

Waialae Iki 5 Community Association

HOA Unmanned Aircraft (DRONES) Policy

In 2018, 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.

The following are the Rules and Policies governing all types of unmanned aircraft, including drones within the Waialae Iki 5 Community Association. 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 over time 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 Plot Plan. 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 400 ft. 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 Board of Directors if it is over HOA Common Property. Common Property is defined as any property or physical assets or permanent improvements which are owned and maintained by the Association, including but not limited to roadways, landscapes, clubhouse, pool, tennis courts...
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 owners lot or 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 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).

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 up to \$500.00 fine per violation as defined in our Declaration and formal legal action, which may subject the owner to attorneys' fees and costs.

Date of BOD Approved: June 30th, 2022

APPLICATION FOR DRONE USE

Waialae Iki 5 Community Association

Property Owner Information

Property Owner's Name: _____ Lot Number: _____
Property Address where drone to be flown: _____
Name of Company Requiring Drone Work: _____ Purpose of Drone Work: _____
Address: _____ Contact Person: _____
Email Address: _____ Office Phone: _____ Cell Phone: _____
Property Owner Signature Approving Use of Drone: _____ Date: _____

Drone Vendor

Drone Company Name: _____ Contact Person: _____
Company Address: _____
Office Phone: _____ Cell Phone: _____ Email: _____

Drone Information

Pilot Name: _____ Pilot Qualifications/Certification #: _____
Type of Drone: _____ Class: _____ Drone FAA Registration Number: _____
Weight of Drone: _____ Air Speed of Drone: _____ Altitude to be Flown: _____
Flight Location/Path: _____ Take-off and Landing Location: _____
Date and Time of Flight: _____ Duration of Flight: _____
Alternate Date/Time in the Event of Inclement Weather: _____

The following items must be submitted with completed Application:

- Copy of Pilot's License/Certification
- Copy of FAA Registration for Drone
- Copy of Proof of General Liability Insurance coverage related to unmanned aircraft damage caused by drone
For any harm done to persons, pets, vehicles, buildings, common property and all other property.

Drone Pilot and Vendor must adhere to the following rules:

- Waialae Iki 5 Community Association prohibits the use of drones on Association property, except for individuals performing a job-specific task that has been approved in writing, in advance by the Association.
- This exception approval may be granted, or withheld, at the Board of Directors discretion, but would include activities related to certain law enforcement agency activity, environmental monitoring, inspection or mapping, certain engineering or surveying evaluation or documentation, or inspection of project or construction sites.
- Real estate purpose use of drones shall only be considered when the prior approval of the owner on any and all property, either being flown over, or by, is obtained in writing.

- Flight hours permitted are between 9:00 a.m. and 5:00 p.m. Monday thru Friday, no flights are permitted on Saturdays, Sundays, or legal holidays.
- Drone must be registered with the FAA.
- Drone must be operated by an individual licensed by the FAA.
- Drone must be flown and utilized only in accordance with the FAA and other applicable governmental agencies.
- Drone is prohibited from flying directly over people and when flown within the community in a manner not to interfere with an owner's reasonable expectation of privacy.
- Drone not to be utilized in any fashion to spy or otherwise peer or take pictures into the residence of another owner's property.
- Drone not to be utilized to harass any person with respect to private property or to the Association's common property.
- Drone not to be utilized in a manner to cause injury to person or property.
- Drone must weigh less than 55 pounds, including payload, at takeoff.
- Drone must fly in Class G Airspace.
- Drone must be kept in pilot's visual line of-sight at all times.
- Drone must fly at or below 400 feet at all times.
- Drone must fly at or under 100 mph.
- Drone must yield right-of-way to any manned aircraft.
- Drone is not permitted to be flown from a moving vehicle.
- Violation of the rules for drone usage may be subject to fines and penalties against the property owner.

I have read and understand the above rules and agree to comply with these rules while in Waijalae Iki 5 Community Association.

Owner:
Print Name: _____
Signature: _____
Date: _____

Contracting Company
Print Name: _____
Signature: _____
Date: _____

Drone Pilot
Print Name: _____
Signature: _____
Date: _____

Drone Vendor
Print Name: _____
Signature: _____
Date: _____

APPROVALS

HOA Approval:

Representative Name: _____

Signature: _____

Title: _____

(Must be Board President)

Date: _____