

SCANNED



**ANTENNA POLICY  
for  
THE SEVENTH HOMEOWNERS' ASSOCIATION, INC.**

THE STATE OF TEXAS     §  
  §  
COUNTY OF BEXAR       §

I, Deborah K. Bertam, President of The Seventh Homeowners' Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 24<sup>th</sup> day of February, 2016, with at least a quorum of the board members being present and remaining throughout, and being duly authorized to transact business, the following Antenna Policy was duly approved by a majority vote of the members of the Board. This Antenna Policy controls over and revokes any prior Antenna Policies of the Association.

WHEREAS, Section 1.1 of the Association Bylaws states, in pertinent part, that all present or future members "with the acceptance of a deed or conveyance or the entering into of a lease or the act of occupancy of a lot shall constitute an agreement that the provisions of the Declaration and these Bylaws and any rules and regulations made pursuant thereto, as they may be amended from time to time, are accepted, ratified and will be complied with.";

WHEREAS, Section 3.6 of the Association Bylaws states, in relevant part, that the Association's purpose is to "manage the business, property and affairs of the Property and the Association and enforce the provisions of the Declaration, these Bylaws, the house rules and the administrative rules and regulations governing the Property. ...";

WHEREAS, Article Eleven, Section 2 of the Association's Declaration states, in relevant part, that "[t]he Rules and Regulations with response to the day-to-day maintenance, operation and enjoyment of the Project may be amended from time to time by the Board...[e]ach Owner, by accepting conveyance of a Townhouse, agrees to comply with and abide by the Rules and Regulations, as the same may be amended from time to time.";

WHEREAS, Article Two, Section 3(c) of the Association's Declaration provides that every Owner shall have a right and benefit of the use and enjoyment of the Common Area subject to the right of the Association to make rules and regulations relating to the use and maintenance of the Common Areas; and

WHEREAS, for the mutual benefit of all Owners of Lots in the property, the Board wishes to establish policies in order to regulate the installation, use and maintenance of satellite dishes and antennas in accordance with the FCC Rule.

NOW, THEREFORE, BE IT RESOLVED THAT the following definitions, rules, and regulations be and hereby are adopted:

## **DEFINITIONS**

1. "Antenna" shall be defined as: any device used for the transmission and receipt of video or audio services, telecommunications and fixed wireless signals, including direct broadcast satellite (DBS), television broadcast and multipoint distribution services (MDS). 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.
2. "Board" shall mean the Board of Directors of The Seventh Homeowners' Association, Inc.
3. "FCC" shall mean the Federal Communications Commission.
4. "Mast" shall mean the structure to which an antenna is attached that raises the antenna height.
5. "Premises" shall mean and refer to any and all property governed by The Seventh Homeowners' Association, Inc.
6. "Transmission-only-antenna" shall mean any antenna used solely to transmit radio, television, cellular, or other signals.
7. "Telecommunication signal" shall mean signals received by DBS, television broadcast, and MDS antennas.

## **ANTENNA POLICY**

### 1.1 Antenna and Size Type

- (1) DBS antennas that are thirty-nine inches or less in diameter may be installed, subject to criteria detailed elsewhere in these Rules. DBS antennas larger than thirty-nine inches are prohibited.
- (2) MDS antennas thirty-nine inches or less in diameter may be installed, subject to criteria detailed elsewhere in these Rules. MDS antennas larger than thirty-nine inches are prohibited.
- (3) Antennas designed to receive television broadcast signals may be installed, subject to criteria detailed elsewhere in these Rules.
- (4) Installation of transmission-only-antennas are prohibited, unless approved by the Board of Directors.
- (5) All antennas not covered by the FCC rules are prohibited.

### 1.2 Location

- (1) Antennas shall be installed solely on the property owned by the Owner.
- (2) Antennas shall not encroach upon any other Owner's property.
- (3) Antennas shall be located in a place shielded from view from the street or from other Lots to the maximum extent possible; provided, however, that nothing in these Rules and Regulations would require installation in a location from which an acceptable quality signal may not be received.

