

2000-0149828

Rules for Installation of Satellite Dishes and Antennas

These rules are adopted by the Board of Directors of Stone Oak Property Owners Association, Inc., on the 29th day of August, 2000.

WHEREAS, the Stone Oak Property Owners Association, Inc. ("the Association") is responsible for governance and maintenance of the Stone Oak Master Planned Community ("the Community"); and

WHEREAS, the Association exists pursuant to the First Amended and Restated Stone Oak Master Plan recorded in Volume 4361, Page 617, Real Property Records of Bexar County, Texas, as amended and/or supplemented from time to time, and other governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted a rule effective October 14, 1996, preempting certain restrictions in the governing documents concerning 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 rules on the same subject matter.

I. Definitions

- A. **Antenna**—any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and/or 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 that it meets FCC standards for radio frequency emission. A mast, cabling, supports, 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.
- B. **Mast**—Structure to which an antenna is attached that raises the antenna height.
- C. **Transmission**—~~only~~ **Antenna**—any antenna used solely to transmit radio, television, cellular, or other signals.

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- D. **Owner**—any property owner in the Association who is installing an antenna. For the purpose of this rule only, “Owner” includes a tenant.
- E. **Telecommunications Signal**—signals received by DBS, television broadcast, and MDS antennas.
- F. **Resident**—all other property owners in the Association. For the purpose of this rule only “resident” shall include tenants and guests of a property owner.

II. Installation Rules

A. Antenna Size and Type

- 1. DBS antennas that are one meter or less in diameter may be installed. Antennas 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 standard television broadcast signals, regardless of size, may be installed.
- 4. Installation of Transmission-only antennas are prohibited unless approved by the Architectural Review Committee.
- 5. All antennas not covered by the FCC rule are prohibited unless specifically approved in writing by Stone Oak Architectural Review Committee.

B. Location

- 1. Antennas shall be installed solely on property owned by the Owner. Antennas shall not be installed on or encroach upon common property or property belonging to any third party.
- 2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation is prohibited.
- 3. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually-owned lot. The Association prefers that antennas be installed in the attic to the maximum

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extent possible or at rear of property below fence height. Further, to the maximum extent possible, the Association prefers that the antenna be installed in such a manner that it is shielded from view.

C. Installation

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 that they do not damage the common areas of the Association or the property of any resident, or void any warranties of the Association or residents, or in any way impair the integrity of buildings on common areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
 - a. Place (or replace), repair, maintain, and move or remove antennas;
 - b. Repair damages to the common areas, other lots, and any other property damaged by antenna installation, maintenance or use;
 - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
 - d. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
4. Antennas must be secured so that they do not jeopardize the soundness or safety of any other resident's property or the safety of any person at or near antenna, including damage from wind velocity based upon a unique location.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for 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, manufacturer's instructions,

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and utility regulations and/or requirements. The Owner shall provide the Association with a copy of any applicable governmental permit with the notification statement.

2. All installations must comply with all applicable codes.
3. Antennas shall not be placed where they come into contact with any electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand high winds, and shall be designed to withstand the pressure of snow and ice.

III. Antenna Camouflaging

- A. **Visibility** Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. **Camouflaging** Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened by new landscaping or screening of reasonable costs.
- C. **Painting** Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed providing that the paint will not degrade the signal or the manufacturer's warranty. To the maximum extent possible, Owners must use a paint that will not degrade the signal or manufacturer's warranty.
- D. **Expense** Unreasonably expensive camouflaging shall not be required.

IV. Mast Installation

- A. **Maximum Height** Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. **Masts Over 12 Feet in Length** Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet must include a detailed description of the structure and anchorage of the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation

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will pose a safety hazard to Association residents and personnel, then the Association may prohibit such installation. The notice of rejection shall specify these safety risks.

- C. **Licensed Contractor** Any masts longer than 12 feet must be installed by a licensed and insured contractor.
- D. **Painting** Masts must be painted the appropriate color to match their surroundings.
- E. **Location** Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damaged if the mast were to fall during a storm or from other causes.
- F. **Power Lines** Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulations is to avoid damage to electric power lines if the mast should fall in a storm.
- G. **Encroachment** Masts shall not encroach upon another resident's lot or any common area.
- H. **Winds** Masts are required to withstand high winds.
- I. **Ice/Snow** Masts must be designed to withstand the weight of ice and snow.

