

## RULES FOR INSTALLING SATELLITE DISHES AND ANTENNAS

### I. DEFINITIONS

Antenna: any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast (TVBS), 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 Federal Communications Commission (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.

Mast: a structure to which an antenna is attached to raise the antenna to a height necessary to receive signals.

Transmission-only antenna: any antenna used solely to transmit radio, television, cellular, or other signals.

Owner: any unit owner in the Association. For the purpose of this rule only, "Owner" includes a tenant who has the written permission of the unit Owner to install antennas.

Telecommunications signals: signals received by DBS, television broadcast, and MDS antennas.

Exclusive use area: limited common area which is adjoining or adjacent to the owner's unit designated for the exclusive use by the owner as defined in the Declaration.

### II. GENERAL

No antenna used to transmit or receive video, radio or shortwave broadcast signals of any kind may be placed, installed or operated by any individual within the community without prior application to and written approval of the Board.

A Covered Antenna of any type may be installed totally within an individually-owned building or unit so long as the Covered Antenna is not visible from outside the building and the installation complies with all applicable health, safety and building codes and licensing requirements.

### III. GUIDELINES FOR THE INSTALLATION, USE AND MAINTENANCE OF COVERED ANTENNAS

#### Antenna Size and Type:

Antennas designed to receive direct broadcast satellite service which are one meter or less in diameter may be installed. Antennas designed to receive satellite signals which are larger than one meter are prohibited.

Antennas one meter or less designed to receive multipoint distribution service may be installed. MDS antennas larger than one meter are prohibited.

Installation of transmission-only antennas are prohibited unless approved by the Board of Directors.

#### Location:

Antennas must be installed only in the owner's unit or on an individually-owned or exclusive-use area, as defined in the Association's governing documents and each owner's deed. Installation of Covered Antennas on a limited common element which is exclusively used by the owner does not convert the limited common element to individual property.

*If the signal received by an indoor or attic TVBS antenna is sufficient to view off-the-air programming, installation of an outdoor antenna is prohibited. If an exterior installation is necessary, the use of the least obtrusive antenna possible (such as the 18-inch circular dish antenna) is required. Any installation of an outdoor TVBS antenna shall conform to all guidelines set forth in this Resolution.*

Covered Antennas must not encroach upon any common areas, any other owner's individual unit or limited common area, or the air space of another owner's limited common area.

If there is more than one location where an acceptable quality signal can be received, the Covered Antenna must be placed in the location that is least visible to persons not on the owner's property. Preferred locations include

rear yards, rear decks, side yard locations adjacent to gas meters or mechanical equipment, and screened among shrubbery. Preferred roof locations are adjacent to a chimney or on the rear roof just above the gutter line or just below the ridge line of the roof. The preferred location on a balcony or patio is within the interior space of the balcony or patio below the height of the balcony or patio railing. This section does not permit installation on common property, even if an acceptable quality signal cannot be received from an individually-owned or exclusive use area.

If the only location where an acceptable quality signal can be received is a highly visible location, then the Covered Antenna must be appropriately camouflaged or screened, to the extent signal quality is not diminished so extensively that reception is unreasonably impaired, by paint or other means which do not unreasonably delay or increase the cost of the installation. The Board may require disguising the Covered Antenna (e.g., as a rock or umbrella), camouflaging the Covered Antenna by painting or reducing visibility by screening. The Board has the right but not the obligation to pay the cost of reasonable additional screening of any visible Covered Antenna, to the extent such screening does not unreasonably impair signal quality or unreasonably delay installation.

Installation of Covered Antennas and Masts:

Covered Antennas shall be no larger than is absolutely necessary for reception of an acceptable quality signal.

Covered Antennas may not be visible above the patio or balcony fence.

All installations shall be completed so that they do not damage the common areas, limited common areas, or individual units, or void any warranties of the Association or other owners, or in any way impair the integrity of the building.

Any installer other than the owner shall carry adequate general liability and workers compensation insurance to prevent both damage to common areas and potential safety hazards.

Covered Antennas and masts must be safely and securely affixed so that they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the Covered Antennas, including damage from wind velocity.

No masts may be installed on the Association's common elements.

If the owner's roof is individually owned, mast height may be no higher than necessary to receive acceptable quality signals. Mast height may not exceed twelve feet (12') above the roof line, and shall be the minimum height necessary to receive an acceptable signal.

