

## Autumn Meadows Owners Association

### Resolution of the Board of Directors

#### Policy Regarding the Installation, Maintenance, and Use of Exterior Antennas and Satellite Dishes at Autumn Meadows

A. "Declaration" is the *Declaration of Covenants, Conditions, and Restrictions for Autumn Meadows*; "Bylaws" are the *Bylaws of Autumn Meadows Owners Association*; and "Association" is the *Autumn Meadows Owners Association*.

B. Section 14.15 of the Declaration restricts the installation and placement of exterior antennas, satellite dishes, and other communications devices as follows:

No Owner may erect or maintain exterior antennas, microwave, aerial, tower or other devices for the transmission or reception of television, radio or other forms of sound or electromagnetic radiation, or solar collector panels or equipment upon any Lot unless such apparatus is erected and maintained in such a way that it is screened from public view along the street right-of-way directly in front of the house erected on the Lot, the side, in the case of a corner Lot, and from any neighboring Home. No such apparatus shall be erected without the prior written consent from the ARC. Exterior satellite dishes with a surface diameter of eighteen (18) inches or less may be placed on any Lot so long as they are not visible from the street and are screened from all neighboring property. The authority of the ARC in this matter shall be subject to any regulations issued by the Federal Communications Commission ("FCC") or any other applicable governmental authority.

C. The FCC has adopted the Over-the-Air Reception Devices rule ("OTARD") concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from direct broadcast satellites, broadband radio service providers, and television broadcast stations.

D. OTARD applies to covenants, conditions, restrictions, rules, and policies of homeowners associations governing the installation and placement of exterior antennas, satellite dishes, and other communications devices used for transmitting or receiving television, radio, or other forms of electronic communication.

- E. OTARD applies to the following antennas, satellite dishes, or other communications devices used for transmitting or receiving television, radio, or other forms of electronic communication:
- (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 and that are less than 12 feet above the roofline, and
  - (d) Masts or towers for mounting an antenna or satellite dish that are less than 12 feet above the roofline.

F. The Board of Directors of the Association deems it in the Association's best interest to adopt a standard policy for dealing with the installation and placement of exterior antennas, satellite dishes, and other communications devices that are covered by OTARD used for transmitting or receiving television, radio or other forms of electronic communication at Autumn Meadows.

NOW, BE IT RESOLVED, it is and shall be the policy of the Board of Directors of the Association to adhere to the following procedures in dealing with the installation and placement of exterior antennas, satellite dishes, or other communications devices covered by OTARD used for the transmission or reception of television, radio or other forms of electronic communication at Autumn Meadows:

1. No prior written consent of the ARC or the Board shall be required before an Owner may install on his or her Lot any of the following exterior antennas, satellite dishes, or other communications devices covered by OTARD:

- (a) A "dish" antenna (e.g., Direct TV or DishNetwork dishes) that is one meter (39.37") or less in diameter,

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- (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 and that are less than 12 feet above the roofline, and
- (d) Masts or towers for mounting an antenna or satellite dish that are less than 12 feet above the roofline.

In compliance with FCC guidelines, the Association will impose no restrictions on the installation of exterior antennas, satellite dishes, or other covered communications devices that are installed entirely within the Lot of an Owner, unless such installation creates a safety risk.

2. Exterior antennas, satellite dishes, or other covered communications devices that are based in, installed in, protrude into, touch, or affect common property shall require written approval by the ARC or the Board prior to installation.

3. As long as reception is available, Owners should install or place the exterior antenna, satellite dish or other covered communications device in a location that is screened or otherwise is not visible from the streets and sidewalks within Autumn Meadows.

4. If any Owner or occupant of a Lot installs, maintains, and/or uses an exterior antenna, satellite dish, or other communications device covered under OTARD on or in an area of the Lot for which the Association is responsible for maintenance and repair, and the antenna, satellite dish or other covered communications device causes damage to such area, the Owner shall be solely responsible for the resulting maintenance and repair costs incurred by the Association to repair the damaged area. The repair costs shall constitute an assessment as defined in the Declaration, Bylaws, and Oregon Planned Community Act, and shall be assessed against the Owner pursuant to the Declaration, Bylaws, and ORS 94.704(8).

5. Any Owner who desires to install or place any exterior antennas, satellite dishes or other communications device covered under OTARD on a property line, party wall, or common-wall fence that is not common property of the Association shall deal with his or her neighboring owner for such installation or placement. The Association will have no involvement in neighbor-to-neighbor disputes over installation or placement of these devices.

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6. If any Owner or occupant of a Lot installs, maintains, and/or uses exterior antennas, satellite dishes, or any other communications devices in violation of this Policy Resolution without the prior written consent of the Board, then the Owner of such Lot shall be subject to enforcement provisions and remedies available to the Association by law, the Declaration, Bylaws, and Rules and Regulations of the Association.

Adopted this 27 day of November, 2007.

AUTUMN MEADOWS OWNERS ASSOCIATION



President



Secretary