

AMERICANA CENTRE CONDOMINIUM, INC.
ADMINISTRATIVE RESOLUTION NO. 01-1
CONCERNING BROADCAST COMMUNICATIONS ANTENNAS

May 4, 2001

WHEREAS, Article X of the By-Laws of Americana Centre Condominium, Inc. (hereinafter ACCI) prohibits installation of communications antennas upon the common elements without prior written consent of the Board of Directors;

AND WHEREAS, Article XI of the By-Laws of ACCI vests architectural control of the common elements in the Board of Directors;

AND WHEREAS, The Federal Communications Commission (FCC), pursuant to Section 207 of the Telecommunications Act of 1996, has promulgated an "Over-the-Air Reception Devices Rule, 47 C.F.R. Section 1.4000, that specifically addresses installation of Direct Broadcast Satellite (DBS), Multichannel Multipoint Distribution Service (MMDS), and Television Broadcast Antennas (TVBS) "by viewers who place video antennas on property that they own and that is within their exclusive use or control";

AND WHEREAS, The above cited FCC rule takes precedence over ACCI By-Laws with respect to allowable use of the limited common elements;

AND WHEREAS, The Board of Directors of ACCI desires and intends to eliminate any possible confusion or misunderstanding concerning ACCI's fair and reasonable policies, rules, and regulations with respect to communications antennas on the property of the condominium;

NOW THEREFORE, ACCI adopts the following rules and regulations consistent with the laws of the United States, Maryland, Montgomery County, the City of Rockville, and ACCI governing documents, which shall be binding upon all owners and their grantees, leases, tenants, occupants, successors, heirs and assigns who currently, or in the future, may possess

an interest in ACCI, and which shall supersede any previously adopted rules on the same subject matter. No communication antennas can be attached directly to any part of the limited common element.

I. Definitions:

- A. Owner - any unit owner in ACCI. For the purposes of this rule, only, "owner" includes a tenant, occupant or heir who has the written permission of the homeowner/landlord to install antennas.
- B. Exclusive-use area - for the purpose of this rule - an ACCI individual unit or its attached limited common elements (area) balcony or patio as further defined in Article III of the ACCI By-laws.
- C. Common elements - as further defined in Article III of the ACCI By-laws, those undivided-ownership portions of the buildings and grounds of the Condominium subject to the exclusive jurisdiction of the Board of Directors acting on behalf of the Condominium.
- D. Antenna - For the purpose of this rule, a communications broadcast antenna, i.e., any mechanical or electro-mechanical device used for the transmission or reception of broadcast communications, specifically radio, radio-telephony, or video programming services, including DBS, TVBS, and MDS. A reception antenna that has limited transmission capability designed for the listener or viewer to select or use programming is a reception antenna provided that it meets FCC standards for radio frequency emission. A mast (i.e. a structure to which an antenna is attached), 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.

- E. Antenna array - antennas joined together and capable of receiving multiple communications signals, e.g., both radio and television.
- F. Central (or Master) Antenna - For the purpose of this rule only, an antenna or antenna array used to receive radio and/or television programming at a central location from which the signals are routed through the common area to individual units.

II. Broadcast Communications Reception at Common Expense:

The ACCI Board of Directors has made available, and intends to continue making available, to all residents certain kinds of access to radio and television programming at common expense subject to community interest, availability of budgeted funds and cost-effective commercial equipment.

III. Restrictions on Installation of Common Area Antennas:

No antenna shall be erected upon, or protrude into, the common elements of ACCI without the prior written authorization of the Board of Directors. Any such antenna shall be for the use of all residents.

III. Individual-use Antennas:

- A. Individual owners may install any type of antenna within their condominium units, provided that all applicable Federal, State and local ordinances with respect to radio frequency emission, safety and licensing are met.
- B. Individual owners may install DBS antennas within the limited common elements designated for their individual use, subject to the FCC-approved requirements set forth below.
- C. No other types of antennas may be installed on limited common elements.

