

## THE ASSOCIATION OF APARTMENT OWNERS OF MOANA PACIFIC

### ANTENNA INSTALLATION POLICY

Residents may install a mast, antennas or satellite dishes according to the following rules. These rules are not intended to unreasonably delay the installation, maintenance, or use of such equipment; unreasonably increase the cost of its installation, maintenance, or use; or preclude reception of acceptable-quality signals from such equipment.

#### I. TYPES OF INSTALLATIONS PERMITTED

As used in these rules, "mast, antenna, or satellite dish" (collectively referred to below as "Covered Antennas") means only equipment authorized or required to be permitted under the rules of the Federal Communications Commission ("FCC") Rules:

- a. Antennas designed to receive Direct Broadcast Satellite (DBS) service that are 39.4 inches (1 meter) or less in diameter may be installed. DBS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.
- b. Antennas designed to receive Multipoint Distribution Service (MDS) that are 39.4 inches (1 meter) or less in diameter. MDS antennas larger than 39.4 inches (1 meter) are prohibited or subject to a prior approval process.
- c. Antennas designed to receive television broadcast signals, regardless of size.
- d. Transmission-Only Antennas that are necessary for the use of Covered Antennas.
- e. Masts that are required for the installation of Covered Antennas.

All other equipment not covered by the FCC Rules as amended are prohibited or subject to the architectural review process. For example, a mast or antenna for personal communications or amateur radio will be subject to the Moana Pacific Declaration, Bylaws, and existing rules.

In addition, residents may not install a Covered Antenna if the service is already available to them. For example, residents may not install two Covered Antennas for the same service. Similarly, Covered Antennas are prohibited if the service is already provided by the Association. In the event that the Association provides video programming signals to the residents, those Covered Antennas previously installed may be removed by the Association at its expense.

## II. WHERE INSTALLATIONS ARE PERMITTED

1. A resident may install a Covered Antenna only on property which is within the exclusive use or control of the resident, where the resident has a direct or indirect ownership interest in the property (such as apartments and limited common areas). At Moana Pacific, this means, the areas within the walls, floors, and ceilings of the apartment and lanai occupied by the resident, as described in the Declaration (see section 3.6 of the Declaration). Installation in other areas, such as common areas or areas belonging to other residents, is not permitted. Note: A resident will be fully responsible for any damage caused to the common areas by any installation. A resident who removes a Covered Antenna must restore the installation location and any other affected locations, if any, to their original condition. Residents shall be responsible for all costs relating to restoration of these areas.
2. Covered Antennas shall be placed in the first of the following locations which allows reception of a signal of acceptable quality without unreasonably increasing the cost of the installation or unreasonably delaying the installation:
  - a. ~~Within the apartment;~~
  - b. ~~Within the vertical boundaries of the lanai below the top of the railings/walls of the lanai, or~~
  - c. ~~Within the vertical boundaries of the lanai above the top of the railings/walls of the lanai, but within the lanai.~~

**Note that all roofs and perimeter walls of the apartments are common elements, not part of the apartment (see Section 4(c) of the Declaration). Therefore, an owner cannot install Covered Antennas on those areas without Board permission, except as provided in Section III.1.**

3. Covered Antennas must not encroach upon any common property, any other resident's individually owned property or exclusive-use area, common property airspace, or the airspace of another resident's individually owned or exclusive-use area.
4. Covered Antennas must be located in a place on the resident's apartment or exclusive use area that is shielded from view from other units or homes, from streets, or from outside the community, to the maximum extent possible. If Covered Antennas can receive acceptable-quality signals from more than one location, then Covered Antennas must be located in the least visible preferred location.
5. If an installation cannot comply with the previous section because the installation would unreasonably delay, unreasonably increase the cost, or preclude reception of acceptable-quality signals, the resident must ensure that the installation location is as close to a conforming location as possible. The Association may request an explanation of why the nonconforming location is necessary.

### III. HOW INSTALLATIONS MUST BE MADE

1. Every owner must give the Association notice before installing a mast, antenna, or satellite dish on any property at the project. Notice shall be sent to: The AOA of Moana Pacific, % Hawaiiana Management Company, Ltd., 711 Kapiolani Boulevard, Suite 700, Honolulu, HI 96813, Attention: John Bouchie.

The installation may then begin immediately. The purpose of the notification process is to allow the Association to provide Covered Antenna installation rules and other information to residents, to know if a person other than the resident will be entering the community for Covered Antenna installation, and to determine whether the installation could pose a safety hazard.

Following receipt of the notice, the Association may inform the owner in writing that: either (i) the installation meets the requirements of these rules; or (ii) that the Association reserves the right to seek a determination on whether the installation meets the requirements of these rules. An owner's failure to give notice shall preclude the grandfathering of any installation and shall permit the Association to take action against that owner, or the owner's successor in title, at any time in the future if the installation is deemed to violate these rules.

