

RHYGATE HOMEOWNERS ASSOCIATION

POLICY RESOLUTION NO. 5

ANTENNA PLACEMENT PROCEDURES AND GUIDELINES

relating to the regulation and placement of permitted antennas within Rhygate ("Community").

RECITALS:

R-1. Article VII of the Amended and Restated Bylaws assigns the Board of Directors ("Board") all of the powers and duties necessary for the administration of the affairs of Rhygate ("Association") and further states that the Board may do all such acts and things as are not by law or the Declaration of Covenants, Conditions and Restrictions or the Bylaws required to be exercised and done by the members.

R-2. Section 207 of the Telecommunications Act of 1996 has made unenforceable certain restrictions on installation of certain antennas.

R-3. For the benefit and protection of the Association, the owners and residents, the Board deems it necessary to establish guidelines and procedures for regulation of and the installation, use and maintenance of permitted antennas within the community.

NOW, THEREFORE, BE IT RESOLVED THAT, the following Antenna Placement procedures and Guidelines be adopted:

I. GENERAL

Except for Covered Antennas (as defined herein) which are subject to the Federal Communications Commission Over-the-Air Reception Devices Rule, no antenna used to transmit or receive video, radio or short-wave 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, except pursuant to the procedures set forth in this Resolution. Specifically, in every instance in which a homeowner or resident seeks to install an antenna, the homeowner or resident must notify the Board in advance by submission of the "Notification of Antenna Placement" form, a copy of which is attached as an Exhibit to this Resolution. Installation of a Covered Antenna of the kind identified in Section III requires advance notification to the Board, but does not require written prior approval of the Board, provided, however, that the

guidelines set forth in Section IV must be satisfied. Installation of an antenna identified in Section II requires neither prior notification nor prior approval of the Board.

II. EXCEPTION FOR ANTENNAS INSTALLED WITHIN A BUILDING AND NOT VISIBLE FROM OUTSIDE THE BUILDING

An antenna of any type may be installed totally within an individually-owned building so long as the antenna is not visible from outside the building and the installation complies with all applicable health, safety, building code and licensing requirements.

III. EXCEPTION FOR COVERED ANTENNAS PLACED ON INDIVIDUALLY-OWNED, EXCLUSIVE USE PROPERTY

In accordance with Federal law (Section 207 of the Telecommunications Act of 1996 and 47 C.F.R. at 1.4000 of the Rules of the Federal Communications Commission), the placement of: (1) a direct broadcast satellite ("DBS") antenna that is one meter or less in diameter, (2) a multipoint distribution service ("MDS") antenna that is one meter or less in diameter or diagonal measurement, (3) a television broadcast signal ("TVBS") antenna, and (4) an antenna mast measuring not more than 12 feet in height (collectively, the "Covered Antennas") on (a) individually-owned property or (b) property in which the owner has a direct or indirect ownership interest and which is within the exclusive use or control of such owner is permitted subject to prior notification of installation and subject to the restrictions and guidelines set forth in Section IV of this Resolution.

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

A. Location

1. 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 in order of preference are: (1) roof at gutter line or eave, on side away from street (rear of roof for interior homes, side of roof for end homes), (2) side wall of an end home, (3) in rear yard, (4) roof at gutter line or eave, on side toward street, or (5) in front yard; in all cases preferably fully screened by shrubbery or camouflaged. Preferred roof locations are adjacent to a chimney or on the rear roof just under the eave, then above the gutter line or just below the ridge line of the roof. (Preferred patio

locations are adjacent to an exterior wall or fence. The Preferred location on a deck or balcony is within the interior space of the deck or balcony below the height of the railing.)

2. 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.

3. If the Board questions whether the location sought by the owner or resident is the least visible acceptance location, the Board may 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), (2) maximizes the safety of the installation, and (3) minimizes the visibility of the antenna.

B. Installation

1. The installation of any Covered Antenna must comply at all times with all applicable building codes and industry safety standards. The Covered Antenna must be affixed to its location in a safe and secure manner.

2. Any damage caused by the installation of the Covered Antenna shall be repaired at the sole expense of the owner immediately following the installation.

3. Cabling and grounding wire shall be installed in the least visible manner possible. When a Covered Antenna is located on the ground, cabling and wire shall be installed underground whenever possible.

