

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NEW FOX RIDGE HOMEOWNERS ASSOCIATION  
ADOPTING POLICY No. 5 of 2014  
REGARDING SATELLITE DISHES AND OTHER ANTENNAS**

This Resolution is adopted by the Board of Directors of The New Fox Ridge Homeowners Association on the 8<sup>th</sup> day of December, 2014 and is effective immediately.

**Recitals**

The background of this Resolution is as follows:

R.1. The New Fox Ridge Homeowners Association (the "**Association**") is responsible for governance and maintenance of the residential planned community commonly known as New Fox Ridge located in the City of Harrisburg, Dauphin County, Pennsylvania (the "**Community**").

R.2. The Community is controlled by Amended and Restated Bylaws of The New Fox Ridge Homeowners Association (last amended 6/23/05) recorded in the Recorder of Deeds Office of Dauphin County, Pennsylvania on February 16, 2006 to Instrument # 20060006164 (as amended from time to time, the "**Bylaws**"), which Bylaws the Board of Directors deem to constitute a declaration for purposes of the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S. §§5101- 5414 (as amended from time to time, the "**Act**").

R.3. The Board has enacted or in the future may enact rules and regulations (the "**Rules and Regulations**") to supplement the Bylaws and the Act and to fulfill the Board's obligation to operate the Community and the Association in the best interests of the Association. The Bylaws, Act and Rules and Regulations are referred to herein as the "**Governing Documents**").

R.4. The Association was formed by the filing of Articles of Incorporation with the Corporation Bureau of the Pennsylvania Department of State on or about June 6, 1985, which Article of Incorporation were amended by the filing of Articles of Amendment – Domestic Corporation on June 29, 2005.

R.5. The Association, acting through its duly elected Executive Board (the ("**Board**"), is responsible for, among other rights and obligations, managing the common areas of the Community and carrying out the duties and responsibilities required by the Bylaws.

R.6. The Association is governed by certain provisions of the Act, including, without limitation, the power to adopt and amend rules and regulations relative to the Community.

R.7. Pursuant to Article IV, Section Two of the Bylaws, the Board has all authority granted by the Act, which includes the power to act in all instances on behalf of the Association.

R.8. In accordance with the Federal Telecommunications Act of 1996 (the “**TCA**”), the Federal Communications Commission (the “**FCC**”) adopted a rule effective October 14, 1996 (which rule has since been amended), preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“**Antennas**”).

R.8. The Board desires to adopt standard rules and regulations regarding the installation, maintenance, and use of Antennas within the Community and consistent with the TCA and the FCC rules. All capitalized terms herein shall have the meaning attributed by this Resolution or by the applicable Governing Document.

NOW, THEREFORE, the Board hereby adopts the following restrictions and regulations for the Community (the “**SD Rules and Regulations**”), which shall be binding upon all Unit Owners and their grantees, lessees, tenants, occupants, successors, heirs and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules or regulations on the same subject matter.

**I. Definitions** – In addition to the definitions contained in the Act and the Governing Documents, the following terms shall have the specific meanings assigned herein:

- a. “**Antenna**” shall mean 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. Masts, 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**” shall mean the structure to which an Antenna is attached that raises the Antenna height.
- c. “**Transmission-only Antenna**” shall mean any Antenna used solely to transmit radio, television, cellular, or other signals.
- d. “**Telecommunications Signals**” shall mean signals received by DBS, television broadcast, and MDS Antennas.
- e. “**Exclusive-use Area**” shall mean a Limited Common Element in which the Owner has a direct or indirect ownership interest and that is designated for the exclusive use of the Owner or Occupant, as defined in the Declaration.

## **II. Installation Rules**

**a. Antenna Size and Type**

- i. DBS Antennas that are one meter or less in diameter may be installed in accordance with the guidelines set forth herein. DBS Antennas larger than one meter in diameter are prohibited.
- ii. MDS Antennas one meter or less in diameter may be installed in accordance with the guidelines set forth herein. MDS Antennas larger than one meter are prohibited.
- iii. Installation of Transmission-only Antennas is prohibited unless approved by the Architectural Control Committee pursuant to Article XIV of the Declaration.
- iv. All Antennas not covered by the FCC rule are prohibited.
- v. No more than one Antenna for each type of service may be installed to service each Unit.

