

## Association Rules & Regulations / Design Committee Rules

This is a list of the Association Rules & Regulations commonly known as Design Committee Rules. These rules are established in accordance with the Association Covenants and may be changed by the Board of Directors under those covenants.

### Listing of the Rules:

<b>1. Dead Cars</b>	<b>10. Property Found on Common Areas</b>
<b>2. Dog Houses / Dog Runs</b>	<b>11. Quorums and As-Built</b>
<b>3. Extended Appeal Period</b>	<b>12. Recreational Vehicles and Trailers</b>
<b>4. Exterior Materials</b>	<b>13. Signs on Common Areas &amp; Private Areas</b>
<b>5. Fences</b>	<b>14. Storage for Exterior Items</b>
<b>6. Garbage Cans, Trash, Recycle etc.</b>	<b>15. Storage Sheds and Greenhouses</b>
<b>7. Holiday Lighting and Decorations</b>	<b>16. Road Edge Markers</b>
<b>8. Private Parking and Driveways</b>	<b>17. Snow Plowing Rules &amp; Related</b>
<b>9. Driveway Extension Criteria</b>	<b>18. Television et al Reception Devices aka the Antenna Rule</b>

### Rules:

#### Rule 1. Dead Cars

*(Adopted May 11, 2015)*

Article V.G.10 applies -- No noxious or offensive activities (including but not limited to the repair of automobiles) shall be carried on in the Properties ... No unit owner shall permit or cause anything to be done or kept upon the property which will ... interfere with the rights of other owners ... nor will an owner commit or permit any nuisance on the Properties .... -- And the Association has resolved: Outside storage of 'dead' cars (vehicles) is a nuisance which detracts from surrounding property values.

The Association considers 'dead' cars to be any motor vehicle which is clearly inoperative as evidenced by flat tire(s), missing body parts, resting on blocks or jack stands, or is surrounded by accumulated debris, or other unsightly materials in such a way that the vehicle is obviously not in use or because of which it would not be able to move without first removing the debris or materials.

The Associations PC&R's (Article V.G.3) require homeowners to maintain enclosed parking for cars regularly parked in the subdivision and thereby prohibit such long term outside storage. V.G.3 is modified by the Private Parking and Driveways Rule and the Recreational Vehicle Rule herein.

Form fitting vehicle covers, while otherwise allowed for the protection of a vehicle being driven on a frequent or daily basis, will not be used to obscure flat tires, jack stands, missing body work, or any other condition that would identify the vehicle as a "dead vehicle."

## **Rule 2. Dog houses/dog runs**

*(Adopted March 10, 2014)*

Dog houses must be positioned to the side or back of a family dwelling in such a manner as to be the least visible from a common area, and not to impede road or pedestrian traffic. Construction will be of natural wood that conforms to the main dwelling siding material and color. Roofs will be as specified in the PC&R's. Chain link dog runs will be permitted in the interest of safety as long as the height does not exceed the height of the privacy fence which must hide the dog run. Consent of the Design Committee must be obtained in writing prior to installing a dog run.

Homeowners sometimes use the overhead wire and pulley dog run for their dogs. These are permissible if they are fully in the rear private area (behind the house) and do not present a hazard (must be at least 8 feet above the ground at all locations, not attached to common area trees, lights, neighbor's house, etc., not used with a dangerous dog subject to children walking up to the dog, etc.)

Overhead wires must be located in the backyard and in the least visible location, from a common area, as possible. Must be located & set-up in such a manner that the dog cannot reach common property to prevent dog's mess on common area, as well as to prevent people using the trails from being intimidated by dogs). Must be at a height (approximately 8') that it does not create a hazard.

## **Rule 3. Extended Grace Period for Appealing Assessments PC&R's Article VII.III**

*(Adopted October 17, 2022)*

All appeals shall be referred to the Judicial Council if received within 14 calendar days of receipt the assessment letter by the property owner. Any appeals received beyond the extended 14-day grace period will be subject to denial.