4. If a contractor is installing the Covered Antenna, the contractor shall (a) be appropriately licensed as required by law, (b) employ personnel trained in the proper installation of such equipment, and (c) upon request, furnish evidence of all required insurance coverages.

C. Maintenance

1. Maintenance of Covered Antennas shall be the responsibility of the owner. The Covered Antenna (and associated camouflaging and screening) shall be maintained in a manner that its appearance and condition remains consistent with the original appearance and condition of the Covered Antenna. Any damage, dislodgment, or wear and tear of the Covered Antenna that is visible by persons not on the owner's property shall be repaired by the owner as soon as practicable.

2. If an owner fails to maintain a Covered Antenna properly, the Board shall notify the owner, in writing, that the Covered Antenna requires maintenance or repair and that such maintenance or repair must be completed within thirty days after such notification (or such lesser period as may be established by the Board for safety reasons or other good cause shown). If any required repair or maintenance is not performed by the owner within the time period allowed, the Association may complete such maintenance and repair and assess the cost of such work to the owner.

3. If a Covered Antenna must be removed to allow the Association to perform maintenance or repair, the owner shall be responsible for the removal of such Covered Antenna within seven days (or such shorter period as may be necessary) after notice of such maintenance or repair. If the owner fails to remove the Covered Antenna prior to the commencement of maintenance or repairs, then the Association shall remove such Covered Antenna and assess the cost of such removal to the owner. Upon payment of such cost, the Association shall return the Covered Antenna to the owner when the maintenance or repair has been completed. The Association shall not be liable for damage to the Covered Antenna during such removal, except due to the Association's gross negligence or willful misconduct.

D. Guidelines for TVBS Antenna Placement

If the signal received by an indoor or attic TVBS antenna is sufficient to view local 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 is required. Any installation of an outdoor TVBS antenna shall conform to all guidelines set forth in Section IV of this Resolution.

V. ENFORCEMENT

A. If an individual installs an antenna not permitted by this Resolution, the Board shall enforce the Association's rules in accordance with Policy Resolution No. 1.

B. If an individual installs a permitted antenna not in compliance with this Resolution (other than the prior notification requirement), then the Board shall require the individual to comply.

C. If an individual installs a permitted antenna in compliance with this Resolution but fails to provide prior notification, the Board shall not penalize the individual nor pursue any other enforcement action.

Rebecca S Ward

RS Rebecca Ward, President
PS Paul Speer, Vice President
KG Kevin Goodale, Treasurer
SM Phyllis Meyen, Secretary
WC William Cannon
KM Karen Myers
BN Robin Nuschler
SH Steven Heywood
EP Elwood Padgett

Adopted May 11, 1999.

Exhibit:
Notification of Antenna Placement

NOTIFICATION OF ANTENNA PLACEMENT

TO: _____ (Name of Homeowner or Tenant)

FROM: _____ (Address)

_____ (Telephone Number)

DATE: _____

I wish to notify you that I am installing a Covered Antenna on my Lot in accordance with Policy Resolution No. 5 of Rhygate Homeowners Association.

Type of Antenna: _____ Size (note diameter): _____

Proposed Installation Date: _____

Location of Proposed Installation* (please describe below, and mark location on diagram attached):

*An antenna is required to be placed in the location least visible to persons not on the owner's property. The visibility of the antenna to visitors and neighbors is of concern. In most instances, the least visible location is the rear roof top or rear roof perimeter of the home. Individual circumstances may vary. If an acceptable signal quality can be obtained only in a highly visible location, then the homeowner/resident must camouflage or screen the antenna.

Installation: By Contractor If so, please identify: _____
 By Homeowner/Resident

Will cables and/or grounding wiring be required as part of installation?
 Yes. If so, please show location of cabling/wiring on diagram attached.
 No.

How will the antenna be camouflaged or screened? _____

I have received the Association's Antenna Placement Guidelines and will install my antenna in compliance with such Guidelines. If my antenna installation does not comply with the Guidelines, I will relocate or reinstall my antenna at my expense to comply with the Guidelines provided that compliance does not preclude reception of an acceptable quality signal or impose an unreasonable expense.

Signature of Owner (or Tenant)