

Camellia Gardens Condominiums Association, Inc.
Regulations Governing the Usage of Antennas and Satellite Dishes

www.CamelliaGardens.org

As directed by Congress in Section 207 of the Telecommunications Act of 1996, the Federal Communications Commission adopted the Over-the-Air Reception Devices Rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from direct broadcast satellites ("DBS"), multichannel multipoint distribution (wireless cable) providers ("MMDS"), and television broadcast stations ("TVBS").

The rule is cited as 47 C.F.R. Section 1.4000 and has been in effect since October 14, 1996. It prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

Condominium Rules and Regulations for Camellia Gardens Condominiums (Exhibit "E" to the Declaration of Condominium of Camellia Gardens Condominiums) contains inherent language that stands in conflict with these federal regulations, in which case federal rules trump the Association's rules and regulations. Under the cited federal language, condominium owners and renters are permitted to place satellite dishes and antennas within the "Limited Common Elements," those areas comprised of any deck, patio, and/or porch/stoop appurtenant to any unit that are reserved for the use of a certain Unit to the exclusion of other units.

The rule does not apply to common areas, such as the roof, the hallways, the walkways or the exterior walls of a condominium or apartment building. Restrictions on antennas installed in these common areas are not covered by the Commission's rule. For example, the rule would **not** apply to prohibit restrictions that prevent drilling through the exterior wall of a condominium or rental unit. Moreover, the rule does not prohibit restrictions on antennas installed beyond the porch or patio of a condominium or apartment unit if such installation is in, on, or over a common area. An antenna that extends out beyond the deck or patio is considered to be in a common area that is not within the scope of the rule. Therefore, the rule does not apply to a condominium or rental apartment unit unless the antenna is installed wholly within the exclusive use area, such as the deck or patio.

Camellia Gardens Condominiums Association, Inc. represents the interests of the community through our commitment to strategic planning, financial stability, and cost controls. Established within the Declaration of Condominium of Camellia Gardens Condominiums exist specific boundaries of unit owners. These legal ownership descriptions fail to grant authority of unit owners, renters, contractors, or their agents the

authority to drill or tamper with the exterior walls of the condominium. This activity could result in moderate to severe financial costs to the Association as a fractional liability for common expenses. This is surmised in many ways, including, but not limited to the cancelled usage of satellite service, or the sale of an individual unit. Therefore, no bore or fixed attachment shall be made to any condominium property, limited common elements or otherwise, without the expressed written consent of the Association.

Residents wishing to receive satellite and antenna signals must do so using approved FCC devices under this provision, and shall not cause alteration or damage to common or limited common elements from impermanent stationing. Any request to drill into or modify any property of the Association, such as a deck or patio, must be submitted in writing, and must be approved by the Board of Directors before any work is attempted. Request forms should be requested from and mailed to the Association's management company whose contact information is provided at CamelliaGardens.org.

Adapted from the FCC Fact Sheet on Placement of Antennas, available online at: <http://www.fcc.gov/mb/facts/otard.html> [June 21, 2005].