

ELLICOTT MILLS HOMEOWNERS ASSOCIATION

**RULES AND
RESTRICTIONS
FOR ANTENNA
INSTALLATION**

**ELLCOTT MILLS HOMEOWNERS ASSOCIATION
POST OFFICE BOX 21125
CATONSVILLE, MARYLAND 21228**

Dear Property Owner(s)/Tenant(s):

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 Association has amended its antenna rules and restrictions. Before installing an antenna, please read the amended 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 the Association's Model Rules and Restrictions for Antenna Installation, Maintenance and Use.

Any mast that extends more than 12 feet above the roof-line, 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 antennas or mast must be installed safely, to minimize the risk of personal injury and damage to the Association or other resident's property.

Please note that the 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 or equipment, or subscribing to any 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,
EMHOA Board of Directors

ELLCOTT MILLS HOMEOWNERS ASSOCIATION, INC.

**MODEL RULES AND RESTRICTIONS
FOR ANTENNA INSTALLATION, MAINTENANCE, AND USE**

I. PREAMBLE

These rules are adopted by the Board of Directors of the Ellicott Mills Homeowners Association, Inc. on the 15th day of June, 2002, effective June 1, 2002.

RECITALS

WHEREAS, the Ellicott Mills Homeowners Association, Inc. ("the Association") is responsible for governance and maintenance of the Ellicott Mills Homeowners Association, Inc. ("the Community"); and

WHEREAS, the Association exists pursuant to the Homeowners Association Act of the State of Maryland, the Declaration of Covenants, Conditions and Restrictions for the Association, and the Articles of Incorporation for the Association; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the interests of the Community, pursuant to Title 11(B), the Maryland Homeowners Association Act, and Article VII of the By-Laws of the Association; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, and amended effective January 4, January 22, and February 16, 1999, preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("Covered 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 OTARD Rule.

NOW, THEREFORE, the Association adopts the following rules and restrictions for the Community, which shall be binding upon all Owners and residents and their grantees, lessees, tenants, occupants, successors, heirs, and assigns, and which shall supersede any previously adopted rules on the same subject matter.

II. DEFINITIONS

- A. **Antenna:** any device used for the transmission and receipt of video or audio services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). 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. **Covered Antenna:** an antenna covered by the FCC's Over-the-Air Reception Devices (OTARD) Rule.
- C. **Central Antenna System:** an antenna system installed by the Association to serve more than one Owner simultaneously.
- D. **Common Property:** property either owned by the Association as defined in the appropriate Association documents.
- E. **Exclusive Use Area:** area (and airspace) in which the Owner has a direct or indirect ownership interest and which is designated for the exclusive use of the Owner as defined in the appropriate Association documents.
- F. **Individual Antenna:** antenna installed by one Owner for reception by that Owner.
- G. **Individually Owned Property:** property defined in a recorded Deed or other Association documents as being owned solely by the Owner, regardless of whether the Association has maintenance responsibility for that property.
- H. **Mast:** structure to which an antenna is attached that raises the antenna height to enable the antenna to receive acceptable-quality signals.
- I. **Owner:** any person residing in the Association.
- J. **Transmission-Only Antenna:** an antenna that has limited transmission capability and is designed for the Owner to select or use video programming.

III. INSTALLATION RULES

A. Antenna Size and Type

Subject to criteria detailed elsewhere in these Rules, the following are Covered Antennas and may be installed:

- 1. Antennas designed to receive Direct Broadcast Satellite (DBS) service that are 39.4 inches (1 meter) or less in diameter may be installed. DBS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.

2. **Antennas designed to receive Multipoint Distribution Services (MDS) that are 39.4 inches (1 meter) or less in diameter. MDS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.**
3. **Antennas designed to receive television broadcast signals, regardless of size.**
4. **Transmission-Only Antennas that are necessary for the use of Covered Antennas.**
5. **Masts that are required for the installation of Covered Antennas.**
6. **All other Antennas (including amateur or ham radio antennas) not covered by the FCC's Over-the-Air Reception Devices Rule as amended are prohibited or subject to the architectural review process.**
7. **No more than one antenna for each type of service may be installed by an Owner.**

B. Location

1. **Covered Antennas shall be installed solely on Individually Owned Property or Exclusive-Use Areas, as designated in the Association documents defining the portions of Common Property, limited common elements, or Individually Owned Property. Installation of Covered Antennas on a limited common element does not convert the limited common element to Individually Owned Property.**
2. **Covered Antennas shall not encroach upon any Common Property, any other Owner's Individually Owned Property or Exclusive-Use Area, Common Property airspace, or the airspace of another Owner's Individually Owned or Exclusive-Use Area.**
3. **Covered Antennas shall be located in a place shielded from view from outside the community or from other homes 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 Property, even if an acceptable-quality signal cannot be received from an Individually-Owned or Exclusive-Use Area.**
4. **If an installation cannot comply with the previous section because the installation would unreasonably delay, unreasonably increase the cost, or preclude reception of acceptable-quality signals, the Owner must ensure that**

the installation location is as close to a conforming location as possible. The Association may request an explanation of why the non-conforming location is necessary.