## **Rule 4. Exterior Materials**

*(Adopted March 10, 2014)*

Exterior Materials Article V.G.2 applies with the following clarifications:

In the case of zero lot line homes or any residential unit that is physically attached to one or more other single family dwelling units, the exterior materials of each of the attached units shall be the same. This includes the color and texture of the exterior materials used.

## **Rule 5. Fences**

*(Adopted June 10, 2019)*

Article V.E applies -- "No fence shall be permitted to extend beyond the front edge of the foundation line of a residence. The location, height, materials, design, and

construction of any fence in a private area must be approved by the Design Committee.” -- and the Design Committee has established the following guidelines: The Design Committee will normally approve a six foot high fence to be installed within the property boundary and constructed of cedar materials with the boards installed away from the primary structure. Fence treatment (colored stain or paint) is required and must be reviewed and approved by the Design Committee prior to start of project. If the proposed new or replacement fence line is within the homeowner’s property line but terminates prior to the nearest HOA improved area (i.e. trail, pathway, private street or drainage channel), an access gate must be installed to enable the homeowner to maintain the adjacent grounds connecting to the HOA improved areas as cited in the PC&R’s V.C.2. If the homeowner’s property cannot support the installation of a gate due to terrain issues (elevation angle, incline/decline slope, proximity to easement right of way) the access gate requirement may be waived on a case –by-case basis as determined by the Design Committee. The fence location must not obstruct an intersection lateral view of a utility/homeowners’ association use easement nor extend beyond the front foundation line of the livable portion of the residence (i.e. fence line will not encompass a forward facing garage or driveway area).

Added considerations: MOA building permit is required if the fence is to be taller than six (6) feet or violate MOA front set back of twenty (20) feet or might obstruct an intersection lateral view.

**Amendment added June 8, 2015:**

- 1. Henceforward any Fences that are constructed that back onto a street or sidewalk will be required to have a gate large enough for lawn mower access to the area between the fence and the first improvement whether sidewalk, street or trail.**
- 2. Henceforward when any existing fence is substantially replaced, repaired or refurbished and comes through the application process for such work that the Association requires the installation of a gate in the fence to allow access and owner maintenance of such areas.**
- 3. At the time of application approval for either 1. or 2., the owner shall receive a reminder that the installation or existence of a fence does not in any way relieve the owner of the duty to maintain landscaped areas of their private area or in contiguous common areas up the edge of the first improvement.**

**Rule 6. Garbage Cans, Trash, Recycle Bins / Solid Waste Storage**

To adhere to the Municipality of Anchorage Code of Ordinance 26.70.050, the Association has changed the PC&R rule IV.E.10 to read “Solid waste shall not, except on the scheduled collection day, be stored on or in view from any common area.

Emptied containers shall be removed from view on the same day that the collection is made.”

**Rule 7. Holiday Lighting / Decorations** *(Adopted January 28, 2019)*

1. All holiday lighting/decorations on any private area (excluding the Christmas holiday) may not be displayed until 4 weeks prior to the holiday and must be removed within 2 weeks after said holiday.
2. All lights and decorations for the Christmas/Holiday season on any private area are permissible October 1 through April 1.
3. All holiday lights and decorations will be neatly maintained and in working order at all times.
4. Decorations must not create a nuisance within the community.
5. Decorations may not be placed upon any common area within the Eaglewood Community.
6. Large installations such as lighted trees requiring professional installation may remain year-round if they are neatly maintained and in operable order. Inoperable installations must be removed.

**Rule 8. Private Parking and Driveways**  
*(Adopted March 10, 2014)*

Private Parking and Driveways Article V.G.3 applies with the following clarifications:

- a. Only private driveways, approved driveway extensions, or garages may be used for the regular parking of all privately owned vehicles, recreational vehicles as authorized by Recreational Vehicle Rule, or approved transport trailers. Landscaped areas will not be used for regular parking of vehicles.
- b. Private driveways or approved driveway extensions will not be used for the storage of materials, supplies or equipment. However, the temporary use of driveways or approved driveway extensions is authorized for storing such items when they are being used in conjunction with approved construction, renovation, landscaping, etc. of the private area.
- c. All vehicles (including RVs and any transport flat trailer containing applicable RVs) will be parked on a paved driveway or approved driveway extension.
- d. All vehicles must meet street clearance requirements including lateral sight distance considerations. No intersection or corner views may be obstructed and all vehicles must be clear of streets and sidewalks.

