



Surfside I Association

199 E. Surfside Dr. Port Hueneme, CA 93041
Phone 805-488-3304 Fax 805-986-4603

RESOLUTION AND INSTALLATION GUIDELINE
SATELITE DISHES AND ANTENNAS

RESOLUTION # 1001 - 2001

WHEREAS, IN JANUARY 1996, the California Civil Code was amended by the addition of Section 1376. This Section makes unenforceable certain CC&R restrictions prohibiting homeowners from installing satellite dishes or television antennas;

WHEREAS, IN AUGUST 1996, the FCC adopted a rule limiting the ability of Associations to prohibit the installation of satellite dishes or televisions antennas. The FCC rule, which take precedence over California Civil Code Section 1376, differs in several important ways;

WHEREAS, Section 11.2 {c} of the Association's CC&R's currently prohibits the installation by homeowners of "radio or television receiving or transmitting antennas or external apparatus on or upon any unit, or in, on or upon any part of the Common Area" without prior written approval by the Architectural Committee or by the Board of Directors. In addition, Section 5.1 of the CC&R's permits the adoption of reasonable rules to enforce and interpret the CC&R's;

WHEREAS; under the California Civil Code and the FCC rule, the Association may no longer enforce Section 11.2 {c} of the CC&R's to prohibit or require prior written approval of the Association for the installation of satellite dishes, which are 36 inches or less in diameter, or for television antennas.

WHEREAS, under the CC&R's, California Civil Code and the FCC rule, the Board of Directors may adopt and enforce installation guidelines governing the installation of satellite dishes and antennas. In addition, the Association may continue to enforce the Section 11.2{c} of the CC&R's to prohibit the installation of dishes / antennas which are not covered under the FCC rule;

WHEREAS, the FCC rule defines "reasonable restrictions" as those restrictions that do not unreasonably delay or prevent installation, unreasonably increase the cost of installation or reduce the acceptability or quality of any signal;

WHEREAS, the FCC rule expressly forbids the Association from requiring prior approval, the CC&R's, California Civil Code and FCC does not prohibit the charging of the homeowner for any loss or damage caused by the unauthorized installation of a satellite dish or antenna on the common areas, such as roofs, or common area building walls or any other portion of the common area.

THEREFORE, BE IT RESOLVED and in light of the Board of Directors findings, as described above, the Board of Directors hereby adopts the following installation guidelines, for satellite dishes no larger than 36 inches in diameter and for antennas, either of which are to be installed in such a way as to create a minimum of visual intrusion from the common areas;

SATELLITE DISH AND ANTENNA INSTALLATION GUIDELINES

- 1.1 Homeowners should notify the Association of their intent to install a satellite dish or antenna. As a part of the notification, the dimension of the satellite dish or antenna and the location of the installation should be provided.
- 1.2 The installation of the satellite dish or antenna shall be completed in a good workmanship manner to prevent the satellite dish or antenna from falling. Cables and wires may not be left dangling. No holes may be drilled through common area walls, unless permission has been obtained, in advance, from the Association.
- 1.3 The satellite dish may be installed only on an individual owners separate interest in either a planned unit development or condominium association.
- 1.4 In a condominium development, the separate interest would be an exclusive use or restricted use balcony area and or patio. The installation may be made on the balcony or patio or affixed to the interior surface walls or the balcony or patio. Holes may not be drilled not common area walls, nor may the satellite dish be affixed to common areas, including roofs, walls and balcony railings.
- 1.5 The homeowner shall make an effort in a manner, which will as much as possible camouflage the installation using shrubs, landscape or screening with paint or other means.
- 1.6 Satellite dishes may not block any other unit's view of the beach, ocean, pier, islands, pools, spas or grassy areas of landscaping unless the owner establishes to the Board of Directors that this requirement will substantially increase the cost of installation or substantially reduce the quality of the signal obtained. Effort must be made by owner / tenants who install satellite dishes to place them as unobtrusively as possible so as to maintain an uncluttered look to the complex.

Once completed, a Surfside HOA representative will review the installation to confirm compliance with these installation guidelines. Satellite dishes or antennas which do not meet these criteria (e.g., they are larger than 36 inches, or they are installed on any common area such as the roofs or exterior surfaces of a condominium building or anywhere on the common area), continue to be prohibited, unless approved by the Association, in writing, prior to installation.

Should an installation of a satellite dish or antenna be approved by the Surfside I HOA upon a common area, such as roofs or common area walls, the Association will retain exclusive control over these installations. This is necessary because of the special risks attendant to the installation on, for example, a roof: e.g., the risks of personal injury, damage to the roofs, unlicensed or uninsured contractors, etc. No satellite dish or antenna may be installed on the roof.

Homeowners will be responsible for reimbursing the Association for any costs, which the Association may incur to repair damages to any common area, such as the roofs or exterior surfaces of residences, or damages to any other common area, caused by their installation of satellite dishes or antennas.