



Collingwood Pointe at the Preserve Community Bulletin

Dear Owners and Residents,

Since the merger of AT&T and the Direct TV they have put together an affordable plan that includes a savings for consumers. We have also gained knowledge that although both companies merged, they are still working separately. AT&T will provide you with a package that is comparable to satellite dish without the install of dish. If you have AT&T currently you can call and negotiate your bill. Direct TV sales will not tell you this information.

In the past year we have had numerous satellite dish installation variance requests. We allowed residents to install dishes in a few common areas for two reasons. One reason is that dishes have been either allowed or installed without permission in common areas in the past. Second reason is due to misinformed information that the association could not restrict installation due to FCC rules. We researched the FCC rules a bit more in depth and found that installation can be restricted and rules do not apply in common areas.

We will continue to work with residents and the company to install dishes were allowable. We will not allow a dish to be installed in a common area unless the location is behind unit and less visible or is installed in a limited common area. We will also ask that residents respect our rules for variances going forward for installation. We will not allow residents to use the mentality of "Better to ask for forgiveness than ask for permission". Dish install will be asked to be removed at owners' expense if rules are not followed.

We have put information and links to websites from the Ohio Revised Code and FCC to assist you with any questions.

Collingwood Pointe Satellite Dish Policy/ Revised 7.5.17

SATELLITE DISH POLICY

When a unit owner wishes to install, or have installed, a satellite dish, that unit owner is required to make an application to the Board of Directors for such an installation. A completed application does not in any way infer approval. Installation should not begin until such time as the unit owner receives written approval from the Board. Approval from the Board will be provided to the Unit owner or resident requesting approval for the satellite dish in a timely and efficient manner and will not be delayed.

The approval by the Board does not in any way alter or limit the requirement of the unit owner to adhere to all City of Columbus Codes and Regulations, and those codes and regulations of other agencies governing such an installation (i.e., the FCC, the Building Department, the Utility Company, Manufacturer Guidelines, etc.). The unit owner is still required to obtain any and all permits, such as a building permit, etc. required by law.

Satellite Dish Installation Guidelines

Dishes shall be as small as possible, but in no case larger than 39.4 inches (one meter) in diameter and shall not be affixed to or placed upon any exterior wall, roof, or in the common element unless approved by the Board in writing. If a small mast is required to install the dish, the resident may use only the mast provided by the retailer or installer.

The dish installation shall be of quality construction and shall conform to all applicable building codes and manufacturer's specifications.

Any variation in installation from that represented on the original approved application for dish installation must be submitted in writing for approval.

Satellite Dish Damage Issues

The owner is responsible for any damage to the exterior of the building where the Unit is located, or other common areas, and if that damage is the result of installation of the dish.

If any existing landscape, public improvements or utilities are damaged or destroyed during any phase of installation, the owner shall, at his/her expense, replace and/or repair such damage.

Dish removal is the owner's responsibility, as well as, repairing any damage resulting from the dish having been removed. If a unit owner is asked to make repairs to any damages related to the removal of the dish or any component, including wiring, of the dish, and fails to do so, the Board can make such repairs as necessary and charge the costs of those repairs back to the Unit owner.

Satellite Dish Maintenance Issues

Dish maintenance and/or repair are the responsibility of the owner. The owner is responsible for any additional unit maintenance and/or repair costs incurred as a result of the dish installation.

Ohio Revised Code

5311.081(B) Unless otherwise provided in the declaration or bylaws, the unit owners association, through the board of directors, may exercise all powers of the association, including the power to do the following:

(4)- Regulate the use, maintenance, repair, replacement, modification, and appearance of the condominium property;

(5)- Adopt rules that regulate the use or occupancy of Units, the maintenance, repair, replacement, modification, and appearance of units, common elements, and limited common elements when the actions regulated by those rules affect common elements or other units.
<https://www.fcc.gov/consumers/guides/installing-consumer-owned-antennas-and-satellite-dishes>

What types of properties are covered?

Under the OTARD rules, an owner or a tenant has the right to install an antenna (dish) on property that he owns or over which he has exclusive use or control. This includes single family homes, condominiums, cooperatives, townhomes and manufactured homes. In the case of condominiums, cooperatives and rental properties, the rules apply to “exclusive use” areas (in our community these are called “limited common elements”), like terraces, balconies or patios. “Exclusive use” refers to an area of the property that only residents and their guests may enter and use. In our community these limited common elements consist of the driveway immediately in front of the attached garage and the interior area of the patio.

<https://www.fcc.gov/media/over-air-reception-devices-rule>

The rule allows local governments, community associations and landlords to enforce restrictions that do not impair the installation, maintenance or use of the types of antennas described above, as well as restrictions needed for safety or historic preservation. Under some circumstances where a central or common antenna is available, a community association or landlord may restrict the installation of individual antennas. There is no common or central antenna or dish connection in our community. Therefore, each individual resident of a Unit must obtain his or her own satellite or cable service. The rule does not apply to common areas that are owned by a landlord, a community association, or jointly by condominium or cooperative owners where the antenna user does not have an exclusive use area. Such common areas may include the roof or exterior wall of a multiple dwelling

unit. Therefore, restrictions on antennas installed in or on such common areas are enforceable.

Q: If I live in a condominium or an apartment building, does this rule apply to me?

A: The rule applies to all residents who live in our community because the rule applies to all residents who live in a multiple dwelling unit building, such as a condominium. The FCC OTARD rule provides protections and limitations on restrictions for the use of satellite dishes in our community. The FCC OTARD rule does not require a condominium association to allow dishes in the common elements. The FCC OTARD rule does provide protections and limitations on restrictions for placement of dishes within the limited common elements such as your patio area. Reasonable restrictions regarding the placement, installation and location of the dish will be permitted so long as a signal can be received and the installation is in compliance with the FCC OTARD rule...

Q: If I live in a condominium, cooperative, or other type of residence where certain areas have been designated as "common," do these rules apply to me?

A: The rules apply to residents of these types of buildings, but the rules do not permit you to install an antenna on a common area, such as a walkway, hallway, community garden, exterior wall or the roof. However, you may install the antenna wholly within a balcony, deck, patio, or other area where you have exclusive use. Again, in this community, that would be the patio area.

Drilling through an exterior wall, *e.g.* to run the cable from the patio into the unit, is not within the protection of the rule because the exterior wall is a common element. You should check with your retailer or installer for advice on how to install the antenna without drilling a hole, if at all possible. Alternatively, the Board may grant permission for you to drill such a hole. The FCC rules generally do not cover installations if you drill through a common element.

<https://transition.fcc.gov/cgb/consumerfacts/consumerdish.pdf>

Respectfully,

Rick Calhoun

Collingwood Pointe at the Preserve

Board President