

FORSTER WOODS HOMEOWNERS ASSOCIATION

13. Policy On Satellite Dishes/Antennas

I. Introduction

Article 4, Section 7.09 (hereinafter the "Section" in this Policy of the CCRs prohibits radio and television antennas over a certain size being place on roofs. The Section also requires that satellite dishes ("dishes") must be located in back yards concealed from front view of the residential lot. However, federal laws exist regarding dishes and the ability of and extent to control them by organizations including homeowners' associations. The Federal Communications Commission (FCC) has adopted regulations governing dishes and the extent over which an Association can control their existence and placement. Insofar as there may be any conflict between the Federal laws and regulations and our CCRs, the Federal laws and regulations will supersede and apply. However, the regulations do permit the Association to impose some control over size and placement of dishes.

The Association Board of Directors is adopting this Policy because (a) the federal laws and rules impact enforceability of this Section, (b) it is extremely difficult to impossible to formally amend our CCRs to make them conform to the federal laws and rules, and (c) counsel for the Association has recommended that the Board of Directors adopt a Policy to address this topic and it is proper to do so under all the surrounding circumstances of our Association and this topic.

The purpose of this Policy is to provide enforceable guidelines for owners as to size and placement or location of dishes, so owners are aware of how to handle the installation of dishes.

Our CCRs require that each Homeowner maintain the exterior appearance of his/her property in a manner that upholds the quality of our neighborhood. These declarations are to protect every homeowner's property value by ensuring a well-kept and desirous place in which to live, which includes esthetics involving after-construction equipment added to a Lot or a house. This principle relates and applies to dishes because their size and placement can and does affect the attractiveness of our community, and so also effect value and marketability of all our homes.

The Association does not intend by this Policy to do anything which imposes unreasonable delay or expense to the installation of dishes, or to preclude or prevent reception of a quality signal for dishes. We believe that this Policy is a fair and reasonable balance between the right and need of owners to receive quality signal or reception from dishes and the need to protect the esthetics/attractiveness of our community and quality of life for all owners.

Under FCC regulations the Association is not permitted to require prior submittal and approval before installation of a dish, and this Policy does not do that. However, Owners are subject to and must comply with this Policy, and if an owner does not, the Association has the legal right to require owner's compliance.

These rules, regulations and guidelines apply to all dishes and their associated components, including without limitation those placed on posts or other free-standing support structures, which due to installation and use location are visible from the street.

II. POLICY

A. Size restrictions:

No antenna, satellite or microwave dish or other device for transmission or reception of television or radio signals (collectively "dish") over one (1) meter in diameter may be constructed, installed, erected, used or maintained on any Lot, except to the extent that the Federal Communications Act and the Regulations adopted pursuant to such Act (collectively, the "FCC Rules") control the subject matter or are deemed to modify or supersede the provisions of this Policy.

B. Preferred Placement of Dishes & Requirements:

1. Installation in the back on the home or in the backyard: It is preferred that dishes be installed in the back on the home or in the backyard of the Lot. Dishes should not be visible from the street and may not be placed on posts or other free standing support structures (collectively "posting") unless such placement area or posting is uniquely necessary in order to obtain reception of quality signal, i.e., there is no other placement area or method of placement on owners' Lot or home in the rear on the home or in the back yard area which will give a reception of quality signal. If a dish is installed in the front on the home or Lot, Owner must provide the Association with a written opinion or statement from the dish vendor or installer that there is no other placement location that will provide reception of quality signal and/or that placement elsewhere in accordance with these Association preferences would have caused additional expense or unreasonable delay in installation of the dish compared to vendor or installer's typical or usual placement or methodology of installing such dishes (based on how most home installations are performed by installer or vendor for a home and situation similar to owner's home).

In the event owner shows a need to install the dish in the front on the home or in the front yard area of the Lot based on a vendor or installer's written opinion, owner must take steps to reasonably screen the dish with landscaping shrubs or bushes subject to prior approval of such landscaping by the Association and/or paint the dish a color that blends into the background of the home or Lot colors, all provided that landscaping and/or painting will not interfere with reception or impose unreasonable costs on owner.

C. Retroactive Application:

This Policy will apply retroactively to and be enforceable as to all owners, including those with dishes pre-existing this Policy. However, the Board will be sensitive to the circumstances and exercise reasonable measures regarding application of this Policy to owners with dishes in place before its adoption insofar as the prior placement is on the house or the roof.

D. Further Association Authority:

The Board has the authority from time to time to adopt further Policies and/or reasonable Rules and Regulations governing antennas and satellite dishes it considers reasonably necessary, which are not in conflict with federal laws and rules pertaining to such devices.

III. Legal Fees, Fines and Rule Enforceability – Refer to Chapter 15 of the Rules.

DATED AND ENACTED September 6, 2018.