



Brookhaven Community HOA Unmanned Aircraft (DRONE) Policy Addendum to Regulations

Approved 10/10/2022

In 2022, unmanned aircraft, typically known as drones, started to become extremely popular with hobbyist. As a Homeowners Association we strive to protect the privacy and safety of all owners living within the community. These devices now have Federal, State and Local laws regulating their usage and the Brookhaven HOA has been advised by our attorneys and insurance carriers to implement policies concerning the use of drones within the Brookhaven Community. The following are the Rules and Policies governing all types of unmanned aircraft, including drones within the Brookhaven Community. These general rules apply to all owners, family members, guests, and tenants (herein "Residents") in the use of these devices.

RULES:

1. Residents must adhere to all Federal, State and Local laws and regulations concerning the use of unmanned aircraft and/or drones including, but not limited to, the following: the required age for flying such device(s), any testing or licensing required, having a license on their person when in use if required, and continuing to certify for any FAA required tests that are mandated currently and as amended overtime while keeping such licenses up to date. If a certificate is issued, the Resident must carry it when using the drone for any verification of such use of the drone or unmanned aircraft. Unmanned aircraft over .55lbs or 8.8 ounces must be registered with the FAA.
2. A Resident may fly a drone within their property boundaries identified on their Official Recorded Property Survey Plat that is recorded in the Richland County Court of Records, as long as such flying of the device would be for recreational use and for the sole purpose of periodically inspecting their home, lot or home or to take photographs or videos to be used solely for personal purpose. It must maintain flight altitude regulations in accordance with FAA regulations, which means it can go no higher than 400ft. The Resident must be able to demonstrate safe and proper control of the unmanned aircraft and/or drone at all times.
3. No drone, either with or without a camera, can be flown over any other private property or Association Common Property without written permission by the owner of the private property or permission of the Brookhaven Board of Directors if it is over Brookhaven HOA Common Property. Common Property is defined as any property or physical assets or permanent improvements which are owned and maintained by the Brookhaven Association, including but not limited to roadways, landscapes, etc..

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4. Owners will be responsible for notifying any Realtor using a drone for recording and imaging their property to be aware of these rules by giving the Realtor a copy of the rules before they start. Owners should be fully aware of what is being recorded, by who, and when the recording is occurring.
5. Under no event is an operator of a drone permitted to invade the privacy of any person(s) by taking photographs or videos of any person, their property, vehicles (privately or commercial) or invade the privacy space of such person(s) on any owner's lot or Brookhaven HOA Common Property.
6. No Resident may operate a drone in any manner that constitutes a danger to persons or property, that constitutes a nuisance, or that harasses, annoys, or disturbs the quiet enjoyment of another person, including without limitation, another owner or their family members, lessees, guests or invitees.
7. Residents flying unmanned aircraft assume all risks and liabilities associated with such activity (including but not limited to liability for injuries to themselves and others, damage to property, claims of invasion of privacy, nuisance, harassment, etc.)
8. Residents or their authorized agents flying unmanned aircraft indemnify, defend and hold harmless the Brookhaven HOA and its directors, officers and other representatives against any claims that may be asserted against them on account of the operator's activities concerning the use of an unmanned aircraft (including but not limited to reasonable attorneys' fees and costs).
9. All drown owners must have insurance covering any damages from drone use. Proof of insurance specifically for drone liability must accompany the application.

VIOLATION PROCEDURE:

Since this violation is considered a safety and privacy type of violation, an owner will receive an immediate Violation Notice by email and by US Mail requiring an immediate cure to stop all unauthorized flight of the unmanned aircraft. Further violations to the same owner may result in accrued fines as defined in the Brookhaven HOA Declaration and formal legal action, which may subject the owner to attorney's fees and costs.

Date of BOD Approved: 10-10-2022 **Notice Date:** 11-1-2022 **Effective Date:** 11-1-2022