

Regulations for Satellite Dishes in the Oella HOA April 8, 2003

The Board of Directors (the "Board") of the Oella Homeowners Association (the "Association") has adopted the following rules and regulations pertaining to satellite dishes in the Association:

WHEREAS: The Initial Rules and Regulations of the Declaration of Covenants, Conditions and Restrictions, Exhibit C, Paragraph 7, recorded among the Land Records of Baltimore County on June 9, 1988 provides:

"No satellite dishes, television, radio or other antennae shall be commenced, or maintained upon any Lot."

WHEREAS: In 1996 the Federal Communication Commission under Section 207 of the Telecommunications Act of 1996 overruled various local restrictions on the one meter satellite dishes.

WHEREAS: The federal regulations relating to satellite dishes are set forth in Part 1 of Section 47 of the Code of Federal Regulations, which provides: the "restriction otherwise prohibited ... is permitted if: 2. It is necessary to preserve an historic district listed or eligible for the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1996, as amended, 16 U.S.C. 470a, and imposes no greater restrictions on antennas covered by this rule than are imposed on the installation, maintenance or use of other modern appurtenances, devices or fixtures that are comparable in size, weight, and appearance to this antenna...."

WHEREAS: The Association is in a National Register Historic District, to which the exception in Part 1 of Section 47 of the Code of Federal Regulations applies.

WHEREAS: Oella has both historic homes and new homes in the National Register Historic District, and the Association deems it advisable, necessary and in the best interest of the Association to provide regulations governing any proposed installation of a satellite dish.

By right a homeowner of New Housing (as defined below) may install a one-meter satellite dish. Set forth below are the guidelines for placement and concealment of satellite dishes for homeowners of New Housing.

By right the Association may prohibit the installation or placement of satellite dishes on or about an Historic Home (as defined below) as set forth below.

2. Upon receipt of the request from the Homeowner, the Board or its designees shall review and rule on satellite dish placement within 30 (thirty) days.

3. If the Board or its designees are satisfied that the homeowner has used his or her reasonable, best efforts to conceal the satellite dish from the view of public and private roadways and parking lots or if the Board or its designees are satisfied that the satellite dish will be placed in the most unobtrusive position on the property as possible, while still allowing for reception, the Board shall approve the installation of the one-meter or smaller satellite dish.

4. If the Board is not satisfied that the satellite dish will be appropriately concealed, the Board may designate an alternate site or suggest alternative methods for appropriately concealing the satellite dish.

Guidelines for Historic Homes. For purposes hereof, historic homes shall include all homes in the Association that are 75 years or older. ***

1. Except as set forth below, requests for a satellite dish installation on or about an historic home shall be denied, pursuant to the authority of Part 1 of Title 47 of the Code of Federal Regulations, as set forth above. HOA Board rulings on any requested exception shall be based on the merits of the case in a non-discriminatory manner.

2. Prior to installing a satellite dish, a homeowner must present a request for installation of a one-meter satellite dish to the Board in writing. Such request shall include the proposed location of the satellite dish, and shall describe or depict how the satellite dish will be concealed from the view of public and private roadways and parking lots.

3. Upon receipt of the request from the homeowner, the Board shall review and rule on satellite dish placement within 30 (thirty) days.

4. The Board may, in its sole and absolute discretion, grant the authority to the owner of an Historic Home to install a one-meter satellite dish only if the Board is satisfied that the satellite dish is appropriately concealed, including being concealed from the view of all public and private roadways and parking lots. Approval of a request for installation of a satellite dish on the property of an historic home requires the affirmative vote of five members of the Board.

***75 years is the age a home must be to qualify for historic rehabilitation tax credits and for placement on the National Register of Historic Places. There are no homes in the Association built between 1928 and 1984, so all homes are covered by the foregoing regulation.