C. Installation

1. Covered Antennas shall be neither larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
2. 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:
 - a. Contractor's general liability (including completed operations): \$1 million dollars.
 - b. Workers' Compensation: statutory limits.
 - c. The purpose of this regulation is to ensure that Covered 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 Owners and personnel.
3. Covered Antennas must be secured 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.
4. The following devices shall be used unless they would prevent an acceptable-quality signal or unreasonably increase the cost of Covered Antenna installation, maintenance or use:
 - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;
 - b. Devices, such as ribbon cable, which permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or
 - c. Existing wiring for transmitting telecommunications signals and cable services signals.

5. 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.

D. Maintenance

1. Owners who install or maintain Covered Antennas are responsible for all associated costs, including but not limited to, costs to:
 - a. Place (or replace), repair, maintain, and move or remove Covered Antennas;
 - b. Repair damage to any property caused by Covered Antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by Covered Antenna installation, maintenance, or use;
 - d. Reimburse Owners or the Association for damage caused by Covered Antenna installation, maintenance or use;
 - e. Restore Covered Antenna installation sites to their original condition.
2. 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.
3. If Covered Antennas become detached, Owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association may remove Covered Antennas at the expense of the Owner.
4. Owners shall be responsible for Covered Antenna repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Covered 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.

2. Unless the above-cited laws and regulations require a greater separation, Covered Antennas shall not be placed within ten (10) feet of power lines (above-ground or buried). The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. Covered Antennas shall not obstruct access to or exist from any home, walkway, ingress or egress from an area, electrical service equipment or any other areas necessary for the safe operation of the home. The purpose of this requirement is to ensure the safety of Association Owners and personnel and safe and easy access to the Association's physical plant.
4. 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 home.
5. To prevent electrical and fire damage, Covered Antennas shall be permanently grounded.

IV. 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 preapproved 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 12 feet. If this installation will pose a safety hazard to Association Owners 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.

V. COVERED ANTENNA REMOVAL

Covered 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.

VI. ASSOCIATION MAINTENANCE OF LOCATIONS UPON WHICH COVERED ANTENNAS ARE INSTALLED

- A. If Covered Antennas are installed on property that is maintained by the Association, the Owners retain responsibility for antenna maintenance. Covered Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other Owners or residents. If increased maintenance or damage occurs, the Owners are responsible for all such costs.**
- B. If maintenance requires the temporary removal of Covered Antennas, the Association shall provide Owners with ten (10) days written notice. Owners shall be responsible for removing or relocating Covered Antennas before maintenance begins and replacing Covered 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 Covered Antennas caused by the Association's removal.**

VII. NOTIFICATION PROCESS

- A. Any Owner desiring to install a Covered Antenna must complete a notification form and submit to the Board of Directors in care of 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 Board of Directors must establish a mutually convenient time to meet to discuss installation methods.**

VIII. INSTALLATION BY TENANTS

These rules shall apply in all respects to tenants. Tenants desiring to install Covered Antennas shall obtain prior written permission of the Owner. A copy of this permission must be furnished with the notification statement.

IX. ENFORCEMENT

- A. If these rules 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, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law and/or the Association's documents, the Association shall be entitled to reasonable attorney's fees, costs and expenses incurred in the enforcement of this policy.**

- B. If Covered Antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

X. SEVERABILITY

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

**ELLCOTT MILLS HOMEOWNERS ASSOCIATION
POST OFFICE BOX 21125
CATONSVILLE, MARYLAND 21228**

MODEL NOTIFICATION FORM REGARDING ANTENNA INSTALLATION

Although a resident does not need prior approval to install an antenna covered by the Federal Communications Commission's Over-the-Air Reception Devices Rule (unless the resident is seeking to install an oversized mast), the Association does require that the resident complete and submit this notification form prior to any antenna installation. Once this form has been submitted, the resident may proceed with the installation.

Resident(s) Name(s): _____
Property Address: _____
Phone (day): _____ Phone (evening): _____
Fax: _____ E-mail: _____

Type of antenna to be installed:
 Direct broadcast satellite
 Television broadcast
 Multipoint distribution service

Name of company performing installation (if any): _____
Address: _____ City/St/Zip _____
Phone: _____ Fax: _____ E-mail: _____

Installation location: _____
Date installation is to be performed: _____
Indicate the method of installation and how the installation is secured: _____

Please note that the installation must comply with all Association guidelines (which include the manufacturer's guidelines and applicable building codes).

Is a mast necessary for reception? Yes No

If yes, is the mast required to extend more than twelve (12) feet above the roof-line 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 Association's approval form for installation of oversized masts. You may not install the oversized mast until the Board of Directors/Architectural Review Committee has provided written approval of the installation.

After reviewing the terms and conditions of antenna installation, signature(s) are required below.
I (We) will comply with all of the Association's valid rules for installing, maintaining, and using antennas. I (We) assume liability for any personal injury or damage to the Association and other resident's property or exclusive-use areas that occurs due to antenna installation, maintenance, and use.

Resident(s) Signature(s): _____ Date: _____
_____ Date: _____