

# **Hawaiki Tower**

## **Antenna Installation Policy**

1. This Antenna Installation Policy is adopted by the Board of Directors of the Association of Apartment Owners of Hawaiki Tower, Inc., on October 30, 2000, in conformance with FCC Antenna Rule (47 C.F.R. Part 1, Subpart S, Sec. 1,400 et seq.).
2. Except as permitted under the Declaration of Condominium Property Regime of Hawaiki Tower ("Declaration"), only antennas covered by the FCC Antenna Installation Rule are permitted at Hawaiki Tower. Such antennas are the following:
  - (a) an antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite service, that is one meter or less in diameter or is located in Alaska; or
  - (b) an antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution service, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or
  - (c) an antenna that is designed to receive television broadcast signals.

Only one antenna for each type of service may be installed.

3. All such antennas shall be installed only in accordance with this Antenna Installation Policy. To the extent any provisions of the Declaration or the Bylaws of the Association of Apartment Owners of Hawaiki Tower, Inc. would impair the installation, maintenance, or use of the forgoing antennas, such provisions are preempted by the FCC Antenna Installation Rule.
4. Antennas may be installed on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property. At Hawaiki Tower, this generally means inside an apartment or on the apartment lanai.
5. If acceptable quality signals can be received by placing an antenna inside an apartment without unreasonable delay or unreasonable cost increase, then outdoor installation (i.e., installation on the lanai) is prohibited.
6. If an antenna must be installed on a lanai, the antenna shall be installed so as not to be visible from other Hawaiki Tower apartments or the streets and roadways adjacent to Hawaiki Tower, except as necessary to obtain acceptable signal reception. An antenna shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
7. Where adequate signal reception requires an antenna to be visible from other Hawaiki Tower apartments or an adjacent street or roadway, the apartment owner shall install the antenna in the manner and location least visible. The apartment owner shall further minimize visibility of the antenna by shielding the antenna from view with potted plants, etc., and painting the antenna to blend in with its background, to the extent possible without unreasonably increasing cost or affecting reception.
8. Antennas shall not be mounted on masts except where necessary to obtain acceptable signal reception or to avoid an unreasonable increase in the cost of the antenna installation. Where a mast must be used, the mast height may be no higher than absolutely necessary to receive acceptable quality signals. Masts extending more than 12 feet above the roofline must be pre-approved due to safety concerns posed by wind loads and the risk of falling antennas and masts. Please contact the property manager if you wish to install a mast higher than 12 feet.

9. No antennas may be anchored into the Association's common element floor slabs, walls, etc., unless such floor slabs, walls, etc., are within the exclusive use or control of the antenna user. If penetration of a common element is necessary, the penetration shall be properly waterproofed and sealed in accordance with applicable industry standards and building codes. The purpose of this rule is to prevent structural damage to the building and other apartments from moisture.
10. The installation of any antenna shall not encroach upon any other apartment, the limited common elements or air space appurtenant to such other apartment, or the common elements.
11. Antenna installations shall not materially damage the common elements, limited common elements, or individual apartments, or void any warranties of the condominium association or other owners, or in any way impair the integrity of the building.
12. Antenna installations shall comply with all applicable statutes, ordinances, rules and regulations promulgated by any governmental authority, including, without limitation, the obtaining of any permits required by such authorities unless those statutes, ordinances, rules of regulations have been preempted by the FCC Antenna Installation Rule.
13. To prevent electrical and fire damage, antennas shall be permanently grounded.
14. Owners who install or maintain antennas are responsible for all associated costs, including but not limited to costs to:
  - (a) Place (or replace), repair, maintain, and move or remove antennas;
  - (b) Repair damage to any property caused by antenna installation, maintenance or use;
  - (c) Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
  - (d) Reimburse residents or the Association for damage caused by antenna installation maintenance or use;
  - (e) Restore antenna installation sites to their original condition.
15. Owners shall not permit their antennas to fall into disrepair or to become a safety hazard. If antennas become detached, owners shall remove or repair such detachment within 72 hours of the detachment. If the detachment threatens safety, the Association may remove the antenna at the expense of the owner. Owners shall be responsible for antenna repainting or replacement if the exterior surface of the antenna deteriorates.
16. The Board of Directors of Hawaiki Tower reserves the right to seek a determination from the Federal Communications Commission and/or the Hawaii Federal District Court on whether any restrictions contained in this Antenna Installation Policy are preempted by the FCC Antenna Installation Rule, and further reserves the right to seek a waiver of the FCC Antenna Installation Rule to address legitimate health and safety concerns. If any provision of this Antenna Installation Policy is ruled invalid, the other provisions shall remain in full force and effect.