



OTARD Policy: Antennas and Satellite Dishes (Policy No. 8 – Revised)

WHEREAS Section 4.2 of the Snoqualmie Ridge Covenants, Conditions, and Restrictions (CC&Rs) gives authority to the Association Board of Directors to appoint committees to conduct architectural review of all new construction and external modifications;

WHEREAS Exhibit C(b)(xi) to the CC&Rs allows TV broadcasting station antennas of any size and any other antennas (including satellite dishes) one meter or less in diameter or diagonal measurement.

WHEREAS Section 207 of the Telecommunications Act of 1996 granted the Federal Communications Commission (FCC) authority to preempt private restrictions impairing a viewer's ability to receive video programming services from direct broadcast satellite (DBS), television broadcast stations (TVBS), and multichannel multipoint distribution service (MMDS) antennas.

WHEREAS the FCC released its Over-the-Air Reception Devices (OTARD) Rule in August of 1996, which currently covers five types of antennas (including satellite dishes): (1) DBS antennas one meter or less in diameter; (2) antennas one meter or less in diameter used to receive or transmit fixed wireless signals via satellite; (3) antennas one meter or less in diameter or diagonal measurement receiving video programming services via multipoint distribution services (MDS), including MMDS; (4) antennas one meter or less in diameter or diagonal measurement used to receive or transmit fixed wireless signals other than via satellite; and (5) TVBS antennas. ("OTARD Devices" mean these five types of antennas). OTARD also covers masts supporting OTARD Devices ("OTARD Masts").

NOW THEREFORE BE IT RESOLVED that the Modifications Committee ("Committee"), acting on behalf of the Board of Directors, will not require prior approval for an OTARD Device: 1) any antenna designed to receive television broadcast signals; and 2) other antennas or satellite dishes that are one meter in diameter or diagonal measurement and used for satellite or non-satellite signals or for video programming services. OTARD Devices may be subject to certain placement and screening restrictions (see below), provided those restrictions do not impair installation, maintenance or use of the OTARD Device (see below).

The Association intends to comply with the OTARD Rule through Guidelines which advance the purposes of the antenna restriction contained in the Covenants without impairment of the installation, maintenance or use of OTARD Devices ("Impairment"). For the purposes of this policy, Impairment includes:

- (a) Unreasonably delaying or preventing the installation, maintenance, or use of an OTARD Device;
- (b) Unreasonably increasing the cost of installation, maintenance or use of an OTARD Device;

(c) Precluding reception or transmission of acceptable quality signals;

(d) Impairing the installation, maintenance or use of an OTARD Mast to the extent that the impairment causes any or all of (a) through (c).

An antenna or mast that does not come within the definition of an OTARD Device or OTARD Mast may not be installed. An Owner or tenant may install an OTARD Device or OTARD Mast subject to the following:

(a) The OTARD Device and/or OTARD Mast must be entirely located on property that is within the exclusive use or control of the Owner or tenant.

(b) If a contractor is employed to install an OTARD Device or OTARD Mast, the contractor must have insurance to pay for any personal injuries or property damages.

(c) The OTARD Device (and OTARD Mast, if applicable) must be installed in a Preferred Location if it will not result in Impairment. "Preferred Location" means that portion of Lot side yards or its rear yard such that the installed OTARD Device and OTARD Mast is not visible from the street in front of the Lot.

(d) If installation in a Preferred Location would result in Impairment, the OTARD Device and OTARD Mast must be placed in a location where visibility from the street in front of the Lot is minimized to the greatest extent possible without resulting in Impairment. The Committee may request an explanation of why any non-Preferred Location is preferable or necessary to the extent that this request does not result in Impairment.

(e) Any resident desiring to install an OTARD Device and/or OTARD Mast must provide written notice to the Committee prior to installation, provided that satisfaction of this notice requirement does not result in Impairment. The notice should include installation plans and the proposed location of installation.

(f) An Owner who installs an OTARD Device and/or OTARD Mast in a location other than a Preferred Location, must, within ten (10) days of such installation, grant the Committee written permission to enter onto the Owner's Lot and into the Owner's residence for the purpose of, and to the extent reasonably necessary for, obtaining reception readings relevant to determining whether installation of an OTARD Device and/or OTARD Mast at a Preferred Location could be accomplished without Impairment. If the ACC finds that installation in a Preferred Location is possible without resulting in Impairment, then the Owner or tenant will be required to relocate the OTARD Device and/or OTARD Mast to a Preferred Location, provided that the relocation process does not itself result in Impairment.

(g) Within thirty (30) days of installing an OTARD Device and/or OTARD Mast, an Owner must make application to the Committee for approval of such screening as is reasonably necessary to reduce the visual impact of the OTARD Device on surrounding properties. The Committee may require the Owner to install reasonable screening (i.e., screening that does not result in Impairment). If reasonably necessary screening would impose an unreasonable cost on the Owner, the Association may opt to pay for additional screening.

(h) OTARD Devices and OTARD Masts shall be neutral in color or painted to match the improvements to which they are adjacent (provided that painting does not damage the antenna, void manufacturer warranties, or otherwise result in Impairment).

(i) In the interest of avoiding electrical fires, Owners or tenants shall not locate OTARD Devices and/or OTARD Masts near power lines.

The Association may require the Owner or tenant to sign an agreement requiring him to indemnify and to hold the Association and its members harmless from all claims, demands or liability arising out of or encountered in connection with the OTARD Device and/or OTARD Mast.

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Adopted by the Board of Directors
November 18, 2010