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## SHADOWOOD CONDOMINIUM ASSOCIATION

### POLICY RESOLUTION 2007-07

#### SATELLITE DISHES AND OTHER ANTENNAS

##### I. Preamble

**WHEREAS**, The Board of Directors (“the Board”) is responsible for governance and maintenance of the Shadowood Condominium Association (“the Association”); and

**WHEREAS**, the Association exists pursuant to the Virginia Condominium Act, and the Association Master Deed; and

**WHEREAS**, the Board is authorized to adopt and enforce reasonable rules and regulations in the interests of the Association; pursuant to Section 55-79.80, Article 3 of the Virginia Condominium Act and Article IV, Section 2 of the Association Bylaws; and

**WHEREAS**, the United States Federal Communications Commission (“the FCC”) has adopted regulations preempting certain Association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas (“antennas”); and

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

**NOW, THEREFORE BE IT RESOLVED THAT**, the Board adopts the following restrictions and regulations for the Association, hereinafter referred to as the “Rules,” which shall be binding upon all unit owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Association, and which shall supersede any previously adopted rules on the same subject matter.

##### II. 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 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. Owner—any association unit owner. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the unit owner to install antennas.

E. Telecommunications signals—signals received by DBS, television broadcast, and MDS antennas.

F. Exclusive-use area—limited common area in which the owner has a direct or indirect ownership interest

and that is designated for the exclusive use of the owner as defined in the Master Deed, Section D that is next to the owner's unit.

### III. Installation Rules

#### A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas designed to receive satellite signals that are larger than one meter are prohibited.
2. MDS antennas 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 is prohibited unless approved by the Board of Directors.
5. All antennas not covered by the FCC rule are prohibited.
6. No more than one antenna for each type of service may be installed by an owner.

#### B. Location

1. Antennas must be installed solely in the owners' unit or exclusive-use area, as designated on the Master Deed, Section D, defining the portions of common and limited common property. (This may be any patio area or balcony belonging to a unit.) Installation of antennas on a limited common element does not convert the limited common element to individual property.
2. If acceptable quality signals can be received by placing antennas inside a unit without unreasonable delay or unreasonable cost increase, then outdoor installation is prohibited.
3. Antennas must not encroach upon any common elements, any other owner's individual unit or limited common element, or the air space of another owner's limited common element.
4. Antennas shall be located in a place shielded from view from outside the community or from other units to the maximum extent possible; provided, however, that nothing in this rule would require installation in an exclusive use area where an acceptable quality signal cannot be received. This section does not permit installation on common property, even if an acceptable quality signal cannot be received from an exclusive-use area.

#### C. Installation on Exclusive Use Areas

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 they do not materially damage the common elements, limited common elements, or individual units, or void any warranties of the condominium association or other owners, or in any way impair the integrity of the building.
3. Any installer other than the owner shall provide the association with an insurance certificate listing the association as a named insured prior to installation. Insurance shall meet the following minimum limits:  
Contractor's General Liability (including completed operations): \$1,000,000
  - a. 'Workers' Compensation: Statutory Limits
  - b. 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 cause damage to structures, posing a potential safety hazard to Association residents and personnel.
5. Antennas must be secured so 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.
6. There shall be no penetrations of exterior, exclusive-use areas of the building unless it is necessary to receive an acceptable quality signal or it would unreasonably increase the cost of antenna installation. The following devices shall be used unless they would prevent an acceptable quality signal or unreasonably increase the cost of antenna installation: maintenance or use:
  - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or

drilling a hole through the glass pane;

b. Devices, such as ribbon cable, which permit the transmission of telecommunications signals into a residence through a window or door without penetrating the wall; or

c. Existing wiring for transmitting telecommunications signals and cable services signals.

7. If penetration of the exterior exclusive use areas is necessary, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. The purpose of this rule is to prevent structural damage to the building and residences from moisture.

#### **D. Maintenance**

1. Owners who install or maintain antennas are responsible for all associated costs, including but not limited to costs to:

a. Place (or replace), repair, maintain, and move or remove antennas;

b. Repair damage to any property caused by antenna installation, maintenance or use;

c. Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;

d. Reimburse residents or the Association for damage caused by antenna installation, maintenance or use;

e. Restore antenna installation sites to their original condition.