**Rule 9. Driveway Extension Criteria**  
*(Adopted March 10, 2014)*

All driveway extensions must be paved. 50% of front property must be left natural and/or landscaped.

## **Rule 10. Property found on common areas**

*(Adopted March 10, 2014)*

Regardless of value, property items found on the common areas of Eaglewood will be treated as Eaglewood property and destroyed, disposed of, reused, or listed as found in the Newsletter, Website or Facebook at the discretion of the Operations Manager.

Background:

The Operations Manager and other employees from time to time recover property from the Common Areas within Eaglewood. Most of this property is of no obvious value (e.g. trash). Infrequently, some items are (or may be) of some value. When the items are of value, the Operations Manager will list the item(s) in the Newsletter as lost and found. Otherwise the property will be discarded as trash or used as Eaglewood property.

## **Rule 11. Quorum and As-Builts**

*(Adopted March 10, 2014)*

The quorum of the Design Committee for approval of homeowner construction requests is established as three members. Design Committee review requires an appropriately annotated copy of the as-built drawings for the residence involved.

## **Rule 12. Recreational vehicles**

*(Adopted December 17, 2020)*

Private areas, parking, and driveways Article V.G.3 applies:

“Unless expressly authorized in writing, by the Design Committee to the contrary, no trailer, motorhome, airplane, boat or motorcycle (hereafter collectively called recreational vehicle(s) [RV]) shall be kept, placed, or maintained upon any private area in such a manner that such recreational vehicle(s) is visible from outside a private area; provided, however, that the provisions of this paragraph shall not apply to temporary loading, unloading and cleaning of such recreational vehicles...”

### **With the following exceptions:**

- 1.1. One highway use licensed RV may be parked in a private driveway or approved parking surface
- 1.2. RVs shall meet street clearance requirements, including lateral sight distance considerations. No intersection or corner views may be obstructed, and all vehicles must be clear of streets and sidewalks.
  - 1.2.1. Between October 1 & May 1, RVs may not be parked in the property easement portion of the driveway (10 feet from the road edge or 5 feet from the sidewalk), or otherwise impede any Association responsibilities (for example, snow removal).
- 1.3. RVs shall not be unsightly or a nuisance.
- 1.4. Only covers specifically designed for RVs may be used to cover RVs. Any of the

commonly used tarps (blue, green, brown, silver, etc.) are not permitted for covering RVs while in view from the common area.

**1.5. RVs other than the types listed below are considered inappropriate.**

1.5.1. Highway use licensed motor homes, camping/travel trailers, toy haulers, flat trailers, enclosed trailers or boats on licensed trailers.

**1.6. No pickup truck shells, slide-in campers, boats, or off-road motorized vehicles shall be parked or stored off their transport vehicle where they are visible from the common area.**

**1.7. RVs shall be in working order.**

1.7.1. RVs not in working order are evidenced by flat tire(s), resting on blocks or jack stands, or surrounded by accumulated debris that must be moved prior to operation.

Pick-up trucks with slide-in campers, when used daily, shall be exempt from RV parking requirements as defined above.

Canoes or kayaks when stored alongside homes, under overhangs, or in other nonobtrusive private area locations are exempt from the RV rules. Canoes or kayaks stored in a front yard or other obtrusive locations are not permitted.

Aircraft are not appropriate in Eaglewood.

### **Rule 13. Signs on the Common Area**

(Adopted October 16, 2017)

The Private Areas, Signs and Mailboxes, Article V.G.7 applies –

“No signs or mailboxes shall be erected or maintained upon any private area except the following:

- d) Not more than one “for sale” or “for rent” sign having a maximum face area of four square feet or as otherwise approved by the Design Committee.
- e) Tastefully worded and constructed signs erected and maintained by the Developer or Realtor, that border any private area or along roadways advertising and directing potential purchasers, unless those signs create a nuisance or safety hazard...”

