

Providence Gateway Condominium Association Resolution – Rooftop and Building Attachments

1. Purpose

This Resolution is adopted to clarify and reaffirm the Association’s existing authority over attachments and installations on buildings and other exterior areas of the Project—including, but not limited to, satellite dishes, antennas, internet receivers, HVAC equipment, and other rooftop or wall-mounted devices.

These clarifications are necessary in order to:

- Protect the structural integrity, insurability, and uniform appearance of the Project;
- Prevent damage to Common Areas and shared building systems;
- Reduce risk and liability from unauthorized modifications.

This Resolution is based entirely on existing provisions in the Declaration¹ and does not establish a new “rule” under Utah Code § 57-8-8.1.

2. Findings

The Board finds and confirms the following:

2.1. Ownership and Maintenance of Exterior Areas

All roofs, exterior walls, soffits, balconies, patios, and other exterior building components are either Common Area or Limited Common Area owned and maintained by the Association, as defined in Section 1.10 of the Declaration.

2.2. No External Fixtures Without Approval

No external fixture may be constructed, installed, or maintained on any part of the Project—including any roof, wall, or building exterior—without prior written Board approval, in accordance with Sections 4.2, 9.8, and 9.21 of the Declaration.

2.3. Board Authority

The Board has sole discretion under Section 4.3 of the Declaration and applicable Utah law² to manage and protect the Common Area and Limited Common Area. This authority includes the discretion to approve, condition, or prohibit any installation—whether individual or Project-wide—for any reason deemed appropriate by the Board, including but not limited to concerns

¹ Amended and Restated Declaration of Condominium for Providence Gateway, recorded on February 24, 2022, as Entry No. 1313236 in the Cache County, Utah Recorder’s Office.

² See Utah Code §§ 57-8-3(26) (“Management committee” means the committee as provided in the declaration charged with and having the responsibility and authority to make and to enforce all of the reasonable rules covering the operation and maintenance of the property.”) and 57-8-59(5) (“...a management committee acts in all instances on behalf of the association of unit owners.”).

involving structural integrity, drainage, maintenance access, safety, architectural uniformity, or the overall best interests of the community.

2.4. Existing Services

The Board finds that multiple service providers (including fiber and cable) already maintain infrastructure to all buildings and Units. As a result, new exterior equipment is generally unnecessary for basic service access and will not be approved unless truly unavoidable. Past installations have interfered with roof drainage repairs and fire suppression room access, underscoring the need for centralized regulation and control.

Therefore, Be It Resolved:

3. General Restrictions Applicable to All Owners

As clarified and reaffirmed by the governing documents, the following requirements apply to all Owners and govern the installation of equipment or devices on buildings and other exterior portions of the Project:

3.1. No Unauthorized Installations

Owners may not install, attach, or place any device or equipment—including satellite dishes, antennas, cables, internet receivers, HVAC components, or similar items—on any roof, exterior wall, balcony, patio, railing, or other exterior part of a building. This includes any Common Area or Limited Common Area on the ground, even if designated for exclusive Owner use.

3.2. Association Ownership or Control

All such areas are owned and maintained by the Association. This includes all exterior surfaces and structural parts of buildings, as well as patios and balconies—even those designated for an individual Owner's exclusive use.

3.3. Consequences of Unauthorized Installations

Any installation made without prior Board approval may be removed by the Association at the Owner's expense. The Owner may also be assessed for any damage or repairs required as a result, as allowed under the governing documents.

3.4. Infrastructure and Service Proposals

The Board retains sole authority over any proposal to install infrastructure or service systems intended to serve all or a substantial portion of the Project—such as fiber optic, cable, or satellite service. Owners wishing to make such proposals must submit them in writing. The Board alone will determine whether the proposed installation is appropriate, whether it serves the best interests of the community, and whether it may proceed.

4. Enforcement of Existing Violations

The Board is aware of multiple rooftop installations (including approximately 20–30 satellite dishes) that were made without approval. These installations may be subject to removal and assessment under this Resolution, particularly where they interfere with maintenance or have caused damage.

5. Board Exceptions – Discretion and Limitations

This section applies only to requests initiated by individual Owners or small groups of Owners. The Board may consider such requests to install a device on Common Area or Limited Common Area (e.g., a roof, exterior wall, balcony, or patio) only in truly exceptional cases. These Owner-initiated requests are distinct from Board-authorized installations intended to serve the entire Project.

An Owner-requested exception may only be granted if the requesting party demonstrates in writing that:

- The installation is essential to receive a basic utility or service (e.g., internet access);
- No reasonably comparable alternative exists, such as using currently available services or placing the equipment entirely within the Unit;
- The installation will not compromise the building's structure, weatherproofing, or uniform exterior appearance.

It is the clear intent of this Resolution to minimize such exceptions. When truly unavoidable, any exception must:

- Be approved by formal Board action via resolution;
- Be recorded in the Board's meeting minutes;
- Include any conditions deemed necessary by the Board (e.g., licensed contractors, appearance guidelines, bonding, or maintenance commitments).

No verbal approvals, informal permissions, or past exceptions shall be considered valid or create binding precedent.

6. Federal Law Compliance – OTARD Rule

The Association acknowledges the federal Over-the-Air Reception Devices (OTARD) Rule, 47 CFR § 1.4000, which limits association control over certain antennas placed entirely within a resident's exclusive-use and control area, such as a privately owned yard or leased premises.

However, under both Utah law and the Declaration:

- All Common Areas and Limited Common Areas—including balconies, patios, roofs, exterior walls, railings, and structural features—are owned by the Association, not by individual Unit Owners;
- These areas are not subject to OTARD protection.

Accordingly, antennas and similar devices installed in any Common or Limited Common Area remain fully subject to Board approval and enforcement provisions, including applicable design standards and maintenance requirements.

Nothing in this Resolution shall be construed to permit unapproved installations in any area owned or maintained by the Association.

7. Adoption

This Resolution was duly adopted by the unanimous written consent of the Board of Directors of the Providence Gateway Condominium Association in accordance with Utah Code §§ 57-8-57(1) and 16-6a-813(1).

The Board action became effective on the date the last Director signed the consent, which date is hereby designated as the effective date of this Resolution.

Kierstin Baker 08/26/2025

Kierstin Baker, Director

David Jarrett 08/26/2025

David Jarrett, Director

Jaden Sorensen 08/26/2025

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