

KING FARM CITIZENS ASSEMBLY, INC.  
ADMINISTRATIVE RESOLUTION NO. 10  
RULES FOR INSTALLATION OF ANTENNAS  
WITHIN LOTS

WHEREAS, King Farm Associates, L.L.C., a Delaware limited liability company (the "Developer") has heretofore recorded a certain King Farm Community Charter (Declaration of Covenants, Conditions and Restrictions) for the King Farm Citizens Assembly, Inc. (the "Assembly") on October 29, 1997, among the Land Records of Montgomery County, Maryland in Liber 15259, folio 653 *et seq.* (hereinafter referred to as the "Community Charter", which term shall include any and all subsequent corrections, modifications and supplements thereof as may be recorded among the Land Records of Montgomery County, Maryland).

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996 (the "FCC Rule"), preempting certain restrictions in the governing documents of planned communities concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (collectively, "antennas").

WHEREAS, the FCC Rule prohibits an approval process for routine installation of antennas, but permits a notification process which would require Titleholders to inform the Assembly of their installation plans and the proposed antenna location. If the installation complies with the Assembly's antenna rules, it is deemed routine and may proceed immediately. If there is a problem with the proposal, it is nonroutine and the Community Architect will work with the Titleholder to find a solution.

WHEREAS, § 4-104(b) of the Bylaws of the Assembly provides that Titleholders and Citizens desiring to make visual changes to the exteriors of their Lots or improvements thereon shall make an application for such proposed changes to the Community Architect, that after checking the proposed plans of nonroutine changes to confirm technical compliance with Community Codes and the Community Plan, the Community Architect shall submit the proposed plans to the King Farm Architectural Design Trust for determinations as to the aesthetic qualities of the proposed visual changes, that any changes designated by the Board of Trustees as "routine changes" shall only require approval of the Community Architect, and that the Board of Trustees may establish categories of "routine changes" that do not require any approval if made in conformance with a specific design standard established by the Board of Trustees.

WHEREAS, the Board of Trustees desires and intends to adopt reasonable procedures governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC Rule.

WHEREAS, the FCC Rule is subject to change or modification, the Board of Trustees reserves the right to amend and modify the Assembly's rules governing installation, maintenance, and use of antennas, which rules may be more restrictive than current regulations and which may, in the discretion of the Board of Trustees, be applied retroactively.

WHEREAS, Article III, § 3-103(b) of the Bylaws of the Assembly provides that the Board of Trustees is authorized to take certain actions, through adoption of Administrative Resolutions, that prescribe procedures associated with applications for visual changes to Lots and any improvements thereon.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts the procedures for the Assembly which are attached as Exhibit A to this Resolution, hereinafter referred to as the "Rules for Installation of Antennas within Lots," which shall be binding upon all Titleholders and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Assembly, and which shall supersede any previously adopted rules on the same subject matter.

KING FARM CITIZENS ASSEMBLY, INC.

RESOLUTIONS ACTION RECORD

Resolution Type: Administrative No. 10

Pertaining to: Rules for Installation of Antennas within Lots

Duly adopted at a meeting of the Board of Trustees of King Farm Citizens Assembly, Inc., held October 31, 1997.

Motion by: Larry A. Goldstein

Seconded by: Mark W. Gregg

TRUSTEES	VOTE:			
	YES	NO	ABSTAIN	ABSENT
Larry A. Goldstein	<u>X</u>	_____	_____	_____
Mark W. Gregg	<u>X</u>	_____	_____	_____
Michael S. Dropik	<u>X</u>	_____	_____	_____
Olav B. Kollevoll, Jr.	<u>X</u>	_____	_____	_____
Ronald Testa	<u>X</u>	_____	_____	_____

ATTEST:

  
Olav B. Kollevoll, Jr., Secretary

October 31, 1997

Date

FILE:

Book of Minutes

Book of Resolutions:

	Book No.	Page No.
Equity	_____	_____
Administrative	_____	_____
General	_____	_____

