



HOMEOWNERS ASSOCIATION

Satellite Dishes and Antennas

As built, all units are prewired for cable reception of television programming and Internet access. The current provider is Comcast. However, Owners are free to obtain satellite dishes or other antennas from other providers for purposes of receiving/sending over the air signals. In the latter case, the following information is provided.

These Association-adopted regulations are intended to fit within the framework of Federal and California State as well as local laws and regulations applicable to the location, installation, maintenance, and use of outdoor antennae, including satellite dishes, by residents at Cuernavaca. These regulations are adopted pursuant to California Civil Code section 1376 and with concern for safety, *i.e.*, windstorm and other natural hazards.

1. Definitions:
 - (a) "Satellite dish/antenna" means any devices used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). An antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna provided it meets Federal Communications Commission (FCC) standards for radio frequency emission. Mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of an antenna shall be considered part of the antenna.
 - (b) "Owner" means any homeowner in the Association. For the purposes of this rule only, "Owner" includes Tenant who has the written permission of the Homeowner to install an antenna.
 - (c) "Mast" means the structure to which an antenna is attached that raises the antenna height.
 - (d) "Transmission-only antenna" means any antenna used solely to transmit radio, television, cellular, or other signals.
2. Owners are responsible to ensure compliance with these regulations for their Tenant occupants.
3. Antennas may not be installed on, or in, Common Areas, including fences and landscaped areas.

4. Antennas shall be placed in the most discreet location available on Owner's unit or within Owner's property so as to not be wholly visible from any of the Common Areas or the ground floor of a neighbor. This is easily accomplished with virtually all rooftops by attaching the antenna/satellite dish to cinder blocks sitting on the flat portion of the roof. This constitutes a "placement preference" per the FCC rules and a "reasonable restriction per California Civil Code section 1376, so long as the location does not impose unreasonable delay or expense or preclude reception of an acceptable quality signal.
5. If the Owner plans an installation location that will be visible to any Common Area or the ground floor of a neighbor, review by the Architectural Control Committee (ACC) is required. If the location is **not** visible to any Common Area or the ground floor of a neighbor, ACC review is not required. If, after installation, a more discreet location is determined, the Owner will be requested to relocate the antenna at Owner's expense.
6. These rules conform to the Federal Communications Commission "*Over-the-Air Reception Devices Rule*" (<http://www.fcc.gov/mb/facts/otard.html>, December 2007), which apply to:
 - (a) A "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
 - (b) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.
 - (c) An antenna that is designed to receive local television broadcast signals.
7. Antennas must be installed, maintained, and used per the manufacturer's instructions and in keeping with these Association regulations, and also shall comply with all applicable Federal, State, and local laws, regulations, and licensing, including installation permits, where such may be required by these authorities.
8. Antenna Sizes and Type:
 - (a) DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited, and not addressed by Federal or State restrictive regulations.
 - (b) MDS antennas one meter or less in diameter may be installed. MDS antennae larger than one meter are prohibited, and not addressed by Federal or State restrictive regulations.
 - (c) Antennas designed to receive television broadcast signals may be installed, provided that they are one meter or less in diameter.

- (d) Installations of transmission-only antennas are prohibited unless approved in writing in advance of installation by the ACC.
 - (e) All antennas not covered by the FCC rule are prohibited.
9. All attachments to a unit structure, as well as cable penetrations, shall be weather-tight so as to not allow entry of water into any horizontal or vertical surface of the house.
 10. All wiring, cabling, visible antennas, and satellite dishes, etc. shall be of a similar color (or painted with standard Cuernavaca colors) to blend into the background to which it is mounted or placed.
 11. Upon receipt of reasonable notice, the Owner, at his or her own expense, shall remove and then reinstall an antenna system to accommodate repairs and maintenance for which the Association is responsible.
 12. Upon relocation or removal of the antenna system, or any part thereof, the Owner, at his or her expense, shall make repairs to the unit at points of anchorage and penetrations to restore the structure to its condition before the antenna installation.
 13. The Owner assumes all legal liability for any damages or claims resulting from the installation, maintenance, and use of the antenna system, and will defend and indemnify the Association and its Board of Directors against any and all claims (regardless of merit) resulting therefrom.
 14. The Owner and Tenant resident (if any) understand and acknowledge that the Association has no obligation to alter Common Areas, including landscaping, to accommodate antenna reception. Any Owner request for off-routine or off-schedule tree or other landscape trimming will be considered by the Association, but only if the Owner agrees to any extra expense involved, and only if the trimming requested reasonably meets normal landscape practices for the complex.

Approved, Board of Directors
Cuernavaca Homeowners Association
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