--With the following clarifications:

- 1. Signs will not obstruct traffic or cause a lateral sight hazard for any traffic
- 2. All signs are tastefully worded
- 3. All signs must be kept upright and properly maintained
- 4. Excluding parts 7 & 8, a maximum of three signs per property are permitted.
- 5. Signs for short-term events may be placed on private and/or common property provided:
  - 5.1. Individual signs are no larger than four square feet and sandwich board signs (stands) are no larger than six square feet
  - 5.2. Garage/yard sale signs may be put up the previous day of the sale and removed at the conclusion of the sale
    - 5.2.1. Garage/Yard Sales signs will not be posted in excess of three days within one week
    - 5.2.2. Garage/Yard Sales signs must have a physical address

- 5.3. Lost/found pet or similar signs shall not be posted in excess of five days
  - 5.3.1. Lost/Found pet flyers must have a physical address on them
- 5.4. No temporary signs may be attached to Eaglewood signposts, street lights or mailboxes.
- 6. Signs for realty actions (ex: House for Sale/Rent) may be placed only on private property provided:
  - 6.1. Individual signs are no larger than four square feet
  - 6.2. Open house signs may be put up the previous day of the open house and will be removed at its conclusion
    - 6.2.1. Sign will not be posted in excess of three days within one week
  - 6.3. Appropriate sign locations are limited to:
    - 6.3.1 One on the structure or fence
    - 6.3.2 One sign posted in the property's yard
    - 6.3.3 One sign on a separate side of the house or fence only if the house is visible from another street.
  - 6.4 All signs must be removed within 24 hours, after the sale or rental of the property
- 7. Signs for support or opposition to a candidate or proposition in an upcoming National, State, or Municipal election may be placed only on private property provided:
  - 7.1. Individual signs are no larger than four square feet
  - 7.2. Only one sign per particular candidate or proposition may be displayed
  - 7.3. Signs may be erected only 30 days preceding the election date and must be removed within 24 hours, after the election date
- 8. Security signs used exclusively to deter criminal activity are permitted provided:
  - 8.1. Each sign is no larger than 1 square foot.
  - 8.2. Each sign is against or affixed to the permanent structure, fence or window. Signs will not be in yards.
  - 8.3. Each property is limited to one visible sign from each perspective. I.e., one in front, one in back and one on the side (if not adjacent to another home).
- 9. All unauthorized and temporary signs placed on the common area not removed in the time frame allotted may be subject to removal and disposal fee.

**Rule 14. Storage Rules for Exterior Items**

*(Adopted April 13, 2015)*

Article V.A applies -- "All private areas, whether occupied or unoccupied, and any improvements placed thereon, shall at all times be maintained in such manner as to prevent their becoming unsightly, unsanitary, or a hazard to health. No noxious or offensive activity shall be carried out upon any private area, nor shall anything be done or placed thereon which may be or become a nuisance, or cause unreasonable embarrassment, disturbance, or annoyance to other owners in the enjoyment of private or common areas." -- With the following clarifications:

The Design Committee declared any visible storage of barrels or gas bottles a nuisance. Any outside storage of barrels must be specifically approved in writing by the Design Committee for a specific use.

Tires, ladders, tools, lumber, appliances, barrels/drums, automotive parts, rabbit hutches, etc. stored outside are unsightly and therefore are in violation of the intent of Article V.A of the PC&R's.

Purpose built form fitting weather covers, such as car covers, boat covers ATV/snow machine covers, barbecue covers, patio furniture covers, windshield deice covers, firewood covers, etc. may be permitted. These covers should be made of quality material/fabric in subdued colors. Manufacturer's built covers in subdued colors with manufacturers' logos are acceptable. Covers that become weather worn, damaged, torn or cannot be tied down properly must be replaced.

Plastic Tarps (*Amended 4/13/2015*): Solid color subdued earth-tone brown or solid color subdued earth-tone dark green tarps are allowed in certain limited circumstances. No other color tarps will be permissible in any location visible from the Common Area. This amendment does not modify the requirements of purpose built form fitting covers as described above.

