

Satellite and Telecommunications Equipment Rules

- I. These rules gather in one place and rearticulate the various safety, appearance, and HOA authority issues related to the placement and use of satellite dishes and other telecommunications equipment affixed to structures or land in Garrett Farms.

As a result of the Telecommunications Act of 1996, the FCC adopted Over-the-Air Reception Devices rules for governmental and nongovernmental agencies' abilities to restrict viewers' ability to receive video programming signals from a variety of sources, including broadband radio and direct broadcast satellites. While these rules were originally quite restrictive on nongovernmental entities like homeowners' associations, revised rules restored associations' ability to govern the installation and placement of these devices, within modest limits. Garrett Farms' rules fall within those modest limits.

- II. Rules:

- a. The following rules apply to video antennas, including direct-to-home satellite dishes greater than one meter (39.37") in diameter.
 1. No dishes greater than one meter (39.37") in diameter are allowed.
- b. The following rules apply to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas, and wireless cable antennas. It also includes any external devices used to transmit or receive fixed wireless signals.
 1. Dishes and antennae do not have to be approved by the Garrett Farms Architectural Review Committee before installation, per FCC rules. However, the ARC must be notified through Garrett Farms' management company of record within two weeks of installation. That notice must include an attestation by the homeowner that appearance rules have been followed and a description of how (ex. Homeowner planted two shrubs to obscure the view from the street, or placed dish below the arc of the roof, or painted dish to blend).

As an alternative, a homeowner must attest that following the rules would generate more than nominal cost or impair reception below acceptable quality signals, as defined by the FCC and support that claim with a detail of the expected cost or a reception report of the installer. "Nominal cost" is not to be read as no cost or a cost unreasonably below the cost of other landscaping or modest upkeep expenditures for this community. Failure to provide fully articulated notice to the ARC is a violation of HOA rules. (appearance)

2. Dishes may not be placed within utility rights-of-way, or otherwise within five feet of underground cables or utility boxes, or household utilities that provide fuel or power. (safety)
3. Dishes must be placed out of sight from the street (whether roof or ground mounted). Dishes on home sites where invisibility cannot be achieved should be placed on the side or rear of the house and camouflaged by ARC approved landscaping or structures. If complying with either rule would: a) incur more than nominal cost b) unreasonably increase the cost of or delay maintenance, or c) impair reception below acceptable quality signals, as defined by the FCC, the homeowner must inform the ARC as noted in 1. (appearance)
4. No masts greater than 12 feet above the roofline are allowed at all, if placed on a structure. Ground mounted masts should be no taller than 6 feet and must follow the sight rules in 3. (appearance)
5. Satellite dishes and antennae that are in use must be properly maintained. Any dishes or antennae that are not actively in use to receive audio or video transmissions must be removed from structures or land. Maintenance and removal do not require ARC approval. (safety, appearance, nuisance)
6. Satellite dishes and antennae may not be placed in any location or operated where they interfere with the ability of other homeowners to receive or transmit audio or video signals. (nuisance)
7. Operators of AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, and Digital Audio Radio Services ("DARS") signals are not covered by the FCC rules. Operators of those communications devices and signals may not interfere with the ability of other homeowners to receive and transmit audio and video signals. No antennae, dishes, or towers may be installed without ARC approval. Any approved structures such as these must be out of sight from the street and can in no case exceed 6 feet in height.

Board Reference: <http://www.fcc.gov/guides/over-air-reception-devices-rule>

<http://www.vahoalaw.com/covenant-enforcement-satellite-dishes.html>

http://www.lawserver.com/law/state/north-carolina/nc-laws/north_carolina_laws_160a-383-3 (does not interfere with HOA covenants and rules, just localities)