Resolution Effective, October 31, 1997

## EXHIBIT A

### ADMINISTRATIVE RESOLUTION NO. 10

#### RULES FOR INSTALLATION OF ANTENNAS WITHIN LOTS

##### 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 that it meets 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 that raises the antenna height.
- C. Transmission-only antenna -- any antenna used solely to transmit radio, television, cellular, or other signals.
- D. Titleholder -- the owner of record of any Lot, whether one or more people or entities; provided, however, that this term excludes those having an interest merely as security for the performance of an obligation. For the purpose of this rule only, "Titleholder" includes a tenant who has the written permission of the Lot Titleholder/landlord to install antennas.
- E. Telecommunications signals -- signals received by DBS, television broadcast, and MDS antennas.
- F. All other capitalized terms used in these Rules for Installation of Antennas within Lots, unless otherwise defined herein, have the meanings specified for such terms in Appendix One of the Community Charter.

##### II. Installation Rules

###### A. Antenna Size and Type

- 1. DBS antennas that are one meter or less in diameter may be installed. DBS antennas larger than one meter are prohibited.

2. MDS antennas that are one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas are prohibited unless approved by the Community Architect.
5. All antennas not covered by the FCC Rule are prohibited.

**B. Location**

1. Antennas shall be installed solely within such Titleholder's Lot; and shall not be installed on Community Property.
2. If acceptable quality signals can be received by placing antennas inside a Living Unit, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.
3. Antennas shall not encroach upon Community Property or any other Titleholder's Lot.
4. To the maximum extent possible, antennas shall be located in a place shielded from public view and from the view of other Titleholders; provided, however, that nothing in these Rules would require installation in a location from which an acceptable quality signal cannot be received. This section does not permit installation on Community Property, even if an acceptable quality signal cannot be received from the Titleholder's Lot. (The Board of Trustees may expand this rule to state which locations are the most preferred for antenna installation, followed by less favorable, and so on.)

**C. Installation**

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so that they do not damage the Community Property or the Lot of any other Titleholder, or void any warranties of the Assembly or other Titleholders, or in any way impair the integrity of buildings on Community Property or Living Units on Lots.

3. Antennas must be secured so that they do not jeopardize the soundness or safety of any other Titleholder's Living Unit or the safety of any person at or near the antennas, including damage from wind velocity based upon a unique location.

**D. Maintenance**

1. Titleholders shall be responsible for antenna maintenance and repair.
2. Titleholders are responsible for all costs associated with the antenna including, but not limited to, costs to:
  - a. Place (or replace), repair, maintain, and move or remove antennas;
  - b. Repair damages to the Community Property, other Lots, and any other property damaged by antenna installation, maintenance or use;
  - c. Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use; and
  - d. Reimburse Citizens or the Assembly for damages caused by antenna installation, maintenance, or use.
3. Titleholders shall not permit their antennas to fall into disrepair or to become a safety hazard.
4. Titleholders shall be responsible for antenna repainting or replacement if the exterior surface of the antenna deteriorates.

**E. Safety**

1. Antennas shall be installed and secured in a manner that complies with all applicable county and state laws and regulations, and manufacturer's instructions. The Titleholder, prior to installation, shall provide the Assembly with a copy of any applicable governmental permit.
2. Unless the above-cited laws and regulations, or any guidelines promulgated by the electric company require a greater separation, antennas shall not be placed within 10 feet of power lines (above-ground or buried) and in no event shall antennas be placed where they may come into contact with any electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.

4. In order to prevent electrical and fire damage, the antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand wind gusts up to 90 mph, and shall be designed to withstand the pressure of snow and ice.

### **III. Antenna Camouflaging**

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from such location.
- B. Antennas situated on the ground and visible from the street or from other Lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Assembly may require antennas to be screened by new landscaping or screening of reasonable cost. (Camouflaging antennas may not be unreasonably expensive. The Assembly may require more expensive screening, if the Assembly chooses to fund part of the cost.)
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed, unless such paint will degrade the signal.
- D. Antennas may not obstruct a driver's view of an intersection or street.

