



**BIRCH GLEN CONDOMINIUM ASSOCIATION  
SATELLITE DISH REQUIREMENTS  
RULES**

Dear Unit Owner:

Thank you for contacting this office with regard to installing a satellite dish at your home.

Please understand that all requests for modifications must be in writing to this office. Your request(s) will be reviewed and approval will be returned to you as long as your request(s) meets the criteria set for said installation(s). An inspection of the proposed area of installation may be required. Please allow 10 days for formal approval to be returned to you. Below we have provided some general information for satellite installation:

**Satellite Dish:**

1. You may install the dish on the patio area, balcony area or railing (if Applicable) or in a landscaped shrub bed area directly in the front, side or back of your unit. Should your unit face a direction that does not receive the necessary reception, you may submit your request to install the dish on the side of building closest to your unit, next to the garbage closets. This area must be indicated on your drawing.
2. All homeowners wishing to install a satellite dish are required to submit a bond in the amount of \$250.00. This check must be attached to your request, and be made payable to Birch Glen Condominium Association. The \$250.00 will be returned to your upon removal of the satellite dish, provided all damage is repaired.
3. A drawing must be submitted showing the exact, proposed location of the dish.
4. The placement of the dish must be no more then two (2) feet away from the building.
5. The dish may be installed on a short pole, if needed. However, the height of the dish cannot exceed the height of the bottom of the ground floor window.
6. The dish shall not exceed 18 inches in diameter.
7. Do not install the dish until you have been given formal approval from this office.
8. A Restrictive Covenant form (enclosed) must be completed, signed, and notarized to be returned with your request.

Should you have any questions pertaining to any of the information we have provided for you, please do not hesitate to contact this office at (732) 296-6660.

Very truly yours,

**SUPERIOR MANAGEMENT GROUP, INC.**  
Managing Agent for Birch Glen  
Condominium Association

**Notice of Intent to Install Satellite Antenna on Limited Common Element**

Unit Owner Name: \_\_\_\_\_

Unit Address: \_\_\_\_\_  
\_\_\_\_\_

Tenant's Name: \_\_\_\_\_

(Attach copy of owner's written permission)

Telephone (day): \_\_\_\_\_ Telephone (evening) \_\_\_\_\_

Type of Antenna: \_\_\_\_\_

Direct Broadcast Satellite \_\_\_\_\_ 18-inch \_\_\_\_\_ other \_\_\_\_\_ size \_\_\_\_\_

Television Broadcast \_\_\_\_\_

Multipoint distribution service \_\_\_\_\_ Size \_\_\_\_\_

Company Performing Installation \_\_\_\_\_

Identify Installation Location: Deck Balcony Flower Bed

Date of Installation: \_\_\_\_\_

Please indicate the method of installation

**Will the installation be in compliance with all Association guidelines (which include manufacturer's guidelines and applicable building codes)? YES NO**

If no, please provide three days and times for which you are available to meet with us to discuss antenna installation. At this meeting, you will need to provide information supporting the necessity for non-routine installation. (A list of preferable days and times is attached.)

**Is a mast necessary for reception? YES NO**

**If yes, is the mast required to extend more than 12 feet above the roofline or extend to a height greater than the distance from the installation to the lot line? YES NO**

I will comply with all of the Association's rules for installing, maintaining, and using antennas. I assume liability for any damage to Association and other owner's property that occurs due to antenna installation, maintenance and use.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## 1. Definitions

1. **Antenna** – any device used for the receipt of video programming services, including direct broadcasting satellite (DBS), television broadcast, and multipoint distribution services (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. A mast, support, guy 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.
2. **Mast** – Structure to which an antenna is attached that raises antenna height.
3. **Transmission** – only antenna – any antenna used solely to transmit radio, television, cellular, or other signals.
4. **Owner** – any association unit owner. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the unit owner to install antennas.
5. **Telecommunications signals** – signals received by DBS, television broadcast, and MDS antennas.
6. **Exclusive-use area** – limited common area in which the owner has a direct or indirect ownership interest and that is designed for the exclusive use of the owner as defined in the *appropriate association document* that is next to the owner’s unit.

## 2. Installation Rules

### 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 prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. **All antennas not covered by the FCC rule are prohibited.**
5. All dishes must have proper wiring and grounding.