Covered Antennas may be attached to the building within the resident's apartment or lanai. All installations, however, shall be completed so that they do not materially damage any property in the project, void any warranties of the project or other residents, or in any way impair the integrity of any building or any part of a building in the project.

2. Except as permitted in the prior section 1, there shall be no penetrations of exterior areas of the building (e.g., walls, floors, ceilings, roofs) to install, use, or maintain covered antennas. The following devices shall be used whenever possible:
  - a. Devices that permit the transmission of telecommunications signals through a glass pane without cutting or drilling a hole through the glass pane or other Common Property;
  - b. Devices such as ribbon cable that permit the transmission of telecommunications signals into a unit through a window or door without penetrating the wall; or
  - c. Existing wiring for transmitting telecommunications signals and cable services signals.
3. Covered Antennas shall be installed only by a qualified person knowledgeable about the proper installation of Covered Antennas. The purpose of this rule is to promote the proper and safe installation of Covered Antennas. If installed by a contractor, the contractor shall be licensed and have insurance with the following minimum limits: (1) Commercial General Liability (including Completed Operations): \$1,000,000, and (2) Workers' Compensation: Statutory Limits.
4. Residents are liable for any personal injury or damage occurring to common property or other residents' individually owned property or exclusive-use areas arising from installation, maintenance, or use of a Covered Antenna, and shall pay the costs to:
  - a. Repair damages to the common property, other residents' individually owned property or exclusive-use areas and any other property damaged by Covered Antenna installation, maintenance, or use;

- b. Pay medical expenses incurred by persons injured by Covered Antenna installation, maintenance, or use;
- c. Reimburse residents or the Association for damages caused by Covered Antenna installation, maintenance, or use; and
- d. Indemnify the Association against claims, injury or loss caused by the Covered Antenna.

#### **IV. SCREENING**

1. Covered Antennas shall be neutral in color or painted to match the color of the structure (wall, railing) on which they are installed.
2. Exterior Covered Antenna wiring shall be installed so as to be minimally visible and blend into the material to which it is attached.
3. Any Covered Antenna which is installed in such a way as to be visible from the street or an adjoining property (or any mast or structure to which it is attached) shall be painted to match the color of the trim on the structure to which it is attached.
4. The Association may require the screening of any Covered Antenna if screening would not unreasonably increase the cost of the installation. In determining whether screening will unreasonably increase the cost of the installation, the Association will consider both the cost of the installation or programming services and the visual impact of the installation. The Association will also compare the cost for screening other items, such as air-conditioners. For example, if a satellite dish is visible from the street, is visually obtrusive, and costs \$1,000 to purchase and install, the Association may require the dish to be screened if the screen will cost less than \$75.00 or the cost of screening an air conditioner, whichever is greater.
5. All Covered Antennas shall be installed in a location which is not visible from the street or an adjoining property, unless doing so will impair reception of an acceptable signal.
6. At the request of the Association, an owner who installs a Covered Antenna that is visible from the street or an adjoining property may be required to provide a certification from a qualified person that: (i) the location of the Covered Antenna is the only location from which the owner can receive an acceptable quality signal; and (ii) that it is impossible to receive an acceptable quality signal if the Covered Antenna is installed in a location which is not visible from the street or the adjoining property.

#### **V. MAINTENANCE AND REPAIRS**

1. Residents shall not permit their Covered Antennas (or any mast or structure to which they are attached) to fall into disrepair or to become a safety hazard. Residents shall be responsible for Covered Antenna maintenance, repair, and replacement, and the correction of any safety hazard within thirty days after notification of the need for repair.
2. If Covered Antennas detach, residents shall remove them or repair the detachment within seventy-two hours of the detachment. If the detachment threatens safety, the Association may remove Covered Antennas at the expense of the resident.

3. Residents shall be responsible for Covered Antenna maintenance if the exterior surfaces of the Covered Antennas deteriorate.
4. If the resident does not correct a safety hazard within thirty days after notification, the Association may enter onto the property to repair the Covered Antenna. Any repair expense will be charged to the resident.
5. If a Covered Antenna is not properly maintained, the resident shall be responsible for any personal injury or property damage to common property or another resident's individually owned property and shall indemnify the Association for any personal injury or property damage.
6. If Covered Antennas are installed on property that is maintained by the Association, the residents retain responsibility for Covered Antenna maintenance. Covered 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 residents who installed the Covered Antennas are responsible for all such costs.
7. If maintenance requires the temporary removal of Covered Antennas, the Association shall provide residents with ten days' written notice. Residents shall be responsible for removing or relocating Covered Antennas before maintenance begins and replacing Covered Antennas afterward. If they are not removed in the required time, then the Association may do so, at the residents' expense. The Association is not liable for any damage to Covered Antennas caused by Association removal. The Association is not responsible for reinstalling Covered Antennas.
8. If Covered Antennas pose immediate threats to Association residents and personnel or property, then the Association has the right to remove the Covered Antennas. The Association is not liable for any damage to Covered Antennas caused by this removal.