**b. Location**

- i. Antennas must be installed solely in the Owner's Unit or on individually-owned property or Exclusive-use Area. Antennas may not be located on any Common Areas owned by the Association.
- ii. 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.
- iii. Antennas must not encroach upon any Common Elements, any other Owner's individual Unit, or the air space of another Owner's Unit.
- iv. Antennas shall be located in a place shielded from view from outside the Community or 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 Areas, even if an acceptable quality signal cannot be received from an individually-owned or Exclusive-use Area.
- v. Provided that the placement obtains an acceptable quality signal, allowable Antennas shall be placed on the following locations in order of priority. If an acceptable quality signal is not available on the preferred location, in the order presented, the next preferred location shall be explored:

1. \_\_\_\_\_.

2. \_\_\_\_\_.

3. \_\_\_\_\_.

**c. Installation on Exclusive Use Areas**

- i. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
- ii. All installations shall be completed so they do not damage the Common Elements, or another Unit, or void any warranties of the Association or other Owners, or in any way impair the integrity of the building.
- iii. Any installer other than the Owner shall provide the Association with an insurance certificate listing the Association as a named insured prior to installation. Insurance shall meet the following minimum limits:
- iv. Contractor's General Liability (including completed operations) in the minimum amount of \$1,000,000.
- v. Workers' Compensation in the minimum amounts of Pennsylvania statutory limits.
- vi. The purpose of this regulation is to ensure that Antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard to Association residents and personnel.
- vii. Antennas must be secured so they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the Antennas, including damage from wind velocity and damage from water and snow.
- viii. There shall be no penetrations of exterior, Exclusive-use Areas of the building unless it is necessary to receive an acceptable quality signal or it would unreasonably increase the cost of Antenna installation elsewhere. The following devices shall be used unless they would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation, maintenance or use:
- ix. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane.
- x. Devices, such as ribbon cable, which permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall.
- xi. Existing wiring for transmitting telecommunications signals and cable services

signals.

xii. If penetration of the exterior Exclusive-use Areas is necessary, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. The purpose of this rule is to prevent structural damage to the building and residences from moisture.

## **II. Maintenance**

- a. Owners who install or maintain Antennas are responsible for all associated costs, including but not limited to, costs to:
  - i. Place (or replace), repair, maintain, and move or remove Antennas.
  - ii. Repair damage to any property caused by Antenna installation, maintenance or use.
  - iii. Pay medical expenses incurred by persons injured by Antenna installation, maintenance, or use.
  - iv. Reimburse residents or the Association for damage caused by Antenna installation, maintenance or use; and
  - v. Restore Antenna installation sites to their original condition.
- b. Owners shall not permit their Antennas to fall into disrepair or to become a safety hazard. Owners shall be responsible for Antenna maintenance, repair and replacement, and the correction of any safety hazard.
- c. If Antennas become detached, Owners shall remove or repair such detachment within 24 hours of the detachment. If the detachment threatens safety, the Association may remove Antennas at the expense of the Owner.
- d. Owners shall be responsible for Antenna repainting or replacement if the exterior surface of Antennas deteriorates.

## **III. Safety**

- a. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental permit if required for safety reasons.
- b. Antennas shall not obstruct access to or exit 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 or the use of any Unit. The purpose of this requirement is to

ensure the safety of Association residents and personnel and safe and easy access to all available areas in the Community.

- c. Installations must comply with all applicable codes, take aesthetic considerations into account, and minimize the impact to the exterior and structure of the Owner's Unit and Exclusive-use Area.
- d. To prevent electrical and fire damage, Antennas shall be permanently grounded.