### **IV. Number of Antennas**

No more than one antenna for each type of service may be installed by a Titleholder.

### **V. Mast Installation**

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process (see below). Masts that extend more than 12 feet above the roofline must be approved by the Community Architect before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer 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 necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to Citizens and personnel of the Assembly, then the Assembly may prohibit such installation. The notice of rejection shall specify these safety risks. (This 12-foot baseline may change, if the BOCA Code is amended.)

- C. Masts must be installed by licensed and insured contractors.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. Masts installed on a roof shall not be installed nearer to the Lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall in a storm.
- G. Masts shall not encroach upon another Titleholder's Lot or the Community Property.
- H. Masts installed on the ground are required to withstand wind gusts up to 90 mph.
- I. Masts must be designed to withstand the weight of ice and snow.

#### **VI. Antenna Removal**

Antenna removal requires restoration of the installation location to its original condition. Titleholders shall be responsible for all costs relating to restoration of this location.

#### **VII. Assembly Maintenance of Locations Upon Which Antennas are Installed**

- A. If an antenna is installed on property for which the Assembly has maintenance responsibility, the Titleholder who installed such antenna shall retain responsibility for such antenna maintenance. Titleholders shall not install antennas in a manner that will result in increased maintenance costs for the Assembly or for other Citizens. If an antenna is installed in a manner that results in increased maintenance costs for the Assembly or for other Citizens, the Titleholder responsible for such antenna shall be liable for such increased costs.
- B. If Assembly maintenance requires the temporary removal of antennas, the Assembly shall provide Titleholders with 10 days written notice. Titleholders shall be responsible for removing or relocating antennas before maintenance begins and replacing antennas afterward. If a Titleholder does not remove his or her antenna(s) by the required time, then the Assembly may do so, at the Titleholder's expense. The Assembly is not liable for any damage to the antennas caused by the Assembly's removal of the same.



## **VIII. Notification Process**

- A. Any Titleholder desiring to install an antenna must complete a notification form and submit it to the Community Architect c/o the Assembly office. If the installation is routine (i.e., the installation conforms to all of the above rules and restrictions), the installation may begin immediately.
- B. If the installation is other than routine for any reason, the Titleholder and the Community Architect must establish a mutually convenient time to meet to discuss installation methods. (A schedule of convenient times for the Community Architect will be provided to the Titleholder.)

## **IX. Installation by Tenants**

These Rules shall apply in all respects to tenants. A tenant desiring to install an antenna(s) shall obtain prior written permission from the Titleholder of the Lot. A copy of such written permission must be furnished with the notification statement.

## **X. Enforcement**

- A. If these rules are violated, the Assembly may bring an action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard have been afforded to the Titleholder. If the court or FCC determines that the Assembly rule is enforceable, a fine of \$50 shall be imposed by the Assembly 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 Governing Documents, the Assembly shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- B. If antenna installation poses a serious, immediate safety hazard, the Assembly may seek injunctive relief to prohibit the installation or seek removal of the installation.

## **XI. Severability**

The provisions of these Rules for Installation of Antennas within Lots are severable and the invalidity of one or more of the provisions shall not affect the validity or enforceability of any other provisions.

## **Sample Letter Notifying Lot Titleholders and Citizens About Antenna-Rule Changes**

Dear Citizens and Titleholders:

Enclosed are the newly adopted Rules for Installation of Antennas within Lots that have been adopted by the Board of Trustees. If you have any questions, comments, or concerns about how this process relates to you, please contact the Community Architect.

As you may be aware, the Federal Communications Commission ("FCC") issued rules that permit residents of planned communities to install direct broadcast satellite, television broadcast, and multipoint distribution service antennas on their Lots. The Assembly, under the new FCC rule, is allowed to enforce rules relating to the means, method, and location of installation, as long as these rules do not prevent, unreasonably delay, or unreasonably increase the cost of antenna installation, maintenance, or use, or preclude the receipt of an acceptable quality signals. Please note that the new law does not allow residents to install antennas on Community Property.

