

THIS IS TO CONFIRM THAT THE SATELLITE DISH ANTENNA WILL BE INSTALLED ACCORDING TO THESE SPECIFICATIONS.

NAME: _____ **APT. #** _____

UNIT OWNER'S SIGNATURE: _____

DATE: _____

RESOLUTION - SATELLITE DISH ANTENNA

WHEREAS, WINSTON TOWERS 200 ASSOCIATION, INC. ("the Association") is responsible for the governance and maintenance of Winston Towers 200, a multiple family dwelling consisting of 614 apartment units located at 200 Winston Drive, Cliffside Park, New Jersey ("The Condominium"); and

WHEREAS, Section 2(e) of Article IV of the By-Laws authorizes the Board of Directors of the Association ("Board") to adopt and amend rules and regulations covering the operation and use of the Property, which term is defined to mean the apartment building, the parcel of land upon which it is located, the Apartment Units, the Common Elements and Limited Common Elements within the Condominium; and

WHEREAS, the federal Communications Commission ("The FCC") adopted a rule effective October 14, 1996 pre-empting certain Association restrictions on the installation, maintenance and use of direct broadcast satellite, television broadcast and multipoint distribution service antennas ("Antennas"); and

WHEREAS, the Board desires and intends to adopt reasonable restrictions governing the installation, maintenance and use of antennas within the Condominium consistent with the FCC rule.

NOW, THEREFORE, the Board hereby adopts the following rules and regulations for the Condominium which shall be binding upon all Unit Owners and their grantors, lessees, tenants,

occupants, successors, heirs and assigns, who currently or in the future may possess an interest in the Condominium and shall supersede any previously adopted rules and regulars on the same subject matter.

1. **DEFINITIONS:**

- A. *Antenna* - Any device used for the receipt of video programming services, from direct broadcast satellites (DBS), television broadcast stations, and multichannel multipoint distribution providers (MMDS). Any reception antenna that has limited transmission capability designed for the viewer to select or use the programming is a reception antenna, provided it meets FCC standards for radio frequency emission. Any mast, cabling, supports, gut 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.
- B. *Mast* - Any structure, equipment or device to which the antenna is attached that raises the antenna height.
- C. *Transmission Only Antenna* - any antenna used solely to transmit radio, television, cellular or other signals.
- D. *Owner* - Any Unit Owner including, for the purpose of this rule only a tenant who has written permission of the Unit Owner to install antennas.
- E. *Telecommunications Signal* - Signals received by DBS, television broadcast, and MMDS antennas.
- F. *Exclusive Use Area* - any part of an Apartment Unit or the balcony appurtenant thereto used only by the Unit Owner or those persons he permits to enter the Apartment Unit.

2. INSTALLATION RULES:

A. Antenna Size and Type -

- i. DBS antennas that are one meter or less in diameter may be installed. DBS antennas designed to receive satellite signals which are larger than one meter are prohibited.
- ii. All other antennas not covered by the FCC rule are prohibited.

B. Location -

- i. Antennas must be installed solely within the Apartment Unit or on the floor of the balcony appurtenant thereto.
- ii. If acceptable quality signals can be received by placing DBS antennas inside an Apartment Unit without unreasonable delay or unreasonable cost increase, then outdoor installation on a balcony is prohibited.
- iii. Antennas must not encroach upon any Common Elements, and other Unit Owner's Apartment Unit or Limited Common Elements or the air space of another Unit Owner's Limited Common Element.
- iv. Antennas shall be located in a place shielded from view from outside the Condominium or from other units within the Condominium to the maximum extent possible; provided, however, that nothing in this rule would require installation in an exclusive use area where an acceptable quality signal cannot be received. This section does not permit installation on the Common

Elements, even if an acceptable quality signal cannot be received from an Apartment Unit or a Limited Common Element.

