

**RESOLUTION
OF THE
BATTLEMENT MESA SERVICE ASSOCIATION
REGARDING POLICY AND PROCEDURES
FOR ANTENNA AND SATELLITE DISH
INSTALLATION RESTRICTIONS**

SUBJECT: Adoption of a policy and procedure regarding the installation restrictions for antenna and satellite dishes.

PURPOSE: To adopt a uniform procedure to be followed for the installation of antenna and satellite dishes.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado Law.

**EFFECTIVE
DATE:** January 1, 2006

RESOLUTION: The Association hereby adopts the following policy:

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) or used to receive or transmit fixed wireless signals via satellite or via means other than satellite. 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.
- C. Transmission-only antenna - any antenna used solely to transmit radio, television, cellular or other signals, other than those used to receive or transmit fixed wireless signals.
- D. Fixed wireless signals - any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur ("HAM") radio, CB radio and Digital Audio Radio Service (DARS)

signals.

- E. Owner - any lot Owner in the Association. For the purpose of this rule only, "Owner" includes a tenant.
- F. Telecommunications signals - signals received by DBS, television broadcast, and MDS antennas.

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 Architectural Committee 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 Architectural Committee shall establish a mutually convenient time to meet to discuss installation methods prior to installation. The Owner may call the Association Manager at 970-285-9432 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. If these rules are violated, the Association, after providing the Owner with notice and an opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association's rule is enforceable, a flat fine of \$50.00 shall be imposed by the Association for each violation 21 days after the Association rule has been validated, unless the rule had previously been validated and the owner does not contest the rule's application to his or her particular situation. In this situation, the Association will fine the Owner immediately upon revalidation of the rule. If the violation is not corrected within a reasonable length of time, additional fines of \$10.00 per day will be imposed for each day that the violation continues.
- D. In the event a court or the FCC validates the Association's rule, the Owner shall be responsible for reimbursing the Association for its attorney fees.

III Antenna Size and Type

- A. Antennas designed to receive direct broadcast satellite service or to receive or

transmit fixed wireless signals via satellite which are one meter or less in diameter may be installed. Antennas designed to receive satellite signals or receive or transmit fixed wireless signals via satellite which are larger than one meter are prohibited.

- B. Antennas designed to receive multipoint distribution service, multichannel multipoint distribution services, instructional television fixed services, local multipoint distribution services or to receive or transmit fixed wireless signals by means other than satellite and are one meter or less in diameter (or measured diagonally (collectively "MDS")) may be installed. MDS antennas larger than one meter are prohibited.
- C. Antennas designed to receive television broadcast signals may be installed.
- D. Masts that are required for the installation of any of the antennas listed in Sections III. A, III. B, or III. C may be installed.
- E. Any antenna used to transmit fixed wireless signals must contain an affixed label which provides adequate notice regarding potential radio-frequency safety hazards (i.e. information regarding the safe minimum separation distance between users and transceiver antennas and which references the applicable FCC - adopted limits for radio-frequency exposure.
- F. Transmission-only antennas that are not required for the use of an antenna listed in III. A, III. B, or III. C and do not transmit fixed wireless signals are prohibited unless approved by the Architectural Committee.

IV Antenna Location

- A. An antenna must be installed solely on the Owner's individually-owned property as designated on the recorded deed or map.
- B. No antenna shall encroach upon common areas or another Owner's property.
- C. If an acceptable quality signal can be received by installing the antenna wholly inside the residence and such installation does not unreasonably delay or increase the cost of installation, maintenance or use of the antenna, then outdoor installation is prohibited.
- D. If an acceptable quality signal cannot be received from an indoor location, or if such installation unreasonably delays or increases the cost of installation, maintenance or use of the antenna, the antenna shall be installed on the rear of the home, provided such location does not preclude reception of an acceptable signal or unreasonably delay or increase the cost of installation, maintenance or use of the antenna.

