

THE KENWICK PLACE HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 2017 - 2

PREFERRED ANTENNA AND SATELLITE DISH PLACEMENT

WHEREAS, The Kenwick Place Homeowners Association ("Association") is a property owners' association organized and operating pursuant to the Virginia Property Owners' Association Act ("Act"), and the Association's Declaration of Covenants, Conditions and Restrictions, as amended ("Declaration") and Bylaws; and

WHEREAS, Article VII, Section 1 of the Bylaws states that the Association's Board of Directors ("Board") shall have the power to exercise all powers, duties and authority vested in or delegated to the Association and not reserved to its membership; and

WHEREAS, Article VI, Section 1 of the Declaration states that no modification, alteration or improvement of the external structure or appearance of any Lot shall be undertaken unless approved in writing by the Board; and

WHEREAS, Article VI, Section 1 of the Declaration requires that applications for alterations of the external structure or appearance of Lots shall be granted or denied based, in part, upon the harmony of its external design among surrounding structures; and

WHEREAS, pursuant to the Declaration's granting of authority to the Board to regulate external alterations, the Board has deemed it to be beneficial to the Association to adopt a resolution concerning the preferred placement of antennas and satellite dishes within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the Board hereby adopts the following policy and procedure as part of the Association's Rules and Regulations, which hereby supersede and replace any and all previous rules and regulations pertaining to the preferred placement of antennas and satellite dishes within the Association:

1. "Permissible Antennas." Only satellite dish antennas and other antennas specifically covered by the Federal Communication Commission's Over-the-Air Reception Devices Rule (47 C.F.R. Section 1.4000) (the "FCC Rules") are allowed on Lots within the Association. The FCC Rules currently specifically cover the following types of antennas ("Permissible Antennas"):
 - (1) a "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite;

(2) an antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite;

(3) an antenna that is designed to receive local television broadcast signals. No other exterior antennas shall be erected or permitted on a Lot or dwelling.

2. None on Common Area. No antennas of any kind are permitted to be installed on the Common Area of the Association.
3. Restrictions on Placement. The Association reserves the right to restrict placement of Permissible Antennas in order to promote the aesthetics of the Association and help address safety concerns. Nothing in these Rules and Regulations, however, shall be interpreted or enforced in a manner that would violate the FCC Rules by (1) unreasonably delaying or preventing installation, maintenance or use of a Permissible Antenna; (2) unreasonably increasing the cost of installation, maintenance or use of a Permissible Antenna; or (3) precluding a Permissible Antenna's reception of an acceptable quality signal.
4. Preferred Locations. Subject to the prior paragraph and the remainder of these rules, a Permissible Antenna should be installed in one of the following locations (listed in decreasing order of preference):
 - 1) Attached to the rear façade of the Owner's dwelling immediately below the roofline;
 - 2) Inside the Owner's Home (e.g., inside a window or attic) where it is not visible from the street;
 - 3) Attached to the roof on the rear of the Owner's dwelling where it is not visible from the street;

**An Antenna shall only be installed in a lesser preferred location if the more preferred location(s) either (1) unreasonably delays or prevents installation, maintenance or use of the Antenna; (2) unreasonably increases the cost of installation, maintenance or use of the Antenna; or (3) precludes reception of an acceptable quality signal.
5. Visual Impact / No Encroachments. Permissible Antennas should be placed in locations so as to be as inconspicuous as reasonably possible and screened from view. Installations must take aesthetic considerations into account, including the visual impact on neighbors and when viewed from the street. In no event shall any antenna encroach on or over an adjacent Lot or the Common Area.
6. Proper Installation and Use. All Permissible Antennas must be installed in accordance with the manufacturer's instructions and specifications. The Owner is solely responsible and liable for any injury or damage caused by or arising from the installation and/or use of an antenna on that Owner's Lot or dwelling.

7. Masts:

a. For aesthetic reasons, masts (or poles) shall only be used if needed to achieve acceptable quality signals and, if used, shall be no higher than absolutely necessary to receive such a signal.

b. In no event shall masts encroach upon Common Area or any other Owner's Lot. For instance, a mast cannot be installed so that it extends over a Lot's boundary line.

c. *Professional Installation.* Masts extending more than 12 feet above the roofline must be installed by a professional installer due to safety concerns posed by wind loads and the risk of falling antennas and masts.

8. Notification of Installation. Prior to installation (or at least within 3 days after installation) of a Permissible Antenna on an Owner's Lot, the Owner must submit written notification to the Architectural Committee of the installation (including its size, type and location). This notification requirement is intended to allow the Association the opportunity to inspect the installation for compliance with these rules. The Architectural Committee and Board of Directors reserve the right to require the Owner to provide a copy of the manufacturer's brochure (including installation specifications) for the antenna(s) that are being, or have been, installed. The Association in no way, however, assumes responsibility or liability for any injury or damage caused by or arising from the installation and/or use of any satellite or antenna on any Owner's Lot.

Resolution Effective: November 21, 2017

THE KENWICK PLACE HOMEOWNERS ASSOCIATION

RESOLUTION ACTION RECORD

Resolution Type: Policy No. 2017 - 2

Pertaining to: Preferred Antenna and Satellite Dish Placement

Duly adopted at a meeting of the Board of Directors of The Kenwick Place Homeowners Association held on Nov. 20, 2017.

Motion by: Russ Merritt Seconded by: Cynthia Barnhart

VOTE:

	YES	NO	ABSTAIN	ABSENT
<u>Michael Robinson</u> President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Cynthia Barnhart</u> Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Elaine Beaumont</u> Treasurer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Shirley Simmons</u> Secretary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Russ Merritt</u> Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATTEST: <u>Shirley Simmons</u> Secretary				
		<u>Nov 20, 2017</u> Date		

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of Nov., 2017, a copy of this Resolution was mailed by first-class U.S. mail to all Owners as reflected in the Association's books and records.

Christina Greene
Management Agent