



**LAKE BARRINGTON COMMUNITY
HOMEOWNERS ASSOCIATION**

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HOMEOWNER APPLICATION FOR
ARCHITECTURAL REVIEW

ANTENNAS AND
SATELLITE DISHES

SUPPLEMENTARY INFORMATION

The Architectural Commission meets on the first Monday of each month, unless otherwise posted. Applications must be submitted to the Management Office at least one week in advance of the meeting in order to be considered. Please allow time for approval by your Condo Board as well. A schedule of all Condo Board meetings is available in the Management Office.

Satellite Dishes and Antennas

Checklist

- _____ Provide drawing (plan view/bird's eye view) and elevation (side view) drawing of structure, including dimensions, that dish or antenna will be mounted to.
- _____ On drawing, indicate direction of "North" with an arrow
- _____ Indicate placement of intended dish or antenna location
- _____ Indicate what type of mounting equipment will be used
- _____ Provide product literature for satellite dish or antenna
- _____ Indicate how and where lead-in cables will enter the building. Wires must be anchored and secured.

PRELIMINARY MODEL RULES FOR INSTALLATION OF
ANTENNAS AND SATELLITE DISHES

I. Preamble

These rules are adopted by the Master Board of Lake Barrington Community Homeowners Association and Lake Barrington Shores Condominium H.O.A., on July 8, 1998. Effective August 8, 1998.

Recitals

WHEREAS, the L.B.C.A. ("the Master Board"), and L.B.S. Condominium H.O.A. ("the Association") are responsible for governance and maintenance of the Common Elements; and

WHEREAS, the Association exists pursuant to the Declaration of Condominium Ownership for Lake Barrington Shores; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the interests of the Association, pursuant to the applicable state of Illinois law and the governing document; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain association restrictions on the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas ("antennas"); and

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing installation, maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW, THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the "Rules," which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted on the same subject matter.

II. Definitions

A. Antenna - any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna, provided it meets FCC standards for radio frequency emission.

B. Transmission-only antenna - any antenna used solely to transmit radio, television, cellular or other signals.

LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

C. Owner - any association unit owner.

D. Telecommunications signals - signals received by DBS, television broadcast, and MDS antenna.

E. Exclusive-use area - limited common area in which the owner has a direct or indirect ownership interest and that is designated for the exclusive use of the owner as defined in the *appropriate association document*. "Exclusive use" means an area of property that only you, and persons you permit, may enter and use to the exclusion of other residents.

III. Installation Rules

A. Antenna Size and Type

1. DBS antennas that are one meter or less in diameter may be installed. Antennas designed to receive satellite signals, which are larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are strictly prohibited.
3. Installation of transmission-only antennas is strictly prohibited.
4. **All antennas not covered by the FCC rule are strictly prohibited.**
5. No more than one antenna may be installed per unit.

B. Location.

1. Antennas must be installed solely in owner's unit or on individually owned property or exclusive-use area, as designated on the *Declaration of Condominium Ownership defining the portions of common, limited common, individual-owned property or exclusive use area*.
2. **If acceptable quality signals can be received by placing antennas inside a unit without unreasonable delay or unreasonable cost, then outdoor installation is prohibited.**
3. Antennas may not encroach upon any common elements, any other owner's individual unit or limited common element, or the air space of another owner's limited common element. An antenna that extends out beyond the balcony or patio is considered to be in a common area.
4. Antennas shall be located in a place shielded from view from other units 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 common property, even if an acceptable quality signal cannot be received from an individually-owned or exclusive-use area. The following is a list of Prioritized placement preferences:
 - a) fenced-in courtyard
 - b) underside of applicant's balcony
 - c) on balcony
 - d) on patio or deck
5. Under some circumstances, the availability of a central or common antenna can be

LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

used by a community association to restrict the installation of individual antennas. In addition, the rule does not apply to common areas that are owned by a community association, or jointly by condominium owners. Therefore, restrictions on antennas installed in common areas are enforceable.