Solid color earth-tone dark brown or dark green tarps will henceforth be allowed in locations visible from the street edge so long as they are no closer to the street than the front edge of the corner of the house in unfenced yards. Such tarps must be neatly secured and must not be faded, torn or otherwise deteriorated or unsightly. Such substandard tarps will be subject to assessment. Solid color subdued earth-tone dark brown and dark green tarps visible from any street edge whether behind or within a fenced yard are subject to the requirements of this rule.

## **Rule 15. Storage Sheds/Greenhouses**

*(Adopted May 2014)*

Article V.B.5 applies -- "no building or structure ... other than an approved residence shall ever be lived in or used for dwelling or other purposes. This prohibition extends to but is not limited to ... shacks, outbuildings or similar temporary structures." -- with the following change:

Storage sheds and greenhouses may be constructed if built in compliance with the following stipulations.

Size, material, color and location must be approved by the Design Committee.

Details of the structure will be evaluated by the Design Committee. The size, material to be used, color, and location on the property (as annotated on a copy of a current as-built survey) will be needed for review with the application. Homeowners are responsible for removing/relocating any noncomplying structure prior to the sale of the residence.

Material and Colors - Colors should match or compliment the main dwelling.

Siding shall be made of quality natural wooden appearing material.

Roofing material shall be constructed of a shingle appearing surface.

A greenhouse, because of its function, may have a roof that permits light to pass through; however it must be of glass or Plexiglas which is not obtrusive or reflective.

Size- Shed size will be limited to 12' X 12' unless otherwise approved by the Design Committee.

Location- The shed will not obstruct any private area view or obstruct any utility/homeowners' association use easement nor obstruct any lateral intersection sight clearance. The shed may be located within Eaglewood setback areas (10 feet to a private area and 20 feet to a common area) with Design Committee approval, but not closer than three feet of any property line. (Municipality of Anchorage setbacks for temporary structures are 5 foot to side and 10 foot to rear property lines. Contact the Municipality of Anchorage to obtain a variance.

## **Rule 16. Road Edge Markers**

(Adopted April 14, 2025)

The Common Areas – Extent of Owner's Easements Article IV.C.5 applies the right of the Association to allocate the use of common areas and restrict uses of common areas including hours of operation, and to make reasonable Rules and Regulations with respect thereto. Also the right of the Association to limit the use of areas to specific purposes such as snow removal storage with the following clarification:

Road Edge Markers may be placed at the edge of the street pavement to assist the snow removal equipment operators and other vehicle traffic in identifying where the pavement ends with the purpose of decreasing damage to the adjoining landscaped areas.

Homeowners must adhere to the following criteria:

- The Road Edge Marker is required to be the pre-approved stake, either yellow or orange, or any non-metallic stake commercially available, including medallion topped markers.
- The Road Edge Marker may be installed prior to snowfall, but no earlier than October 1.
- The Road Edge Marker must be removed at the first thaw, but no later than May 15.
- The Road Edge Marker must be installed a minimum distance of 10' apart, continuing as necessary to mark the edge of the pavement where the owner wants to protect the adjoining landscaped area.
- The Homeowner understands this location, along the edge of the street pavement, is on Common Property.
- Eaglewood is not responsible for damage to any Road



- Edge Marker or damage caused by one.
- Eaglewood retains the authority to remove any Road Edge Marker installed adjacent to Common Property that is not consistent with the above criteria or for any reason deemed necessary.
- The approved Road Edge Markers may be used in the Common Areas and on Private Property visible from the common areas to mark important infrastructure such as water cutoffs, power boxes and other utility boxes from Oct 1 to May 15. No other marker may be used for this purpose.
- The approved Road Edge Markers, installed at a minimum distance of 10' apart, may be used to mark the side edges of private property driveways to ensure drivable areas are adequately identified during the snow season. Use of approved markers on driveways shall follow rules above for installation and removal.
- The Homeowner understands this location, along the edge of the street pavement, is on Common Property.
- Eaglewood is not responsible for damage to any Road Edge Marker or damage caused by one.
- Eaglewood retains the authority to remove any Road Edge Marker installed adjacent to Common Property that is not consistent with the above criteria or for any reason deemed necessary.
- The approved Road Edge Markers may be used in the Common Areas and on Private Property visible from the common areas to mark important infrastructure such as water cutoffs, power boxes and other utility boxes from Oct 1 to May 15. No other marker may be used for this purpose.
- The approved Road Edge Markers, installed at a minimum distance of 10' apart, may be used to mark the side edges of private property driveways to ensure drivable areas are adequately identified during the snow season. Use of approved markers on driveways shall follow rules above for installation and removal.

