

Guidelines for Satellite Dish Installation

The following guidelines are provided to help homeowners and tenants ensure that new satellite dishes are installed in compliance with SunPointe II regulations and to protect all Sun II homeowners from shared costs due to improperly installed satellite dishes.

Failure to follow these guidelines may result in removal of the dish and repair of any damage to Common Elements at the owner's expense.

Note: For purposes of these guidelines, the term "owner" includes tenants. "Common Elements" are those parts of the community, including building exterior walls, roofs, and patios that are all or in part the responsibility of the SunPointe II Homeowner's Association ("Association") to maintain and repair.

Installations That **Do Not** Require Prior Board Approval

Free-standing satellite dish installations that meet the following requirements do not need to be approved prior to installation:

- Placed completely within patio walls and secured so that it does not damage any Common Elements or pose a safety risk to persons, including risk arising from wind
- Placed in a bucket of sand or concrete or on a metal tripod designed to support a satellite dish of its size
- Not secured to the concrete patio or any other exterior structure, including building siding, roof, or eaves
- 36 inches or less in diameter
- 6 feet or less in height
- All cables connected to the existing cable box

Note: If the cable box is not accessible, one penetration to the unit's siding may be made. This hole must be silicon sealed and protected against the elements. All other cabling must be run within the owner's unit. Cables cannot be run on party/shared walls for any reason.

- Owner assumes all the risks and responsibilities outlined in "Owner Risks and Responsibilities" on the next page
- If in doubt, contact Precision Management at 303-984-4926 prior to installation

Installations That Require Prior Board Approval

Any satellite dish installation that involves potential damage to Common Elements or does not meet the size or location requirements outlined above must be approved by the SunPointe II Board of Directors prior to installation. Some but not all situations requiring Board approval are as follows:

- Dish is 36 inches or larger in diameter or more than 6 feet high
- Owner wishes to place dish somewhere other than own unit's patio or overhang the patio
- Owner wishes to run cable along the exterior wall or roof of the unit or attach the dish to the exterior or roof of the building, patio walls, or patio concrete
- If in doubt, contact Precision Management at 303-984-4926 prior to installation

Owner Risks and Responsibilities

By installing a satellite dish in SunPointe II, the owner assumes the following risks and responsibilities:

- If the SunPointe II Board of Directors determines that installation guidelines have not been met, the owner will be responsible for bringing the dish into compliance or for removing it, at owner's expense. Owner will also be responsible for any expense incurred by the Association to repair damage to any Common Elements.
- The owner installing the dish is responsible for the maintenance of the dish.
- Neither the Association nor its contractors are responsible for the cost of moving, removing, or reinstalling the dish or its cables due to maintenance or improvements on Common Elements, including patios, patio walls, and the exterior of the building.
- The owner is liable for any personal injury or damage occurring to Common Elements or other owners' individually owned property or exclusive use areas arising from installation, maintenance, or use of a dish, and shall pay the costs to:
 - 1) repair damages to the Common Elements, other owners' individually owned property or exclusive use areas and any other property damaged by dish installation, maintenance or use;
 - 2) pay medical expenses incurred by persons injured by dish installation, maintenance or use;
 - 3) reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
- If after Board approval, a dish is installed on any part of the building maintained by the Association, the owner retains responsibility for dish maintenance. Dishes shall not be installed in a manner that will result in increased maintenance costs for the Association or for other owners. If damage occurs, the owner of the dish is responsible for all associated costs.
- If Association maintenance requires the removal of a dish, the Association shall provide the owners with 10 days written notice, except in cases of emergency where immediate removal may be demanded. The owner shall be responsible for removing the dish before maintenance begins. If the dish is not removed in the required time, then the Association may do so at the owner's expense. The Association shall not be liable for any damage to a dish caused by the Association's removal nor shall the Association be responsible for re-installing the dish.
- If the owner permanently removes a dish, the owner shall promptly restore the property to its original condition.
- Satellite signals may be compromised or blocked due to the above constraints, landscaping, buildings or other obstacles. Check with the satellite provider before installation begins in order to determine the proper placement for the optimal signal.
- SunPointe II are condominiums, not townhouses. The FCC's "Over-the-Air Reception Devices Rule: Preemption of Restrictions on Placement of Direct Broadcast Satellite, Broadband Radio Service, and Television Broadcast Antennas" specifically excludes common elements of condominiums. Per the FCC website, the rule against restricting dish installation:

...does **not** apply to common areas, such as the roof, the hallways, the walkways or the exterior walls of a condominium or apartment building.... For example, the rule would **not** apply to restrictions that prevent drilling through the exterior wall of a condominium or rental unit and thus restrictions may prohibit installation that requires such drilling. (<http://www.fcc.gov/mb/facts/otard.html>)