2. Owners shall not permit their antennas to fall into disrepair or to become a safety hazard. Owners shall be responsible for antenna maintenance, repair and replacement, and the correction of any safety hazard

3. If antennas become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association may remove antennas at the expense of the owner.

4. Owners shall be responsible for antenna repainting or replacement if the exterior surface of antennas deteriorates.

#### **E. Safety**

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental permit if required for safety reasons.

2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 10 feet of power lines (above-ground or buried). The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.

3. Antennas shall not obstruct access to or exit from any unit, walkway, ingress or egress from an area, electrical service equipment, or any other areas necessary for the safe operation of the condominium. The purpose of this requirement is to ensure the safety of association residents and personnel and safe and easy access to the association's physical plant

4. 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.

5. To prevent electrical and fire damage, antennas shall be permanently grounded.

#### **IV Antenna Camouflaging**

Antennas shall be painted to match the color of the structure to which they are installed (wall, railing).

Camouflaging antennas through screening or plants is required if antennas are visible from the street or other units.

C. Exterior antenna wiring shall be installed so as to be minimally visible.

#### **V. Mast Installation**

A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.

B. Masts extending 12 feet or less beyond the roofline may be installed, subject to the regular notification process (see below). Masts extending more than 12 feet above the roofline must be preapproved due to safety concerns posed by wind loads and the risk of falling antennas and masts. Applications for a mast higher 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 need for a mast higher than twelve 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.

C. Masts must be installed by licensed and insured contractors.

## **VI. Antenna Removal**

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

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

A. If antennas are installed on property that is maintained by the Association, the owners retain responsibility for antenna maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residents. If increased maintenance or damage occurs, the owners are responsible for all such costs.

B. If maintenance requires the temporary removal of antennas, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing or relocating antennas before maintenance begins and replacing antennas afterward. If they are not removed in the required time, then the Association may do so, at the owners' expense. The Association is not liable for any damage to antennas caused by Association removal.

## **VIII. Notification Process**

A. Any owner desiring to install an antenna must complete a notification form and submit it to the President of the Board at the Association office. If the installation is routine, conforming to all of the above restrictions, the installation may begin immediately.

B. If the installation is other than routine for any reason, the owner and the Board must establish a mutually convenient time to meet to discuss installation methods.

## **IX. Installation by Tenants**

These rules shall apply in all respects to tenants. Tenants desiring to install antennas shall obtain prior written permission of the unit owner. A copy of this permission must be furnished with the notification statement.

## **X. Enforcement**

A. If these rules are violated, the Association, after notice and 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 rule is enforceable, assessment of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional assessments 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 Association 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 Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

## **XI. Severability**

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

This Policy Resolution 2007-07 supersedes in its entirety Policy Resolution 1998-01 and is effective immediately. This Policy Resolution shall become part of the Resale Package and any fees and charges described herein shall be added to the list of fees and charges of the Resale Package.

November 17, 2007

BY: \_\_\_\_\_  
Brian Olivia, President

Board of Directors

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Shadowood Condominium Unit owners' Association this 17<sup>th</sup> day of November 2007, and is effective immediately on the date attested hereto.

ATTEST: \_\_\_\_\_

Michael Santos, Secretary  
SHADOWOOD CONDOMINIUM UNIT OWNERS' ASSOCIATION

NOT FOR RESALE DISCLOSURE PURPOSES

**RESOLUTION ACTION SHEET**

Resolution Type: Policy No. 2007-07

Pertaining to: **SATELLITE DISHES AND OTHER ANTENNAS**

Duly adopted at a meeting of the Board of Directors held on November 17, 2007

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:	YES	NO	ABSTAIN	ABSENT
Brian Olivia President	_____	_____	_____	_____
Michael Santos Secretary	_____	_____	_____	_____
Rodgerick Newhouse Vice President	_____	_____	_____	_____
Skipp Galythly Director	_____	_____	_____	_____
Christina Squatrito Director	_____	_____	_____	_____

ATTEST:

\_\_\_\_\_  
Michael Santos, Secretary

File:

Book of Minutes - 2007

Book of Resolutions:	Book No.	Page No.
Policy	1	_____
Administrative	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: November 17, 2007.