## **Rule 17. Snow Plowing, Removal and Storage Rules**

(Adopted February 4, 2026)

To effectively and efficiently manage satisfactory Snow Plowing, Removal & Storage in The Eaglewood Association requires the appropriate cooperation of all parties – the Association, its contractors, its Operations Manager, the Board of Directors, our Property Manager and all of its Member-Homeowners and Residents.

The Association contract with the Snowplow company requires all streets be maintained to a standard passable by a standard rear wheel drive passenger car equipped with snow tires. This is lowest common denominator standard to keep the streets passable for less

capable vehicles.

The plowing operations normally commence within 24 hours when 2-4 inches of snow have fallen. The Contractor will work to clear all major streets (“reds”) and the feeder loops (“oranges”). Once snow fall has ceased and the major streets and feeders are cleared, snow plowing of circles – of which there are 56 or more – will commence and will be completed not later than 72 hours after end of snowfall, but with a preferred goal of 24-30 hours if possible.

To achieve this end, the Association adheres to rules consistent with State of Alaska Department of Transportation and the Municipality of Anchorage.

1. Driveway snow cannot be pushed into the street. It must be stored on the private area of the property. Please see the Driveway Plowing Considerations document attached hereto.
2. Driveway snow cannot be stored on the circle and cul de sac islands. These areas are reserved for Association snow storage.
3. Parking that obstructs snowplow operations is prohibited. Do not park on the street during snowfalls and after. Overnight street parking is always prohibited within Eaglewood by the PCR’s. Park six (6) feet or more into the driveway away from the street and at least four (4) feet from the sidewalk. Where this spacing cannot be maintained, the desired standard for snow removal is compromised.
4. Damage to Association equipment, contractor equipment or additional expenses incurred by improper snow storage by Homeowners & Residents will be billed to the relevant Homeowner.
5. The Snowplow operators attempt to minimize driveway berms, but when berms are created it is the responsibility of the homeowner or resident to remove them and store the snow in the Private Area. The exception to this practice is when heavy equipment such as graders or front-end loaders are used to remove ice and hardpack from the street surface. A follow-on plow truck will remove the ice/hardpack berms as part of this operation.
6. Road widening operations have evolved to use large snow blowers that cause less damage to landscaping than the older practice of using graders. To that end, rocks as road edge markers and ice candles cannot be placed along the road edge. If these items cause equipment damage to the Contractor’s equipment, the Home Owner maybe billed for that damage.
7. The Association clears sidewalks and trails in many areas, if practical. Priority is given to walking routes to Ravenwood and Alpenglow Elementary Schools and School Bus Stop Locations. Do not shovel or store snow from private areas in the sidewalks or trails.
8. Sidewalks that are particularly narrow along some streets preclude Association snow blowing them. Please aid your neighbors and clear your sidewalk. While we do not enforce sidewalk clearing, in areas regulated by the Municipality, it is required.

9. Mailboxes and Fire Hydrants are cleared by the homeowners. Please cooperate and assist your neighbors by taking a turn at these important tasks. Removing snow from around the Mailboxes is required by the Postal Service or the carrier may not deliver the mail. Please clear snow from the top of the unit to help prevent moisture from entering the locks which will freeze the individual box shut. In extraordinarily difficult circumstances, please contact the HOA at the email addresses below for assistance. As for Fire Hydrants, the 5, 10, or 15 minute effort to keep them clear might save untold loss. AFD Firefighters report that a House Fire can double in size every minute. The minute or two a cleared hydrant saves the Firefighters might make the difference between some damage and a total loss.