You should be aware that antennas must be properly located and installed to receive an acceptable quality signal. Therefore, you are advised to ensure that good reception is possible before purchasing equipment, signing any agreement for the rental of equipment or subscription to any telecommunications service.

Please also note that satellite antennas typically cannot provide reception to more than one television set. Additional equipment may be required to receive reception on more than one television in your home.

Any installation must be according to manufacturer's instructions, applicable safety codes and the Assembly's rules. Antenna owners will be liable for any personal injury, property damage, and voiding of warranties that occur due to the antenna installation.

Before installing any antenna, you should complete the Notice of Intent to Install an Antenna and file it with the Assembly. You are then free to carry out the installation, unless for some reason the size or location anticipated does not conform to the rules, in which case the Community Architect will schedule a meeting at a mutually convenient time to determine the best location for your antenna.

We want to work with those Titleholders seeking to install antennas to facilitate compliance with the Assembly's rules. To that end, a copy of the new antenna rules is attached. We hope this helps to address any questions you may have relating to the antenna issue.

Sincerely,

Board of Trustees

KING FARM CITIZENS ASSEMBLY, INC.

**Notice of Intent to Install Antenna  
Within Lot  
(To be submitted to the Community Architect by the Titleholder)**

Unit/Home Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If rented, tenant's name (Attach copy of owner's written permission): \_\_\_\_\_  
\_\_\_\_\_

Telephone (Day): \_\_\_\_\_ Telephone (Evening) \_\_\_\_\_

Type of Antenna: \_\_\_\_\_

Direct broadcast satellite \_\_\_ 18-inch \_\_\_ other \_\_\_ size \_\_\_  
Television broadcast \_\_\_  
Multipoint distribution service \_\_\_ size \_\_\_

Company Performing Installation \_\_\_\_\_

Identify Installation Location: Porch \_\_\_ Rear Deck \_\_\_ Balcony \_\_\_  
Other \_\_\_ Indicate "Other" \_\_\_\_\_

Date installation performed: \_\_\_\_\_

Please indicate the method of installation.

Will the installation be in compliance with all Assembly guidelines (which include manufacturers' guidelines and applicable building codes)? Yes \_\_\_ No \_\_\_

If no, please provide three days and times for which you are available to meet with us to discuss antenna installation. At this meeting, you will need to provide information supporting the necessity for non-routine installation.

\_\_\_\_\_  
\_\_\_\_\_

Is a mast necessary for reception? Yes \_\_\_ No \_\_\_

If yes, is the mast required to extend more than 12 feet above the roofline 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 form for mast installation.

I will comply with all of the Assembly's rules for installing, maintaining, and using antennas. I assume liability for any damage to Assembly and other Titleholders' property that occurs due to antenna installation, maintenance, and use.

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

**KING FARM CITIZENS ASSEMBLY, INC.**

**Notification Form  
For Installation of Oversized Masts  
(To be submitted to the Community Architect by the Titleholder)**

Is a mast extending more than 12 feet above the roofline required for your antenna?

Yes \_\_\_ No \_\_\_

Is a mast extending higher than the distance from the installation to the lot line?

Yes \_\_\_ No \_\_\_

If you responded "yes" to either question, please provide your reasons why such a mast is necessary. Include a detailed drawing of the Installation plans, including:

- Description of the antenna and mast
- Exact location of the mast and antenna installation
- Description of the manner and method of installation
- Total height of the mast and the height it will extend beyond the roofline (Include an explanation of why the mast must extend to this height.)
- Manufacturer specifications regarding the installation of the mast

Please provide a copy of the certificate of insurance of the contractor installing the antenna and the Mast.

Also indicate a date and time that would be convenient for you to meet with the Community Architect.

\_\_\_\_\_

I will comply with all of the Assembly's rules for installing, maintaining, and using antenna masts. I assume liability for any damage to Assembly 's or other Titleholders' property that occurs due to mast installation, maintenance, and use.

Signed: \_\_\_\_\_

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

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_