- E. If an antenna cannot be installed on the rear of the home, it shall be installed on the rear of the roof ridge line in a location that is least visible from adjacent streets as possible and in which an acceptable quality signal may be obtained without unreasonably delaying or increasing the cost of installation, maintenance or use of the antenna.
- F. If an antenna cannot be installed on the rear of the roof ridge line, it shall be installed on the rear portion of the roof, as far behind the peak as possible, provided such location does not preclude reception of an acceptable signal or unreasonably delay or increase the cost of installation, maintenance or use of the antenna.
- G. If an antenna cannot be installed on the rear portion of the roof, it shall be installed on the side of the house, as close to the eave as possible, provided such location does not preclude reception of an acceptable signal or unreasonably delay or increase the cost of installation, maintenance or use of the antenna.
- H. If an antenna cannot be installed in any of the above locations, it shall be installed on another location of the Lot that is least visible from the streets and the front yards of neighboring Lots in which an acceptable quality signal can be received and which does not unreasonably delay or increase the cost of installation, maintenance or use of the antenna.
- I. An antenna may not be installed in a location which would obstruct a driver's view of an intersection or 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, provided this requirement does not unreasonably delay or increase the cost of installation, maintenance or use of the antenna.
 - 2. All installations shall be completed so as not to materially damage the common area or the lot of another Owner or void any warranties of the Association or other Owners, or in any way impair the integrity of buildings on common areas or other individual lots.
 - 3. An Owner is not required to hire a professional antenna installer if the antenna is installed within the Lot or exclusive use area. However, any installer other than the Owner shall be qualified and insured to install the antenna.

4. Installation shall be in accordance with the manufacturer's installation specifications.
5. 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.
6. 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.
7. All installations must comply with all applicable building, electrical and related codes, and take aesthetic considerations into account.
8. Antennas must be permanently and properly grounded in order to prevent electrical and fire damage.
9. Any antenna used to transmit fixed wireless signals must be installed in accordance with the safe minimum separation distance that is required between the user and the antenna. For purposes of this paragraph, "user" shall be considered to include any occupants of neighboring Lots which fall within the safe minimum separation distance.
10. Wiring or cabling shall be installed so as to be minimally visible and, to the extent possible without violating any manufacturer's warranties, blend into the material to which it is attached, provided this requirement does not unreasonably delay or increase the cost of installation, maintenance or the use of the antenna. 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 residence 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 common area.
11. If the antenna is to be attached to a structure, such as the siding, the actual satellite dish, TV broadcast antenna or MDS antenna shall be painted so as to blend into the background to which it is attached, provided painting does not prevent reception of an acceptable quality signal or unreasonably delay or increase the cost of installation, maintenance or use of the antenna and provided that painting does not violate or void any warranties given by the manufacturer of such device. Mounting materials and any accessories

and cabling do not have to be painted if doing so will violate or void a manufacturer's warranty.

12. Owners are liable for any personal injury or damage occurring to common areas or other lots arising from installation, maintenance or use of an antenna, and shall pay the costs to:
 - a. repair damages to the common area, other lots and any other property damaged by antenna installation, maintenance or use;
 - b. pay medical expenses incurred by persons injured by antenna installation, maintenance or use;
 - c. reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
13. The Association may require an Owner to sign an indemnification agreement.

VI Mast Installation

- A. Masts are prohibited except when necessary for reception of an acceptable quality signal, unless such prohibition unreasonably delays or increases the cost of installation, maintenance or use of the antenna.
- B. Mast height may be no higher than absolutely necessary to receive an acceptable quality signal, provided this requirement does not unreasonably delay or increase the cost of installation, maintenance or use of the antenna.
- C. Masts extending 12 feet or less beyond the roofline may be installed, subject to the regular notification process.
- D. Masts extending more than 12 feet beyond the roofline must be pre-approved prior to installation using the attached Application for Approval to Install Mast form due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast in excess of 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 Association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
- E. Since masts extending more than 12 feet above the roofline pose risks of personal injury and damage to common area and other lots, these masts

must be installed by licensed and insured contractors to ensure proper and secure installation.