2. **INSTALLATION:**

- A. Antennas shall be no longer larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal and any antennas installed in the balcony area shall not project in any way above the height of the balcony railing. For safety purposes to prevent the antenna from falling from the balcony and causing personal or property damage, the antenna shall not be installed on or from the balcony railing under any circumstances.
- B. All installations shall be completed so that they do not materially damage nor in any way impair the integrity of the building.
- C. Prior to installation, any installer other than the Unit Owner, shall provide the Association with an insurance certificate naming the Association and its Managing Agent as additional insureds, which insurance shall meet the current requirements imposed by the Association for all outside contractors.
- D. There shall be no penetrations of the exterior portions of the building for installing cable or otherwise, unless it is absolutely necessary to receive an acceptable quality signal or it would unreasonably increase the cost of antenna installation. The following devices shall be used unless they would prevent an acceptable quality signal or would unreasonably increase the cost of antenna installation, maintenance or use:
 - i. Devices that permit the transmission of telecommunication signals through a glass pane without cutting or drilling a hole through the

glass pane.

- ii. Devices, such as ribbon cable, which permit the transmission of telecommunication signals into a residence through a window or door without penetrating a wall; or
- iii. Existing wiring for transmitting telecommunication signals and cable service signals.

E. If penetration of the exterior of the building is necessary, it shall be located only through the balcony window wall panel, limited to a hole with a diameter no greater than 3/8th" and shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes.

F. Antennas which are installed on the floor of the balcony appurtenant to the Apartment Unit shall be anchored to the floor so that the bolts used to anchor the antenna will not penetrate the balcony floor more than 1" and shall not be wider than 1/4th" in diameter.

4. MAINTENANCE:

A. All costs associated with the installation or maintenance of antennas, whether direct or indirect, shall be the responsibility of the Unit Owner.

B. Unit Owners shall not permit their antennas to fall into disrepair or become a safety hazard. Unit Owners shall be responsible for antenna maintenance, repair or replacement or correction of any safety hazard.

C. If antennas become detached, Unit Owners shall remove or repair such detachment within seventy-two (72) hours of the detachment. If the detachment threatens safety, the Association will remove antennas at the expense

of the Unit Owner.

5. **SAFETY:**

- A. Antennas shall be installed and secured in a manner that complies with all applicable rules and regulations as well as the manufacturers instructions and local governmental regulations.
- B. Antennas shall not obstruct access to or exit from any Apartment Unit, ingress from any common areas, electrical service equipment or any other areas necessary for the safe operation of the Condominium.
- C. All antennas shall be permanently grounded.

6. **ANTENNA CAMOUFLAGING:**

- A. Exterior antennas shall be painted black, grey or tan to be compatible with the colors of the balcony railing or exterior wall of the Condominium.
- B. Camouflaging antennas through inexpensive screening or plants is required if antennas are visible from the street or other units.
- C. Exterior antenna wires shall be installed so as to be minimally visible.

7. **ANTENNA REMOVAL:**

Antenna removal requires restoration of the installation location to its original condition. Unit Owners shall be responsible for all costs relating to any such restoration.

8. **TEMPORARY REMOVAL FOR MAINTENANCE OR REPAIR:**

In the event the Association is required to perform any maintenance or make any repairs to any location upon which an antenna is installed, the Unit Owner shall be obligated to remove or relocate the antennas upon ten (10) days prior written notice and to replace the antenna after said maintenance or repair is completed. In the event that the

Unit Owner does not remove the antenna in the required time, then the Association may do so at the Unit Owner's expense without liability for any damage to the antennas caused by the Association's removal.

9. **APPROVAL:**

Approval of the Board , pursuant to Section 10 of Section VI of the By-Laws is required for the installation of antennas, which approval shall not be unreasonably delayed or withheld.

10. **INSTALLATION BY TENANTS:**

These rules will apply in all respects to Tenants who must obtain prior written permission from the Unit Owner and the Association as set forth in Paragraph 9.

11. **ENFORCEMENT:**

A. If these rules are violated by Unit Owner or its tenant, the Association, after notice and opportunity to be heard, may bring action for declaratory and/or injunctive relief with the FCC or any court competent jurisdiction. To the extent provided by law and/or by the Master Deed or By-Laws, the Association shall be entitled to reasonable attorney fees, costs and expenses incurred in the enforcement of this policy.

B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

12. **SEVERABILITY:**

If any provision of these rules is deemed to be invalid by a court of competent jurisdiction, the remainder of these rules shall remain in full force and effect.