Failure to comply with items 1., 2., 3., 4. or 6. may result in assessment (fines). The Association seeks to accomplish satisfactory Snow Management in an atmosphere of cooperation and joint effort. Your efforts are appreciated. If you encounter problems or need assistance please contact the Association at [info@akrbam.com](mailto:info@akrbam.com) (please type Eaglewood in your subject line) or [eaglewoodops@gmail.com](mailto:eaglewoodops@gmail.com).

Attachments: Driveway Plowing Considerations  
Eaglewood HOA Snow Plow Plan CURRENT  
Snow Plow Map

## **Rule 18. Television, Radio, & Internet Reception Devices – Exterior Antennas** *(Adopted April 7, 1997; Re-ratified March 10, 2014, Amended May 11, 2015)*

### **I. Preamble**

These rules are adopted by the Board of Directors of the Eaglewood Homeowner's Association, on the day April 7, 1997, effective April 8, 1997.

WHEREAS, the Eaglewood Association, Inc. ("the Association") is responsible for governance and maintenance of the Eaglewood Subdivision ("the Community"); and

WHEREAS, the Association exists pursuant to applicable Alaska state law and the applicable Protective Covenants, Restrictions, and Bylaws ("PC&R's") and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interests of the Community, pursuant to applicable Alaska state law and the PC&R's; and

WHEREAS, the Federal Communications Commission ("the FCC") adopted Regulations

effective October 14, 1996, preempting certain restrictions in the governing documents concerning the installation, maintenance, and use of direct broadcast satellite, television broadcast, and multi point 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 interest of the Community and consistent with the FCC Regulations.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the Community, hereinafter referred to as the “Antenna Rule (Satellite Dishes and/or TV Signal Antenna)” which shall be binding upon all owner 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.

## **II. Definitions**

- A. Antenna -- any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution services (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or used 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.
- D. Owner -- any homeowner in the Association. For the purpose of this rule only, “owner” includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. Telecommunications signal -- signals received by DBS, television broadcast, and MDS antennas.

## **III. Caveat**

If, for any reason, the new FCC Regulations are ever reversed or revised in any manner that would permit the Association to again restrict antennas, the Association may require any existing antennas to be removed.

## **IV. Installation Rules**

- A. Antenna Size and Type
  - a. The size of any antenna will be the minimum size necessary to receive an

acceptable signal. Currently DBS antennas (satellite dishes) no greater than approximately 6 feet in diameter can receive an acceptable signal.

- b. The total vertical height of any antenna, including mast pole, will be no greater than the horizontal distance from the base of the antenna mast pole to the nearest private property line or utility (electric, telephone, cable TV, or water) pedestal, pad, meter, or other such device. This restriction is imposed to insure the safety of persons and/or property from damage or injuries which may occur should the antenna fall.
- c. Installation of transmission antennas are prohibited.
- d. All antennas not covered by the FCC Regulations are prohibited.

#### B. Location

- a. Antennas shall be installed solely on individually-owned property as designated on the recorded deed defining the homeowner's property.
- b. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation will be prohibited.
- c. Antennas shall not encroach upon common areas or any other owner's property.
- d. Antennas shall be located in a place shielded from view from the street(s) 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.
- e. Antennas shall not obstruct any utility/homeowners' association use/slope easements, any drivers view of an intersection or street, or be placed in any right-of-way, maintenance easement, or setback area. Minor exceptions may be granted to rear or side setback requirements if no other location is available which provides an acceptable signal. Rear yard areas should be considered a first priority location if such placement will permit reception of an acceptable quality signal. Side yard areas, behind the front foundation line of the dwelling, should be considered as the next priority location. If the antenna is to be placed in the front yard area, the homeowner will provide a statement from the company installing the antenna that an acceptable signal cannot be received from any other location on the property. The Association will consider requests for limited removal of trees from the rear or side setback areas to enhance reception from these areas if needed.

