



RESOLUTION  
OF THE  
SIERRA POINTE CONDOMINIUM HOMEOWNERS ASSOCIATION

**SUBJECT:** Antenna and Satellite Dish Installation Restrictions

**PURPOSE:** To provide notice of the Association's adoption of a Resolution approving rules, regulations and restrictions promoting the recreation, health, safety and welfare of the residents of the properties subject to the Declaration and preserving and protecting the values of the properties subject to the Declaration.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**EFFECTIVE DATE:** June 18, 1997

**RESOLUTION:** The Association hereby gives notice of its adoption of a Resolution establishing rules, regulations and restrictions for the installation and maintenance of exterior antennas in the community in compliance with the FCC Rule which became effective October 14, 1996. The Resolution adopted is as follows:

I. Definitions

- A. Antenna -- 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 Federal Communication 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.
- B. Mast -- structure to which an antenna is attached to raise the antenna to a height necessary to receive signals.

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- C. Transmission-only antenna -- any antenna used solely to transmit radio, television, cellular, or other signals.
- D. 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 Owner to install antennas.
- E. Telecommunications signals -- signals received by DBS, television broadcast, and MDS antennas.
- F. Exclusive use area -- any portion of a unit or any portion of limited common element as defined in the Condominium Declaration or identified Condominium Map which adjoins a unit reserved for the exclusive use or control of the Owner pursuant to the Declaration and attached to the unit.

## II. Notification

- A. Any Owner desiring to install an antenna must complete the attached Notification of Intent to Install Antenna form and submit it to the Board of Directors prior to installation of the antenna. If the installation complies with all of the following restrictions, installation may begin immediately following the submission of the completed Notification Form. If the planned installation will not comply with any of the following restrictions, the Owner and the Board of Directors shall establish a mutually convenient time to meet to discuss installation methods prior to installation. The Owner may call the Association manager at 596-2507 to schedule a meeting.
- B. The regulations contained in this Resolution do not relieve any Owner from obtaining approval for other exterior modifications, alterations and additions for painting, landscaping or fence installation as may be required by the Association's governing documents.
- C. ANY ANTENNA INSTALLATION WITHOUT PROPER NOTIFICATION, OR NOT IN COMPLIANCE WITH THIS RESOLUTION, MAY RESULT IN A FINE AGAINST THE OWNER OF UP TO \$250.00 FOLLOWING NOTICE AND OPPORTUNITY FOR HEARING AND SUCH FURTHER ACTION, LEGAL OR OTHERWISE, AS PERMITTED BY DECLARATION OR STATUTE.

## III. Antenna Size and Type

- A. 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.

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- B. Antennas designed to receive multipoint distribution service one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
- C. Antennas designed to receive television broadcast signals may be installed.
- D. Transmission-only antennas are prohibited unless approved by the Board of Directors.

#### IV. Antenna Location

- A. An antenna must be installed solely on the Owner's individually-owned property or exclusive use area.
- B. No antenna shall encroach on or extend into the airspace of another Owner's unit or limited common element or onto the general common element. No antenna shall be installed on the roof or siding of a building.
- C. If an acceptable quality signal can be received by placing the antenna wholly inside a unit, then outdoor installation is prohibited.
- D. If an acceptable quality signal cannot be received from an indoor location and to the extent practicable, without impairing reception of an acceptable quality signal, or violating provisions of Section V, an antenna must be installed on the floor of the balcony or patio in a location where it is shielded from view to the maximum extent possible from individuals using common driveways, walkways, parking areas, nearby units and streets.
- E. If two or more exclusive use areas exist, the antenna shall be installed within the exclusive use area that is least visible from the nearest street.

#### V. Antenna Installation Method

- A. Installation of an antenna shall be subject to the following:
  - 1. An antenna shall be no larger nor installed no higher than is necessary for reception of an acceptable quality signal.
  - 2. All installations shall be completed so as not to materially damage the common elements, limited common elements, or individual units, or void any warranties of the Association or other Owners, or in any way impair the integrity of the building.
  - 3. Installation shall be by a qualified person knowledgeable about and experienced in the proper installation of antennas.

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- Any installer other than the Owner shall provide the Association with an insurance certificate listing the Association as a named insured. Insurance shall meet the following minimum limits:

Contractor's General Liability (including completed occupations):  
\$1,000,000

Workers' Compensation: Statutory limits

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 result in damage to structures, posing a potential safety hazard to Association residents and personnel.

- All 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 antennas, including damage from wind velocity based upon a unique location.
- Unless applicable codes, safety ordinances, laws and regulations require a greater separation, no antenna shall be placed within two feet of electrical power lines (above-ground or buried) and in no event shall antennas be placed within an area that can be reached by the play in electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
- No antenna shall be placed in areas that obstruct access to or exit from any doorway or window of a unit, walkway, ingress or egress from an area, electrical service equipment, water shut-off valves or any other areas necessary for the safe operation of the condominium. The purpose of this requirement is to ensure the safe ingress or egress of Association residents and personnel, and to ensure easy access to the Association's physical plant.
- All 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, which is common property.
- Antennas must be permanently and properly grounded in order to prevent electrical and fire damage.
- Wiring or cabling shall be installed so as to be minimally visible and blend into or match in color the material to which it is attached. If the antenna is installed on the side of a structure, the penetration of the wire or cable from the exterior to the interior of the unit shall be made as close as possible to the location the antenna is attached to the structure and through

existing penetrations for wire and cable, if available. No wiring or cabling shall be installed on general common elements.

11. If the antenna is to be attached to a structure, such as the siding, it shall be painted so as to blend into or match the background to which it is attached, provided painting does not prevent reception of an acceptable quality signal.
12. Masts are prohibited except when necessary for reception of an acceptable quality signal. Mast height may be no higher than absolutely necessary to receive an acceptable quality signal, but in no event extend outside of the airspace of the exclusive use area. Masts must be painted the appropriate color to match their surroundings.

