

## ATTACHMENT 1

### RESTRICTIONS ON ANTENNA, SATELLITE DISH, AND SIMILAR STRUCTURES

#### 1. Introduction:

This Section is adopted by the Board of Directors pursuant to Hawaii Revised Statutes §514B-140, Article V, Section 3(m) of the By-Laws. The Board of Directors recognizes that the Federal Communications Commission has adopted Regulations that purport to preempt part of Article V, Section 3(m) of the By-Laws. It is intended that these rules comply with all lawful provisions of the Federal Communications Commission regulations.

#### 2. Definitions:

- a. "Reception Antenna" means an antenna, satellite dish, or other structure used to receive video programming services intended for reception in the viewing area and/or designed to receive or transmit fixed wireless signals. Examples of video programming services include direct broadcast satellite services, multipoint distribution services, and television broadcast signals. Fixed wireless signals means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Examples include wireless signals used to provide telephone service or high speed internet access to a fixed location. "Reception Antenna" does NOT include, among other things, Amateur ("HAM") radios, Citizens Band ("CB") radios and Digital Audio Radio Services ("DARS"), AM/FM radio signals. The mast supporting the Reception Antenna, cabling, supports, guy wires, conduits, wiring, fasteners, bolts or other accessories for the Reception Antenna is part of the Reception Antenna. A Reception Antenna that has limited transmission capability designed for the Viewer to select or use video programming is a Reception Antenna provided it meets Federal Communications Commission standards for radio frequency radiation.
- b. "Similar Structures" are any structure, item, device, or equipment that is comparable in size and weight to a Reception Antenna and pose a similar or greater safety risk to a Reception Antenna.
- c. "Transmission Antenna" means any antenna, satellite dish, or structure used to transmit radio, television, cellular, or other signals other than a Reception Antenna. An antenna that is used in conjunction with a Reception Antenna is not a Transmission Antenna if it:
  - (1) Meets all requirements for Reception Antennas and Similar Structures;
  - (2) Is necessary to enable the viewer to select the video programming the viewer will receive on the Reception Antenna;
  - (3) Transmits no signals other than those necessary to allow the viewer to select the video programming the viewer will receive on the Reception Antenna; and
  - (4) Is no larger than necessary to transmit the video programming selections of the viewer.
- d. "Exclusive Use Area" means any portion of the resident's unit or any portion of the limited common element as defined in the Declaration which is appurtenant solely to the resident's unit.
- e. "General Common Element" means any common element not a limited common element appurtenant solely to the resident's unit. Residents do not have the exclusive use or control of any of the general common elements.

3. Location, Size and Number Restrictions:

- a. Transmission Antennas are prohibited unless approved in writing by the Board of Directors prior to installation. The Board has sole discretion in granting or denying the installation of a Transmission Antenna. If a Transmission Antenna is permitted by the Board, it shall, at a minimum, comply with the requirements for Similar Structures. The Board may place additional conditions and requirements on the installation of Transmission Antennas.
- b. No resident shall install or maintain Reception Antennas or Similar Structures on the Project except for Reception Antennas located on the resident's Exclusive Use Areas.
- c. A Reception Antenna or Similar Structure which encroaches on the air space of another Owner's unit or limited common element or onto the General Common Elements does not comply with this rule.
- d. Reception Antennas or Similar Structures must be placed in areas that are shielded from view from outside the Project or from other Units to the extent possible and consistent with their purposes; provided that nothing in this rule shall require a Reception Antenna to be shielded from view: (1) if it precludes reception of an acceptable quality signal unless no acceptable reception is available in any Exclusive Use Area; (2) if it would unreasonably increase the cost of installation; or (3) if it would unreasonably delay installation, provided further that screening may be required by the Board after the installation if it would not unreasonably impair the installation, maintenance or use of the antenna or similar structure. Reception 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:
  - (1) Within the unit;
  - (2) Within an Exclusive Use Area inside the structure, if any;
  - (3) For first floor units, within the fenced courtyard below the top of the fence;
  - (4) For first floor units, within the fenced courtyard above the top of the fence, but within the Exclusive Use Area;
  - (5) For second floor units, within the vertical boundaries of the lanai below the top of the railings/walls of the lanai; or
  - (6) Within the vertical boundaries of the lanai above the top of the railings/walls of the lanai, but within the Exclusive Use Area.
- e. Reception Antennas and Similar Structures shall not be placed in areas where they block fire exits, walkways, ingress or egress from an area, fire lanes, fire hoses, fire extinguishers, safety equipment, electrical panels, water shut-off valves or other areas necessary for the safe operation of the Project. The purpose of this rule is to permit evacuation of the Units and Project and to provide clear access for emergency personnel.
- f. Reception Antennas and Similar Structures shall not be placed within two feet of electric power lines and in no event shall they be placed within an area where it can be reached by the play in the electric power lines. The purpose of this rule is to prevent injury or damage resulting from contact with the power lines.
- g. Reception Antennas shall be no larger than necessary for reception of an acceptable quality signal; provided that under no circumstances shall Reception Antennas for direct