## **VI. SAFETY**

1. Any mast for a Covered Antenna must be properly and adequately guyed to prevent any risk of harm from the structure falling. An owner who installs a Covered Antenna or structure shall be completely responsible for any damages caused by the structure. The Association may request written certification from an engineer or other qualified person that any mast is properly installed and guyed. Covered Antennas shall be properly maintained and not allowed to become a safety hazard.
2. No Covered Antenna may be installed in such a way that it obstructs the view of any drivers of vehicles entering or leaving an owner's property, any adjoining properties, or any intersections of a street.
3. No Covered Antenna shall be installed in such a way as to obstruct access for emergency vehicles or fire lanes to any property.
4. Because the Association has a legitimate safety interest in preventing personal injury or property damage occurring due to improper or unsafe Covered Antenna installation, residents must follow the listed safety guidelines:
  - a. Covered Antennas shall be installed and secured in a manner that complies with all applicable codes, safety ordinances, County and State laws and regulations, and

manufacturer's instructions. If a resident must obtain a permit in compliance with a valid safety law or ordinance, then the resident shall provide a copy of that permit to the Association before installation. The purpose of this rule is to ensure that Covered Antennas are installed safely and securely, and to minimize the possibility of detachment and resulting personal injury or property damage.

- b. Unless the codes, safety ordinances, laws, and regulations require a greater separation, Covered Antennas shall not be placed within ten feet of electrical power lines (above-ground or buried) and in no event shall Covered Antennas be placed where they may come into contact with electrical power lines. The purpose of this requirement is to prevent injury or damage resulting from Covered Antenna contact with power lines.
- c. Covered Antennas shall not obstruct access to or exit from any doorway or window of a unit, walkway, ingress or egress, electrical service equipment, water shut-off valves, or any other areas necessary for the safe operation of the project. The purpose of this requirement is to ensure the safe ingress or egress of association residents and personnel, and to ensure safe and easy access to the association's physical plant.
- d. To prevent electrical and fire damage, Covered Antennas shall be permanently and effectively grounded.
- e. To prevent detachment during a storm, Covered Antennas shall be installed to withstand wind speeds of 80 mph.

## **VII. PERMITS REQUIRED**

The Association will require an owner to obtain a permit for the following:

- (i) A mast for a satellite dish or antenna which will extend more than 12 feet above the roofline of a property on which the mast is erected.
- (ii) A structure, including an antenna, satellite dish, or mast, which, when erected, will be nearer to the lot line than the total height of the structure above the ground or roof line where it is located. (In other words, a permit will be required if the structure is so tall that, if it falls, at least part of it will fall outside the apartment's lanai area.)

**NOTIFICATION FORM  
INSTALLATION OF RECEPTION ANTENNAS AND SIMILAR STRUCTURES**

NOTE: This form must be completed and returned two weeks before the installation of an antenna unless a mast exceeding 12 feet above the first floor is installed, which requires prior Board approval.

Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Phones: Home: \_\_\_\_\_ Work: \_\_\_\_\_

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

Type of satellite dish or antenna to be installed (check any that apply):

- DBS satellite dish - 1 meter or smaller (e.g. Dish TV)
- MMDS antenna (wireless cable) - 1 meter or smaller (e.g. GTE Americast)
- Television antenna

Installation will include a mast:  No  Yes

If yes, insert total height of mast: \_\_\_\_\_ feet (Note: mast may not exceed 12 feet above the first floor without obtaining prior approval of the Board).

Installation of the dish or antenna will be done by:

Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_

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

Name of the insurer of any Contractor: \_\_\_\_\_

Attach a drawing showing the exact location of the Covered Antenna and attach a diagram or drawing of the installation.

Does the location of the dish or antenna comply with the Association's House Rules?

- Yes  No (If no, state in detail the reason for non-compliance on a separate sheet of paper.)

I acknowledge that I have read, understand and have complied or will comply with the Association's House Rules on antennas to the extent required by law. If any of the House Rules violates FCC regulations, my signing this statement does not deprive me of any of my rights under the FCC regulations. I further agree to be responsible for any and all costs associated with the antenna and will indemnify and defend the Association for any claims arising from my antenna.

Resident's Signature: \_\_\_\_\_

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