## 3. Location

1. Antennas must be installed solely in the owner’s unit or on individually owned property or exclusive-use area, as designated on the *Association document defining the portions of common, limited common, or individual-owner property. (This may be any front deck and/or balcony or limited common area flowerbed belonging to a unit.)* Installation of antennas on a limited common element does not convert the limited common element to individual property. Under no circumstances can a dish be installed on a building or roof, or in the lawn areas.
2. **If acceptable quality signals can be received by placing antennas inside a unit without unreasonable delay or unreasonable cost increase, than outdoor installation is prohibited.**

3. Antennas must 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.
4. Antennas shall be located in an exclusive use area shielded from view from outside the community or from other units. However, nothing in this rule would require installation in an exclusive use area where an acceptable quality signal cannot be received, or installation in this exclusive use area would significantly increase the cost. 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.

#### **4. Installation on Exclusive Use Areas**

1. Antennas shall be no larger nor installed 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 any way impair the integrity of the building.
3. Any installer other than the owner shall provide the Association with an insurance \_\_\_\_\_
4. Contractor's General Liability (including completed operations):
  - a. The purpose of this regulation is to ensure that antennas are installed in a manner that complies with building and safety codes and manufacturer's instructions. Improper installation could cause damage to structures, posing a potential safety hazard to Association residents and personnel.
5. Antennas must be secured so they do not jeopardize the soundness or safety of any structure or safety of any person at or near the antennas, including damage from wind velocity.
6. There shall be no penetrations of exterior, exclusive-use areas of the building unless it is necessary to receive an acceptable quality signal or it would unreasonably increase the cost of antenna installation. In any event, all wiring must be concealed and may only enter through the hood frame of a door or widow. The following devices shall be used unless they would prevent an acceptable quality signal or unreasonably increase the cost of 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 into a residence through a widow or door without penetrating the wall; or
  - c. Existing wiring for transmitting telecommunications signals and cable services signals.

- d. If penetration of the exterior exclusive use areas 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 residence from moisture.

## **5. 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 antennas installation, maintenance, or use;
  - c. Pay medical expense incurred by persons injured by antenna installation, 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 & replacement and the correction 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.

## **6. 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.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed near power lines (above-ground 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 ensure 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.

## **7. Antenna Camouflaging**

1. Antennas shall be painted to match the color of the structure to which they are installed, provided it does not interfere with reception or impose unreasonable costs to the owner.
2. Camouflaging antennas through inexpensive screening or plants may be required if antennas are visible from the street or other units.
3. Exterior Antennas wiring shall be installed so as to be minimally visible.

## **8. Mast Installation**

Although the FCC mandates that masts higher than twelve (12) feet above the roofline may be subject to local permitting requirements, antennas covered by the rule may be mounted on masts to reach the height needed to receive or transmit an acceptable signal. However, the Association in multiple dwelling units can impose any restrictions it wishes.

The Association will approve installation that follows the required guidelines within ten working days. Once approval is received, you are then free to carry out the installation, unless for some reason the size or location anticipated does not conform to the Rules, in which case the Board of Trustees will schedule a meeting at a mutually convenient time to determine the best location for your antenna without the use of a mast. Do not install the dish until you receive approval from the Association. The Master Deed and Restrictive Covenant of Birch Glen defines Limited Common Element areas as the decks and/or patios and flowerbeds of each unit.

## **9. Antenna Removal**

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

## **10. Association Maintenance of Locations Upon Which Antennas are Installed**

1. 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.
2. 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 antennas 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.

## 11. Notification Process

1. Any owner desiring to install an antenna must complete a notification form and submit to the *Management Company*. If the installation is routine, conforming to all of the above restrictions, the Association will return written approval within ten business days and the installation may begin after receipt of approval.
2. If the installation is other than routine for any reason, the owner and the *Entity* must establish a mutually convenient time to meet to discuss installation methods. (A schedule of convenient times for the Entity should be included.) **(Note: The FCC prohibits an approval process for routine installations that could delay installations.)**
3. If you wish to install a satellite dish, please execute the following instructions and forward the notarized Restrictive Covenant and \$40.00 check along with the required fee to your Association made payable to the County Clerk to the Association office for processing.

## 12. Installation by Tenants

These rules shall apply in all respects to tenants. Tenants desiring to install antennas shall obtain prior written permission of the unit owner. A copy of this permission must be furnished with the request.

## 13. Enforcement

1. 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 \$25.00 shall be imposed by the Association against the owner for each violation. If the violation is not corrected within a reasonable length of time, additional fines of \$25.00 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 expense incurred in the enforcement of this policy.
2. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit the installation or seek removal of the installation.

## 14. Severability

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