#### C. Installation

- a. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
- b. All installations shall be completed so that they do not damage the common area of the Association or the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common area or other lots.

- c. Owners are responsible for all costs associated with the antenna, including but not limited to costs to:
  - i. Place (or replace), repair, maintain, and move or remove antennas;
  - ii. Repair damages to the common property, other lots, and any other property damaged by antenna installation, maintenance or use;
  - iii. Pay medical expense incurred by persons injured by antenna maintenance, or use;
  - iv. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
- d. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.
- e. The running of overhead wires or cables is prohibited. Necessary wires or cables will go directly from the antenna to the closest point of the house structure and will be placed underground if the antenna is not located adjacent to the house. This requirement is to insure the safety of persons and property from exposed wires and cables and for consistency with existing requirements that all utility wires and cables within Eaglewood be placed underground. All wires or cables in the vicinity of the antenna will be secured to the antenna in such a manner that makes them as unobtrusive as possible.

#### D. Maintenance

- a. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
- b. Owners shall be responsible for antenna maintenance and repair.
- c. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

#### E. Safety

- a. Antennas shall be installed and secured in a manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
- b. All installations must comply with all applicable codes.
- c. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
- d. Antennas are required to withstand winds of 80 mph, and shall be designed to withstand the pressure of snow and ice.

### V. Antenna Camouflaging

- A. Antennas will be placed, to the extent feasible, in a location that is not visible from the street(s).
- B. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.

- C. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing that is effective year round, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association requires antennas to be screened by new landscaping or screening of reasonable cost that is effective year round and meets the requirements of the Associations PC&R's. Acceptable screening can include approvable fencing or landscaping (flowers, shrubs, trees, etc.).
- D. Antennas, masts, and any visible wiring must be painted in such a manner that it blends into the structure to which it is installed. (Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.)

## **VI. Number of Antennas**

No more than one antenna of each provider may be installed by an owner unless a dual system is required for certain HD systems from a single provider.

## **VII. Mast Installation**

- A. Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B. Masts that extend 12 feet or less beyond the roof line may be installed subject to the regular notification process provided they meet all code requirements. Masts that extend more than 12 feet above the roof line 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 will pose a safety hazard to Association residents and personnel, the Association may prohibit such installation. The notice of rejection shall specify these safety risks.
- C. Masts must be installed by a licensed and insured contractor.
- D. Masts must be painted the appropriate color to match their surroundings.
- E. 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. Masts shall not encroach upon another owner's lot or common property.
- G. Masts installed on the ground must sustain a minimum of 80 mph winds.

H. Masts must be designed to withstand the weight of ice and snow.

### **VIII. Association Maintenance of Locations upon Which Antennas are Installed**

- A. If antennas are installed on property for which the Association has maintenance responsibility; owners retain responsibility for antenna maintenance. 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. 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.

### **IX. Notification Process**

- A. Any owner desiring to install an antenna must complete a notification form and submit it to the Eaglewood Association Design Committee, 11915 Easy Street, Eagle River, Alaska 99577. If the installation is routine (conforms to all of the above rules and restrictions), the homeowner may proceed with installation after submitting the notification form. The Design Committee will begin an immediate review of the notification form and provide their comments to the homeowner upon completion of this review.
- B. If the installation is other than routine for any reason, owners and the Association's Design Committee must establish a mutually convenient time to meet to discuss installation methods. The homeowner must contact the Eaglewood Association work center at 694-6942 to establish a meeting time. The Design Committee will then meet with the homeowner at the agreed upon time to resolve these issues so that installation may be completed in a timely manner.
- C. A preprinted standard notification form, developed by the Association will be completed by the homeowner. The form is available from the work center and copies will be provided upon request by calling 694-6942.

### **X. Installation by Tenants**

Tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this written permission must be furnished with the notification form.

### **XI. Enforcement**

- A. 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 rules

are enforceable, a fine of \$100 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 up to the maximum amount permitted by the PC&R's. 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. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

**XII. Severability:** If any provision is ruled invalid, the remainder of these rules remain in full force and effect.