IV. Association Maintenance of Locations In Proximity to Antenna Locations.

- A. **Responsibility for Costs** Owners must not install antennas in a manner that will result in increased maintenance costs for the Association or for other residents. If such damage occurs, Owners are responsible for these costs.
- B. **Removal** If maintenance requires antenna removal, the Association shall provide Owners with 10 days written notice. Owners shall be responsible for removing antennas before maintenance begins. If Owners do not remove antennas by the required time, then the Association may do so, at Owners' expense. The Association is not liable for any resulting damage to antennas.

V. Notification Process

- A. **Notification Form** Any Owner desiring to install an antenna must complete a notification form and submit it to the Architectural Review Committee c/o the Association office. If the installation is routine (conforms to all of the above rules and restrictions), the installation may begin immediately.

- B. **Installation by Tenant** Any tenant desiring to install an antenna must notify the owner of the property and provide the Architectural Review Committee a copy of that notice along with the notification form required in subparagraph A. above.
- C. **Non-routine Installation** If the installation is other than routine for any reason, the Association encourages the Owner to meet with the Architectural Review Committee at a mutually convenient time to discuss the installation methods.


VI. Enforcement

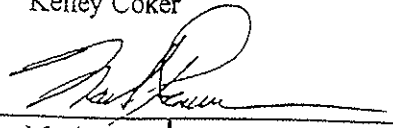
- A. **Declaratory Relief** If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, the violation must be corrected within twenty-one (21) days and a fine of \$50 shall be imposed by the Association for each violation. If the violation is not corrected within twenty-one (21) days, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.
- B. **Injunctive Relief** If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

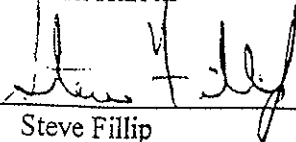
VII. Severability

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

**STONE OAK PROJECT PLANNING
COMMITTEE MEMBERS:**

By: 
Kelley Coker

By: 
Mark Harren

By: 
Steve Phillip

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By: Terry DeWitt
Terry DeWitt

By: Andrew Schmeltekopf
Andrew Schmeltekopf

By: H. J. Buckley
H. J. Buckley

By: Rick Sheldon
Rick Sheldon

AGREED TO, APPROVED AND ACCEPTED:

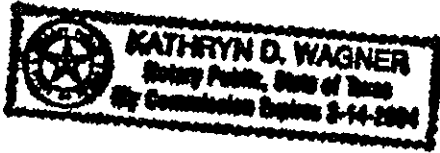
THE STONE OAK PROPERTY OWNERS ASSOCIATION, INC.,
a Texas Non-Profit Corporation

By: L. J. Bruner
Name: L. J. BRUNER
Title: MANAGER

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STATE OF TEXAS §
 §
COUNTY OF McLENNAN §

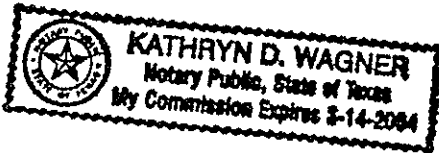
This instrument was acknowledged before me this 14th day of August, 2000, by Kelley Coker, as a member of the Stone Oak Project Planning Committee.



Kathryn D. Wagner
Notary Public, State of Texas

STATE OF TEXAS §
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COUNTY OF McLENNAN §

This instrument was acknowledged before me this 14th day of August, 2000, by Mark Harren, as a member of the Stone Oak Project Planning Committee.



Kathryn D. Wagner
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF McLENNAN §

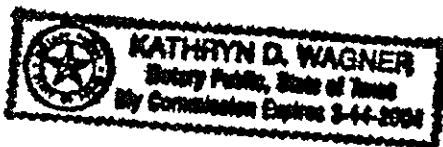
This instrument was acknowledged before me this 14th day of August, 2000, by Steve Fillip, as a member of the Stone Oak Project Planning Committee.



Kathryn D. Wagner
Notary Public, State of Texas

STATE OF TEXAS §
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COUNTY OF McLENNAN §

This instrument was acknowledged before me this 25 day of August, 2000, by Terry DeWitt, as a member of the Stone Oak Project Planning Committee.