A. Application/Notification Rules:

1. Owners have two options: They may submit an application to ACCI for approval of their proposed antenna or they may file a notice of intent to install an antenna. In either case, the owner must submit the application/notice before installation.
2. If an owner submits an application to ACCI for approval of the antenna, ACCI will review the application on an expedited basis. If the application meets all of the required criteria stated in this rule, ACCI will rule on the application within 7 days of receipt of the application and issue a written notice of the ruling to the owner. In no event shall ACCI take more than 45 days from receipt of the application to issue its ruling, or the application will be deemed approved by waiver.
3. If an owner submits a Notice of Intent to Install an Antenna to ACCI, the Notice must be filed 3 days before the installation. In such a case, the owner bears all the risk that ACCI may not approve the antenna because of a lack of compliance with the Rules stated herein. ACCI reserves all powers to inspect the antenna after installation to determine if the antenna complies with the rules. If not, ACCI reserves all powers to compel the owner to comply with the rules, regardless of whether the owner has already installed the antenna.
4. Owners must file their application/notices to ACCI in writing
At:

Americana Centre Condominium
118 Monroe Street, #106
Rockville, MD 20850

B. Antenna Size & Type:

Residents may install a single DBS antenna which is one (1) meter/39.37 inches or less. Antennas larger than one (1) meter/39.37 inches are prohibited.

C. Location, Installation and Maintenance:

1. DBS Antennas shall be installed solely on property owned by an owner or on exclusive use area if provided for herein.
2. DBS Antennas may be placed on the patios or a balcony so long as the patio or balcony is the exclusive use area to a unit and its location otherwise complies with these requirements.
3. DBS Antennas shall be located in a place shielded from view from the street or from other units to the maximum extent possible; provided, however, that nothing in these rules would require installation in a location from which an acceptable signal may not be received. This will be determined on a case-by-case basis and shall be reviewed in detail by the Board of Directors of ACCI.
4. Exterior DBS antennas wiring shall be installed so as to minimize visibility and may not be placed or located on common elements. Owners of a satellite dish antenna should make every reasonable effort to ensure that the appliance and all cables, wires and other accouterments are maintained in an acceptable manner consistent with recommended guidelines. If the equipment is not maintained, ACCI can require the owner, through the legal process or as otherwise permitted by law or pursuant to the ACCI documents, to take action to maintain the equipment. If the owner fails to do so, ACCI reserves the right to enforce this rule and the owner will be responsible for any and all costs associated with the enforcement.
5. If necessary, DBS satellite dish antennas should be painted black or any acceptable neutral or metallic color so long as the paint does not interfere with an acceptable quality signal.
6. DBS Antenna and mast shall not be installed higher than is absolutely necessary for reception of an acceptable quality system.

D. Safety

1. Antennas shall be installed and secured in a manner that preserves the structural integrity of the building in which it is installed. Antennas also must comply with all applicable Federal, State and/or County laws and regulations.
2. Antennas shall not be placed where they come into contact with electric power lines or interfere with power lines or electrical transmission.
3. Antennas must be secured so that they do not jeopardize the soundness or safety of any other structures. All satellite dishes installed must withstand wind speeds of at least eighty miles per hour (80 mph) so as not to blow off and injure ACCL owner(s) or property in any fashion and other safety considerations.
4. Owner(s) is/are required to carry appropriate insurance on an installed antenna to protect against theft, as well as, liability to other residents and/or ACCL.
5. All installations must comply with applicable codes and shall be permanently and effectively grounded.

**NOTICE OF INTENT TO INSTALL ANTENNA
AMERICANA CENTRE CONDOMINIUM,
INC.**

Prior notification is required for installation of antennas covered by the Federal Communications Commission's Over-the-Air Reception Devices Rule. This approval is required because such installations may pose a safety risk to ACCI residents and common and individually owned property. The Board of Directors will evaluate all applications and permit the installation of those that comply with these rules and other applicable laws or otherwise do not pose a safety risk. Any rejection of an application will specify the reason.

Owner: _____

Telephone: _____ (Work) _____ (Home)

Address: _____

Telephone: _____ (Work) _____ (Home)

If rented, tenants'/occupants' name: _____
(ATTACH COPY OF OWNER'S WRITTEN PERMISSION)

Telephone: _____ (Work) _____ (Home)

Type of Antenna _____
Direct Broadcast Satellite ___ 18-Inch ___ other ___ Inch

Company Permitting Installation _____

Identify Installation Location: Patio ___ Balcony ___

Other _____

Date of Installation _____ Method of Installation _____

Will the installation be in compliance with all ACCI rules/instructions and applicable building codes?
YES ___ **NO** ___

I will comply with all of the ACCI rules for installing, maintaining and using antennas. I assume all liability for any damage to ACCI and other owner's property that occurs due to antenna installation, maintenance and use

Signed: _____

Date: _____