C. Installation on Exclusive Use Areas.

1. Antennas shall be installed no higher than is absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so they do not materially damage the common elements, limited common elements, or individual units, or void any warranties of the condominium association or other owners, or in any way impair the integrity of the building.
3. Any installer shall provide the association with an insurance certificate listing the association as a named insured prior to installation. Insurance shall meet the following minimum limits:
 - a. Contractor's General Liability (including completed operations): **\$1,000,000.**
 - b. Worker's Compensation: **Statutory Limits.**
 - c. The purpose of this regulation is to ensure that antennas are installed in a manner that complies with the building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard Association residents and personnel.
4. Antennas must be secured so they do not jeopardize the soundness or safety of any structure or the safety of any person at or near the antennas, including damage from wind velocity.
5. There shall be no penetrations of exterior, exclusive-use areas of the building unless it is necessary to receive an acceptable quality signal or unreasonably increase the cost of dish or antenna installation. The following devices shall be used unless they would prevent an acceptable quality signal or unreasonably increase the cost of dish or antenna installation, maintenance or use:
 - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane;
 - b. Devices, such as ribbon cable, which permit the transmission of telecommunications signals to a residence through a window or door without penetrating the wall; or
 - c. Existing wiring for transmitting telecommunications signals and cable services signals.
6. If penetration of the exterior exclusive-use area is necessary the penetration shall be properly water-proofed and sealed in accordance with applicable industry standards and building codes. The purpose of this rule is to prevent structural damage to the building and residents from moisture.
7. Upon completion, all installations must be inspected and approved. Any and all costs associated with this inspection shall be the sole responsibility of the individual unit owner.

D. Maintenance

1. Owners who install or maintain antennas are responsible for all associated costs, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damage to any property caused by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
 - d. Reimburse residents or the Association for damage caused by antenna installation,

LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

maintenance or use;

e. Restore antenna installation sites to their original condition.

2. Owners shall not permit their antennas to fall into disrepair or to become a safety hazard. Owners shall be responsible for antenna maintenance, repair and-replacement, and the corrections of any safety hazard.
3. If antennas become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association may remove antennas at the expense of the owner.
4. Owners shall be responsible for antenna repainting or replacement if the exterior surface of antennas deteriorates.

E. Safety

1. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. Owners, prior to installation, shall provide the Association with a copy of any applicable governmental permit if required for safety reasons. If the Village of Lake Barrington requires a building permit it is the responsibility of the owner to supply one.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within ____ feet of power lines (aboveground or buried). The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. Antennas shall not obstruct access to or exit from any unit, walkway, ingress or egress from an area, electrical service equipment, or any other areas necessary for the safe operation of the condominium. The purpose of this requirement is to insure the safety of association residents and personnel and safe and easy access to the association's physical plant.
4. Installations must comply with all applicable codes take aesthetic considerations into account and minimize the impact to the exterior and structure of the owner's unit.
5. To prevent electrical and fire damage, antennas shall be permanently grounded.

IV. Antenna and Satellite Dish Camouflaging

- A. Antennas shall be painted to match the color of the structure to which they are installed.
- B. Camouflaging antennas through inexpensive screening or plants is required if antennas are visible from the street or other units.
- C. Exterior antenna wiring shall be installed so as to be minimally visible.

V. Antenna Removal

Antenna removal requires restoration of the installation location to its original condition,

LAKE BARRINGTON COMMUNITY HOMEOWNERS ASSOCIATION

especially when owner moves. Owners shall be responsible for all costs relating to restoration of this location.

VI. Association Maintenance of Locations Upon Which Antennas are Installed

- A. If antennas are installed on property that is maintained by the Association, the owners retain responsibility for antenna maintenance. Antennas must not be installed in a manner that will result in increased maintenance costs for the Association or for other residents. If increased maintenance or damage occurs, the owners are responsible for all such costs.
- B. If maintenance requires the temporary removal of antennas, the Association shall provide owners with 10 days written notice. Owners shall be responsible for removing or relocating antennas before maintenance begins and replacing afterward. If they are not removed in the required time, then the Association may do so, at the owner's expense. The Association is not liable for any damage to antennas caused by Association removal.

VII. Notification Process

- A. Any owner desiring to install a dish or antenna must complete an Application for Architectural Review form and submit it to the Management Office for Architectural Commission review. If the installation is routine, conforms to all of the above restrictions and is approved by the homeowner's Condominium Board, installation may begin.
- B. If the installation is other than routine for any reason, the owner and the Architectural Commission must establish a mutually convenient time to meet to discuss installation methods. The Architectural Commission meets the first Monday of every month and recommends its decision to the individual Condo Board of Directors

VIII. Enforcement

- A. If these rules are violated, the Association, after notice and opportunity to be heard, may bring action for declaratory relief with the FCC or any court of competent jurisdiction. If the court or FCC determines that the Association rule is enforceable, a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law *and/or the governing documents*, 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 ask injunctive relief to prohibit the installation or seek removal of the installation.

IX. Severability

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.