

**Princeville Community Association's
Community Design Committee [CDC]**

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CDC-14 RULES FOR ANTENNA INSTALLATION

I. Preamble

These rules were adopted by the Community Design Committee [CDC] on July 10, 1997 and are effective on such date.

WHEREAS, the CDC is authorized to adopt rules and regulations pertaining to improvements on lots located within Princeville at Hanalei Community Association; and

WHEREAS, the Federal Communications Commission [FCC] adopted the rules effective October 14, 1996, pre-empting certain restrictions in the governing documents concerning the installation, maintenance and use of direct broadcast satellite, television broadcast, and multipoint distribution service antennas; and

WHEREAS, the CDC 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 rule.

NOW THEREFORE, the CDC adopts the following restrictions and regulations for the Community, hereinafter referred to as the "rules" which shall be binding upon all Owners 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 use video programming is a reception antenna, provided 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 property Owner 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. Installation Rules

A. Antenna Size and Type

1. DBS antennas one meter or less in diameter may be installed. DBS antennas larger than one meter are prohibited.
2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
3. Antennas designed to receive television broadcast signals, regardless of size, may be installed.
4. Installation of transmission-only antennas are prohibited unless approved by the CDC.
5. All antennas not covered by the FCC rules are prohibited, i.e. radio antennas, unless approved by the CDC.

B. Location

1. Antennas shall be installed solely on individually-owned property as designated on the recorded deed defining the portions of common or individually-owned property.
2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited. If acceptable quality signals may be received by placing antennas on the ground, without unreasonable delay or cost increase, then rooftop installation may be prohibited. If roof installation is required to obtain a quality signal, then it is advised that antennas be placed under an eave, if possible, to reduce visibility to the neighborhood.
3. Antennas shall not encroach upon common areas or any other Owner's property.
4. Antennas shall be located in a place shielded from view from the street or other lots to the maximum extent possible, provided, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received or where access would be impaired. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually-owned lot.

C. Installation

1. Antennas shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so that they do not damage the common areas 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 areas or lots.
3. Owners are responsible for all costs associated with the antenna, including but not limited to:
 - ✍ Place (or replace), repair, maintain, and move or remove antennas;
 - ✍ Repair damages to the common property, other lots, and other property damaged by antenna installation, maintenance and use;
 - ✍ Pay medical expenses incurred by persons injured by antenna installation, maintenance, or use;
 - ✍ Reimburse residents or the Association for damages caused by antenna installation, maintenance or use.
4. 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.

D. Maintenance

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair.
3. Owners shall be responsible for repainting or replacement if the exterior finish of antennas deteriorates.

E. Safety

1. 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.
2. Unless the above-cited laws and regulations require a greater separation, antennas shall not be placed within 2 feet of buried power lines and in no event shall 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 contact with power lines.
3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand winds of 90 mph.

IV. Antenna Camouflaging

- A. Antennas or masts may not extend beyond a railing or fence unless no acceptable quality signal may be received from this location.
- B. Antennas situated on the ground and visible from the street or from other lots must be camouflaged by existing landscaping or fencing, if an acceptable quality signal may be received from such placement. If no such existing landscaping or screening exists, the Association may require antennas to be screened from view by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the structure to which it is attached. (Some manufacturers assert that paint may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not impair the signal.)
- D. Antennas may not obstruct a driver's view of an intersection or street.

V. Number of Antennas

No more than one antenna of each provider may be installed by an Owner.

VI. Mast Installation

- A. Mast height may be no higher than absolutely necessary to receive an acceptable quality signal.
- B. Masts that extend 12 feet or less beyond the roofline may be installed subject to the regular notification process. Masts that extend more than 12 feet above the roofline must be approved before installation due to safety concerns posed by wind 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 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, then 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 and blend with 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 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 be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of the regulation is to avoid damage to electric power lines if the mast should fall in a storm or from other causes.
- G. Masts shall not encroach upon common areas or another Owner's lot.
- H. Masts installed on the ground must sustain a minimum of 90 mph winds.

VII. Notification Process

- A. Any Owner desiring to install an antenna must complete a CDC-15 application form and submit it to the CDC or Facilitator. If the installation is routine (conforms to all the above rules and restrictions), with verbal approval by the Facilitator the installation may begin immediately.
- B. If the installation is other than routine for any reason, Owners and the Facilitator must establish a mutually convenient time to meet to discuss installation methods.
- C. Tenants may install antennas in accordance with these rules with written permission of the homeowner. A copy of the permission must be submitted along with the CDC-15 application form to the CDC.

VIII. 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 by the Owner to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$50.00 shall be imposed by the Association for each violation. If the violation(s) is not corrected within a reasonable length of time, additional fines of \$10.00 per day will be imposed for each day that the violation continues. To the extent permitted by the law, the Association shall be entitled to reasonable attorney fees, costs and expenses incurred in the enforcement of this policy.
- B. If the antenna installation poses a serious immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

IX. Severability

If any provision of these rules is invalid, the remainder of these rules shall remain in full force and effect.