#### 1.3 Installation

- (1) Antennas or masts may not extend above a fence on the Owner's property, unless an acceptable quality signal may not be received from this location.
- (2) Antennas situated on the ground, which must be installed so that they are visible from any street or from other property in order to receive an acceptable quality signal, must be camouflaged by landscaping or fencing of reasonable cost.
- (3) Antennas, masts and wiring, which must be installed on a structure so that they are visible from any street or other property in order to receive an acceptable quality signal and which cannot be camouflaged by landscaping or fencing of reasonable cost, must be painted to match the color of the structure to which they are installed. *(Association residents are advised to make sure that paint will not degrade the signal.)*
- (4) Antennas shall be no longer nor installed higher than is absolutely necessary for reception of an acceptable-quality signal.
- (5) All installations shall be completed so that installations do not damage the Common Area of the Association or the property of any other owner.
- (6) In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
- (7) Antennas must be secured so that they do not jeopardize the soundness or safety or any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity.
- (8) Antennas shall be installed and secured in a manner that complies with all applicable city, county and state laws and regulations, and manufacturer's instructions. The Owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.

#### 1.4 Maintenance

- (1) Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
- (2) Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

1.5 Number of Antennas

- (1) No more than one antenna of each provider may be installed by an Owner.

1.6 Mast Installation

- (1) Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- (2) Masts that extend 12 feet or less beyond the roofline (defined as the lowest portion of the roof) may be installed subject to the antenna installation guidelines contained in this Policy and the notification process set forth below. Masts that extend more than 12 feet above the roofline must be approved by the Board of Directors of the Association before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer 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 necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to other residents, then the Association may prohibit such installation.
- (3) Masts must be painted an appropriate color to match their surroundings.
- (4) Masts installed on a roof shall not be installed nearer to the Owner's property line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- (5) Masts shall not be installed nearer to electric power lines than the total height of the masts and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the masts should fall in a storm or from other causes.
- (6) Masts shall not encroach upon any other owner's property.

1.7 Notification Process

- (1) Any Owner desiring to install an antenna and/or mast must complete a architectural control form and submit it to the Board

c/o the Association's managing agent. If the installation complies with this Policy, the installation may begin immediately.

- (2) If the installation does not comply with this Policy, Owners and the Board must establish a mutually convenient time to meet to discuss installation methods. In order for the Board to approve an installation not in compliance with this Policy, the Owner must provide proof to the Board (either by virtue of a personal inspection of the Owner's property and/or a document in a form acceptable to the Board) that a quality acceptable signal cannot be obtained on the Owner's Lot from a location that complies with this Policy.

1.8 Installation By Tenants

- (1) Tenants may install antennas and/or masts in accordance with this Policy with written permission of their landlord. A copy of this permission must be furnished with the notification statement.

1.9 Enforcement

- (1) If this Policy is violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- (2) If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Antenna Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Bexar County, Texas.

TO CERTIFY which witness my hand this the 8th day of March, 2016.

**THE SEVENTH HOMEOWNERS'  
ASSOCIATION, INC.**

By: Deborah K. Bertram

Name: Deborah K. Bertram

Its: President

THE STATE OF TEXAS           §  
   §  
 COUNTY OF Bexar                   §

BEFORE ME, the undersigned notary public, on this 8th day of March, 2016 personally appeared Deborah Bitram, President of The Seventh Homeowners' Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

Rachel Holt  
 Notary Public in and for the State of Texas



Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR  
 I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAR 09 2016

 Gerard Rickhoff  
 COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20160043389 Fees: \$46.00  
 03/09/2016 2:15PM # Pages 6  
 Filed & Recorded in the Official  
 Public Records of BEXAR COUNTY  
 GERARD C. RICKHOFF COUNTY CLERK