blend with the existing colors of the surrounding area. If not possible, protective covers are available in the marketplace to enhance the compatibility of the color of the Antenna with the colors of the surrounding area.
- D. No new penetration or attachment of wire to the exterior wall of any Unit shall be permitted in connection with Antennas without first obtaining a written variance from the Covenants Committee or the Board of Directors. All exterior wires and cables leading from the Antenna into the Unit must be concealed or camouflaged behind gutters, downspouts and railings.
- E. Residents shall ensure that the installation of their Antennas do not obstruct access to or exit from any Unit, walkway, ingress or egress from an area, electrical service equipment, or any other area that the Council's agents will need access to, for the safe operation of the Condominium.

- F. Residents must ensure that their installation complies with all applicable building codes and manufacturer's instructions to the extent that federal laws and regulations do not supercede such codes and instructions.
- G. Residents must permanently ground and properly affix all wiring in order to minimize the possibility of all safety hazards.
- H. The Owner(s) of the Unit is/are responsible for any damage to the common elements, another unit or any other person or property which is caused by or related to the installation or continued presence of any Antenna installed by the resident of the Unit.
- I. The Association reserves the power to specially assess a Unit Owner for all costs to rectify any damages caused to the common elements resulting from or relating to a resident's installation or removal of the Antenna.
- J. Antennas shall not be placed anywhere near power lines (aboveground or buried).
- K. The Association reserves the right to enter a Unit or the limited common elements appurtenant to a Unit to inspect the area of installation. The Association has the right to request that a resident (or Unit Owner if the resident is a tenant) remove an Antenna from a limited common element deck in the event that Association is required to perform any maintenance or repair work on the deck.
- L. Residents shall not use any of the cable television wiring installed on the Common Elements. In addition, Antennas not covered by the FCC rule are prohibited.
- M. The rooftops of units are not exclusive use areas. The additional rules regarding Antennas placed on rooftop locations are as follows:
 - 1. Residents must submit a completed application.
 - 2. Residents execute a License Agreement. The License Agreement must also be signed by the Unit Owners if the residents are tenants.
 - 3. Antennas must be mounted on an Association approved stand or bracket.
 - 4. Antennas must be installed and removed by an Association approved contractor that is licensed to do business in the Commonwealth of Virginia that has insurance to do work on the roofs of buildings.
 - 5. No Antenna shall extend higher than is absolutely necessary for reception of an acceptable quality signal.
 - 6. After installation of the Antenna, residents must ensure that the Antenna always remains properly secured so that it does not jeopardize the structural integrity of any structure or the safety of any person near the Antenna, particularly during times of great wind velocity.
 - 7. Residents are responsible for the cost of removing and reinstalling the Antenna in the event that the Association is required to make repairs or the do other maintenance work on the rooftop.

8. Whenever an Antenna is removed, the resident is responsible for the cost of a complete sealing of the area of penetration and proper disposal of any unused wiring. An Association-approved contractor shall do the rooftop repairs.
9. Residents may not penetrate either the rooftop exterior or the exterior walls of any building to either install an Antenna or to connect wiring from the Antenna to the interior of their Unit.

III. DEFINITIONS:

- A. The term “Antenna(s)” means those Antennas that are protected under the FCC Rule, which include Antennas that are designed
 1. to receive video programming services, including direct broadcast satellite dishes that are one meter or less in diameter measurement (DBS), digital television broadcast that are one meter or less in diameter measurement (DTV), local television broadcast Antennas (Local), and multipoint distribution service Antennas that are one meter or less in diagonal measurement (MMDS); or
 2. to receive and transmit “fixed wireless services”. Antennas used for “fixed wireless services” must be “customer-end Antennas”. (Masts, cables, supports, conduits, wires, fasteners or other accessories necessary for the proper installation, maintenance and use of a reception Antenna shall be considered part of the Antenna).
- B. The term “residents” shall mean Unit Owners and tenants.

IV. ENFORCEMENT

- A. If these rules are violated, the Association reserves all of its legal remedies, including, but not limited to, the enactment of special charges, subject to the due process procedures under the Association’s rules and regulations, and Code Section 55-79.80:2 of the Virginia Condominium Act.
- B. If any Antenna installation poses a serious, immediate safety hazard or threat to property, the Association reserves the power to immediately remove the Antenna without notice to the Unit Owner; however, whenever feasible, the Association shall provide advance written notice to the Unit Owner of the Board’s concerns for safety and its request of the Unit Owner to remove, relocate, or resecure the Antenna.
- C. Unit Owners shall be responsible for any damages and costs incurred by the Association, including, but not limited to, attorneys’ fees, as a result of the actions of their Tenants.

V. EFFECTIVE DATE

The effective date of this Resolution shall be this ____ day of _____, 2004 and supercede and replace any prior rules and regulations upon the Effective Date.

By: _____
 _____, President

CERTIFICATION OF PUBLICATION OF ADOPTED RESOLUTION

I, _____, Secretary, certify that the foregoing proposed Policy Resolution was published and mailed to all of the Unit Owners this ___ day of _____, 2004.

_____, Secretary

**ARLINGTON VILLAGE TOWNHOUSE ASSOCIATION,
A CONDOMINIUM RESOLUTION ACTION RECORD**

POLICY RESOLUTION NO. __

Duly adopted at a meeting of the Board of Directors held _____
_____.

Motion by: _____

Seconded by: _____

VOTE:

	YES	NO	ABSTAIN	ABSENT
_____ President	_____	_____	_____	_____
_____ Vice President	_____	_____	_____	_____
_____ Treasurer	_____	_____	_____	_____
_____ Secretary	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____
_____ Director	_____	_____	_____	_____