There shall be no penetrations of the common walls, floors or ceilings unless an independent professionally qualified consultant confirms that it is necessary to receive an acceptable quality signal or that not doing so would unreasonably increase the cost of antenna installation. The following devices shall be used unless they would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation not to do so:

Devices which permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;

Devices which permit the transmission of telecommunications signals through a wall without cutting or drilling a hole through the wall;

Existing wiring for transmitting telecommunications signals and cable services signals.

If penetration of the common walls, ceilings or floors is necessary to receive an acceptable quality signal or prevent an unreasonable cost increase, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes.

Covered Antennas and masts shall be permanently and effectively grounded.

Cabling and grounding wire shall be installed in the least visible manner possible. When a Covered Antenna is located on the ground, cabling and wiring shall be installed underground whenever possible. Exterior Covered Antenna wiring shall be minimally visible and blend into the material to which it is attached.

Maintenance:

Owners who install or maintain Covered Antennas are responsible for all associated costs, including but not limited to costs to:

place (or replace), repair, maintain and move or remove Covered Antennas;

repair damages to the common property, the unit or other units, and any other property caused by the installation, maintenance or use of Covered Antennas;

pay medical expenses incurred by persons injured by installation, maintenance or use of Covered Antennas;

reimburse residents or the Association for damages caused by the installation, maintenance or use of the Covered Antenna;

restore Covered Antenna installation sites to their original condition.

Owners shall not permit their Covered Antennas to fall into disrepair or to become a safety hazard. Owners shall be responsible for Covered Antenna maintenance, repair and replacement, and the correction of any safety hazard.

If Covered Antennas should become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association shall remove the Covered Antenna at the owner's expense.

Owners shall be responsible for repainting or replacement of the exterior surface if the Covered Antenna deteriorates.

Safety:

Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, city and state laws and regulations, and manufacturer's instructions.

Covered Antennas may not be placed where they may come into contact with electrical power lines.

Covered Antennas shall not obstruct access to or exit from any doorway or window of a unit, walkway, ingress or egress from any area, utility service areas, or any other areas necessary for the safe operation of the Association.

Number of Covered Antennas:

No more than one Covered Antenna for each type of service may be installed by an owner.

Covered Antenna Removal:

When removing a Covered Antenna, an owner shall restore the location of the Covered Antenna to its original condition.

Association Maintenance of Locations upon which Covered Antennas are Installed:

If Covered Antennas are installed on property which is maintained by the Association, the owners retain responsibility for Covered Antenna maintenance. Covered Antennas must not be installed in a manner which 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.

*If maintenance requires the temporary removal of Covered Antennas, the Association shall provide owners with seven (7) days written notice. Owners shall be responsible for removing or relocating Covered Antennas before maintenance begins and replacing Covered Antennas afterwards, if an owner so desires. If the Covered Antennas 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 Covered Antennas caused by Association removal.*

IV. NOTIFICATION PROCESS

Any Owner desiring to install a Covered Antenna must complete a signed notification form and submit it to the Board of Directors of the River Oaks Council of Co-Owners. Submission may be by (i) by email, copied to all Board Members and the Property Manager; (ii) fax in care of the Property Manager; (iii) mail in care of the Property Manager.

If the installation conforms to all of the preceding restrictions, the installation may begin immediately. If the installation varies from the above regulations, the owner and Board of Directors must establish a mutually convenient time to meet to discuss installation methods.

#### V. DETERMINATION OF SUFFICIENCY OF RECEPTION

To the extent required, the Association shall employ a knowledgeable, independent consultant to determine the acceptability of broadcast signals received in various locations on any owner's property and recommend a placement that (1) ensures adequate signal (if feasible), and (2) maximizes the safety of the installation and (3) minimizes the visibility of the Covered Antenna.

#### VI. ENFORCEMENT

Should these rules be violated, the Association, after due notice and an opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. In the event the court or FCC determines that a violation has occurred, a fine of \$50 shall be imposed by the Association. If the violation is not corrected within 10 days, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law and the Association's governing documents, the Association shall be entitled to reasonable attorney fees, costs and expenses incurred in the enforcement of this policy.

NOTICE: This is a synopsis adapted from the "Certificate of Resolution of the River Oaks Council of Co-Owners Rules for Installing Satellite Dishes and Antennas" dated February 20, 1997 and filed with the Harris County Clerk on June 9, 1997. Please see the actual document for complete details.