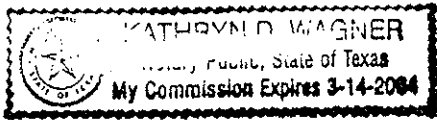


Kathryn D. Wagner
Notary Public, State of Texas

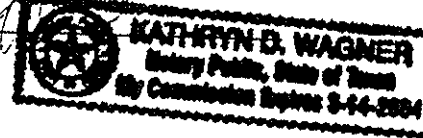
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STATE OF TEXAS §
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COUNTY OF McLENNAN §

This instrument was acknowledged before me this 17 day of August, 2000, by Andrew Schmeltekopf, as a member of the Stone Oak Project Planning Committee.

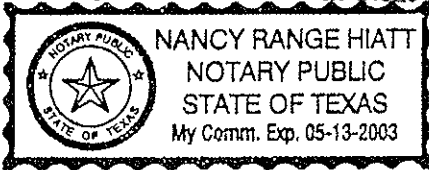


Kathryn D. Wagner
Notary Public, State of Texas



STATE OF TEXAS §
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COUNTY OF BEXAR §

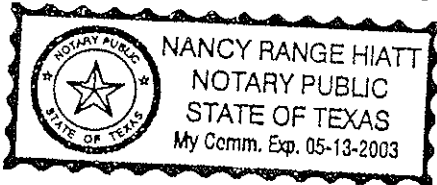
This instrument was acknowledged before me this 29th day of August, 2000, by H. J. Buckley, as a member of the Stone Oak Project Planning Committee.



Nancy Range Hiatt
Notary Public, State of Texas

STATE OF TEXAS §
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COUNTY OF Bexar §

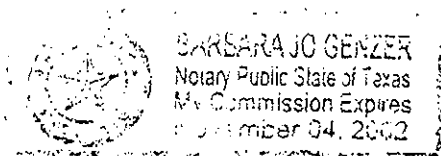
This instrument was acknowledged before me this 29th day of August, 2000, by Rick Sheldon, as a member of the Stone Oak Project Planning Committee.



Nancy Range Hiatt
Notary Public, State of Texas

STATE OF TEXAS §
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COUNTY OF Bexar §

This instrument was acknowledged before me this 29th day of August, 2000, by Larry J. Bruner, Manager of the Stone Oak Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Barbara Jo Ginzler
Notary Public, State of Texas

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After Recording, Return To:

8000 IH 10 West, Suite 1000
San Antonio, Texas 78230

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 01 2000



Gerry Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Filed for Record in:
BEXAR COUNTY, TX
GERRY RICKHOFF, COUNTY CLERK

On Aug 31 2000
At 4:43pm

Receipt #: 365226
Recording: 21.00
Doc/Mgmt: 6.00
Doc/Num : 2000- 0149828
Deputy -Catherine Revilla

STONE OAK ARCHITECTURAL REVIEW COMMITTEE

19210 Huebner Road, Ste. 102
San Antonio, TX 78258
SOPOASA@AOL.COM
(210) 490-9481 • (210) 490-1391, Fax

NOTIFICATION OF INTENT TO INSTALL A SATELLITE DISH

PROPERTY OWNER'S NAME: _____ PHONE NO.: _____

PROPERTY ADDRESS: _____

APPLICANT'S NAME: _____ PHONE NO.: _____
(If other than owner)

DESCRIPTION OF PROPOSED DISH/ANTENNA:

Size _____ Type (circle one): DBS ⁽¹⁾ MDS ⁽²⁾

PROPOSED LOCATION:

Where on the property _____

Where on the building _____

TOTAL HEIGHT ABOVE GROUND: _____

TO BE AFFIXED TO (Circle one): Building Mast

METHOD PROPOSED FOR SCREENING OR CAMOUFLAGING ANTENNA, DISH AND MAST (IF ANY) FROM ABOVE A FENCE OR RAILING: _____

SIGNED: _____
Owner (Required) Applicant (If not owner)

DATE: _____

- (1) Direct Broadcast Satellite
- (2) Multi-Point Distribution Service