#### VI. Maintenance and Repair of Antenna

- A. The Owner of the unit installing any antenna shall be responsible for the maintenance of the antenna. Maintenance and repair shall include, but not be limited to:
  1. Reattachment or removal of antenna, within seventy-two (72) hours of dislodgment, for any reason, from its original point of installation.
  2. Repainting or replacement, if for any reason the exterior surface of the antenna becomes worn, disfigured or deteriorated.
  3. Repair or replacement, if for any reason the antenna no longer retains its original condition.
  4. Repair or replacement to prevent the antenna from becoming a safety hazard.
- B. Should the Owner fail to properly maintain the antenna in accordance with this Resolution, the Association may, after notification of the Owner, fine the unit Owner up to \$250.00 following notice and opportunity for hearing and take such further action, legal or otherwise, as permitted by Declaration or statute.
  1. Except in an emergency situation, the Board of Directors shall notify the Owner, in writing, that the antenna requires maintenance, repair or replacement, and that such maintenance, repair or replacement must be completed within thirty (30) days of such notification.
  2. The Owner may request a meeting with the Board of Directors to be held within thirty (30) days of such notification, to review the reasons for the required maintenance, repair or replacement. Within thirty (30) days of

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such meeting, the Board of Directors shall notify the Owner, in writing, of its final decision.

3. If any required work is not completed within thirty (30) days of notification of final decision if reviewed, the Association may remove and/or repair the antenna at the expense of the Owner, such expense being added to the Owner's annual or monthly assessment.

#### VII. Association Maintenance and Repair of Locations upon which Antennas are Installed

- A. If an antenna is installed on any part of the building which is maintained by the Association, the Owner retains responsibility for antenna maintenance. Antennas shall not be installed in a manner which will result in increased maintenance costs for the Association or for other Owners. If damage occurs, the Owner of the antenna shall be responsible for all associated costs.
- B. If Association maintenance requires the removal of antennas, the Association shall provide Owners with 10 days written notice, except in cases of emergency where immediate removal may be demanded. Owners shall be responsible for removing antennas before maintenance begins. If they are not removed in the required time, then the Association may do so, at the Owner's expense. The Association shall not be liable for any damage to an antenna caused by the Association removal nor shall the Association be responsible for re-installing the antenna.

#### VIII. Responsibility

- A. The Owner of the antenna shall be responsible for any damage to any and all real or personal property, or for any injury resulting from the installation of the antenna and/or its use, including but not limited to:
  1. Damage to any real or personal property caused by, related to, or arising from the installation due to dislodgment, use, maintenance of any antenna.
  2. Injury to any person resulting from the installation of the antenna or its use.

#### IX. Removal of Antenna

- A. In the event an Owner permanently removes, for whatever reason, an antenna, the Owner shall promptly restore the property to its original condition.

X. Miscellaneous

- A. If any of these provisions are ruled invalid, the remaining provisions shall remain in full force and effect.
- B. The Board of Directors may amend this Resolution from time to time as it deems necessary.
- C. To the extent that this Resolution conflicts with any prior existing rule, restriction or architectural guideline, this Resolution is controlling.
- D. All prior existing rules, restrictions or architectural guidelines not in conflict with this Resolution shall remain in full force and effect.

PRESIDENT'S  
AND  
SECRETARY'S

CERTIFICATION: The undersigned, respectively being the President and Secretary of the Sierra Pointe Condominium Homeowners Association, a Colorado nonprofit corporation, certify that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on June 18, 1997 and in witness thereof, the undersigned have subscribed their names.

SIERRA POINTE CONDOMINIUM  
HOMEOWNERS ASSOCIATION  
a Colorado non-profit corporation,

By: Michele M. Kinney  
Michele M. Kinney, President

ATTEST:

By: Maria A. Carlsson  
Maria A. Carlsson, Secretary

**NOTIFICATION OF INTENT TO  
INSTALL ANTENNA**

**NOTE:** This form must be completed and returned prior to installation of an antenna.

**TO:** Board of Directors Date Received: \_\_\_\_\_  
Sierra Pointe Condominium Homeowners Association  
c/o Diversified Property Management  
PO Box 1654  
Colorado Springs, CO 80901

**FROM:** Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone (home): \_\_\_\_\_  
Phone (work): \_\_\_\_\_  
Unit Address: \_\_\_\_\_

Date installation is to be performed: \_\_\_\_\_

Type of satellite dish or antenna to be installed (check any that apply)

- DBS satellite dish 1 meter or smaller (e.g., Primestar, Dish network, Direct TV)
- MMDS antenna (wireless cable) 1 meter or smaller (e.g. WANTV)
- Television antenna

Installation will include a mast  No  Yes. If yes, insert total length or height of mast: \_\_\_\_\_ feet

Is a mast necessary for reception of an acceptable quality signal?  No  Yes

Installation of the dish or antenna will be done by:

- retailer or service provider; (insert name) \_\_\_\_\_
- owner
- other (insert name) \_\_\_\_\_

Describe on a separate/attached sheet of paper the exact location of the dish or antenna and attach a diagram or drawing of the exact location of the antenna.

Does installation of the antenna comply with all Association regulations (which include manufacturer's specifications and applicable codes and ordinances)?  Yes  No. If no, you must request a meeting with the Board of Directors or its agent by calling the association manager at 596-2507 prior to installation.

I acknowledge that I have read, understand and have complied or will comply at all times with the Association's regulations with respect to the installation of dishes and antennas. I agree to be held liable for any personal injury, property damage or voiding of any warranties that may occur due to the installation of any antenna.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

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