#### **V. Antenna Camouflaging**

- a. Antennas shall be painted to match the color of the structure to which they are installed unless such painting would interfere with an acceptable quality signal.
- b. Camouflaging Antennas through inexpensive screening or plants is required if Antennas are visible from the street or other Units.
- c. Exterior Antenna wiring shall be installed so as to be minimally visible.

#### **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 (see below). 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 twelve 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. Masts must be installed by licensed and insured contractors.

**VII. Antenna Removal.** Antenna removal requires restoration of the installation location to its original condition. Owners shall be responsible for all costs relating to restoration of this location.

#### **VIII. Association Maintenance of Locations Upon Which Antennas Are Installed**

- a. If Antennas are installed on property that is maintained by the Association, the Owners retain responsibility for Antenna maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residents. If increased maintenance or damage occurs, the

Owners are responsible for all such costs.

- b. If maintenance requires the temporary removal of Antennas, the Association shall provide Owners with 10 days written notice. Owners shall be responsible for removing or relocating Antennas before maintenance begins and replacing Antennas afterward. If they are 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 Antennas caused by Association removal.

## **IX. Notification Process**

- a. Any Owner desiring to install an Antenna must complete a notification form and submit to the Architectural Control Committee (the "**ACC**"), 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 ACC must establish a mutually convenient time to meet to discuss installation methods.

**X. Installation by Tenants.** These SD Rules and Regulations 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. Unit Owners shall remain liable for compliance with these SD Rules and Regulations and regulations by their tenants.

## **XI. Enforcement**

- a. In addition to any other remedies available to the Association pursuant to the Governing Documents and the Act, if these SD Rules and Regulations are violated, the Association, after notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, as determined by the Executive Board, in its sole discretion, additional fines of \$50 per day will be imposed for each day that the violation continues. To the extent permitted by law and/or the Declaration, 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.

**XII. Existing Antennas.** Any Unit Owner who has installed an Antenna prior to the date of this Resolution shall comply with the following:

- a. Within thirty (30) days of the effective date of this Resolution, the Unit Owner must register the Antenna with the Association on a form to be obtained from the Association office, with all information completed.
- b. Upon receipt of the registration form, the Board shall review the relevant information and visit the Unit and Antenna installation.
- c. If the installation violates any of the provisions of this Resolution relating to safety or if the Board determines that the installation is unsafe, the Unit Owner will be requested to immediately remove the Antenna and reinstall it in strict conformance with the guidelines contained in this Resolution.
- d. If the installation does not violate the safety provisions or is determined to not be unsafe, the Board shall further review the installation (on a case by case basis) to determine if the installation is in compliance with these regulations).
- e. If the Board determines that the installation is not in compliance with these regulations, the Board may require the Unit Owner to bring the installation into compliance with these regulations within a reasonable time, taking into account all relevant factors, including, without limitation, the cost to move the Antenna to comply with these regulations, the obligations of the Unit Owner relative to the Antenna, the size of the Antenna, and the reasonableness to require the Unit Owner to remove and replace the Antenna.
- f. The Unit Owner shall receive written notice of the Board's decision and will receive at least thirty (30) days to comply or to discuss the situation with the Board or its authorized representative.
- g. In the event the Unit Owner fails to timely comply with the decision of the Board, the Board may take such further action against the Unit Owner as it deems necessary, including, without limitation, imposing fines for non-compliance, removing the Antenna at the Unit Owner's expense, or bringing legal action against the Unit Owner, in each instance, any legal fees incurred by the Association shall be charged to the Unit Owner.

### **XIII. Miscellaneous**

- a. Any Owner violating any provision of these SD Rules and Regulations shall be subject to enforcement by the Board pursuant to the authority in the Governing Documents.
- b. Failure by the Board to enforce any provision of these SD Rules and Regulations or any alleged violation of any provision of the Governing Documents shall in no event be deemed to be a waiver of the right to do so thereafter.
- c. The provisions of these SD Rules and Regulations shall be independent and

severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.

- d. These SD Rules and Regulations shall be effective immediately and shall supersede any previous policy, resolution or rules and regulations adopted by the Association or the Board on the subject matter hereof.