- F. Masts must be painted the appropriate color to match their surroundings, provided such requirement does not unreasonably delay or increase the cost of installation, maintenance or use of the antenna, or prevent reception of an acceptable quality signal or violate or void any manufacturer's warranties.
- G. 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 due to safety concerns if the mast were to fall.
- H. Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof due to safety concerns if the mast were to fall.
- I. Masts shall not encroach upon another Owner's lot or common property.

VII Maintenance and Repair of Antenna

- A. The Owner of the property on which the satellite antenna is installed shall be responsible for the maintenance of any 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, if repainting does not violate or void any manufacturer's warranties.
 - 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 the Resolution, the Association may, in accordance with Article II of this Resolution, fine the lot Owner and/or 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 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.

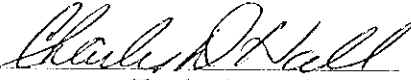
VIII Miscellaneous

- 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 CERTIFICATION:

The undersigned, respectively being the President of Battlement Mesa Service Association, a Colorado nonprofit corporation, certifies 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 December 20, 2005 and in witness thereof, the undersigned has subscribed his name.

BATLEMENT MESA SERVICE ASSOCIATION
A Colorado non-profit corporation,

By: 
Charles D. Hall, President

**NOTIFICATION OF INTENT TO
INSTALL ANTENNA**

TO: Architectural Committee
Battlement Mesa Service Association
c/o Jane Chapman
P.O. Box 6006
Battlement Mesa, CO 81636

Date Received: _____

FROM: Owner's Name: _____
Mailing Address: _____
Phone:(home) _____
(work) _____
Property Address: _____
Date of Installation: _____

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

- DBS satellite dish 1 meter or smaller (e.g. 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

Will length of mast extend 12 feet beyond the roof line? No Yes If yes, you must complete and submit the Application Form for Approval to Install Mast in Excess of 12 Feet Above Roof and receive approval prior to any installation.

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 Architectural Committee by calling the Association Manager at 970-285-9432 prior to installation.

I 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: _____

**APPLICATION
FOR APPROVAL TO INSTALL MAST
IN EXCESS OF 12 FEET ABOVE ROOFLINE**

Note: This application must be completed if the Owner intends to install a mast in excess of 12 feet in height above the roofline. No mast in excess of 12 feet in height above the roofline may be installed without the prior written approval of the Architectural Committee. Mail or deliver this application to:

Architectural Committee
Battlement Mesa Service Association
c/o Jane Chapman
P O. Box 6006
Battlement Mesa, CO 81636

Owner: Name: _____
Mailing Address: _____
Property Address: _____
Phone (home) _____ (work) _____

- Describe the antenna and mast you wish to install, including dimensions, type and mounting connection between antenna and mast. (Attach a separate sheet of paper if necessary)/
- Attach a diagram or drawing of the exact location of the antenna, mast and all cabling, supports, guy wires, conduits, wiring, fasteners, bolts or other accessories you wish to install.
- State the total height of the mast: _____ feet; and proposed height to extend above the roofline: _____ feet.
- Describe in detail the manner in which the mast will be installed and anchored, including all cabling, supports, guy wires, conduits, wiring, fasteners, bolts, or other accessories.
- Attach any manufacturer specifications regarding the installation of the mast.
- Attach the name, address and telephone number of the contractor installing the antenna and mast.

I acknowledge that I have read, understand and will comply at all times with the Association's regulations with respect to the installation of masts and antennas. I agree that installation will be performed according to manufacturer's specifications, applicable building codes and aesthetic requirements. I agree to assume responsibility and 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 or mast.

Signature: _____ Date: _____

Signature: _____ Date: _____