

LAKE OF THE PINES ASSOCIATION RULES & REGULATIONS



Unmanned Aircraft Systems Enforcement

Lake of the Pines (LOP) is a densely populated 2,000 home residential community housing a population of approximately 5,000 individuals.

LOP is densely populated with mature foliage and is located in a potentially very high fire danger area.

LOP's common areas include several parks that are densely populated with trees and depending on the season, people picnicking and/or swimming.

LOP'S Golf Course is used by golfers during playing hours and walkers preceding and following golf activity.

LOP's lake is utilized by a multitude of boaters and swimmers.

The FAA has issued regulations relating to the operation of Unmanned Aircraft Systems (hereinafter "UAS", e.g., drones and model aircraft). It is the intent of LOP to enforce compliance with all FAA regulations with emphasis on those relating to safety, e.g., UAS cannot be flown at night.

While the FAA is in the process of reviewing those regulations and may change those regulations in the future, it is understood by LOP that as of the present time the FAA has not fully preempted state and local laws relating to privacy, trespass and public nuisance.

California Civil Code 1708.8 provides redress from privacy, trespass and public nuisance which may arise from the operation of UAS and that California Civil Code 1708.8 can be enforced in a manner which is not inconsistent with and is in full compliance with FAA regulations.

LOP's CC&Rs provides in Article III Section 3 the Peace, Health, Comfort, Safety and General Welfare of the owners, and in Article VIII Section 7 provides protections against Unreasonable Annoyances and can be enforced in a manner which is not inconsistent with and is in full compliance with FAA regulations.

PROHIBITED PROPULSION METHODS

1. UAS using flammable fuels and internal combustion engines represent an undue safety hazard in light of the potentially destructive fires particularly given the density of trees, plants and undergrowth. Additionally, the noise emanating there from also creates a public nuisance and an unreasonable annoyance in the peaceful and serene environment maintained by LOP.

2. UAS using ducted propulsion system, whether or not electric powered, creates a public nuisance and an unreasonable annoyance because of the noise inherent in such systems and an undue safety hazard because the high speeds of unmanned aircraft using ducted fan propulsion system are inappropriate in the flyable areas within LOP.

LOP is visually an open community in which privacy fences are generally not allowed thus facilitating intrusion of privacy by cameras even at great distances and such intrusions are deemed to be a public nuisance and an unreasonable annoyance. Commercially licensed and insured operators hired by LOP members will be allowed to carry out their work assignments. Owners will remain fully responsible for actions of those hired individuals.

The LOP Board of Directors acknowledges that certain Association members from time to time may be involved in the flying of unmanned aircraft within the boundaries of LOP. It is therefore absolutely essential and therefore a requirement that any such member become fully informed and up to date on all relevant rules and regulations issued by governing bodies. In the event of any incident that comes to light involving unmanned aircraft the Association will rely on said rules and any other rules that may be applicable to determine compliance or lack thereof. Failure to follow all then current rules and regulations will result in a noxious activity violation and subsequent financial penalty.

It is therefore the policy of LOP that in addition to all other rules and regulations affecting members that all current and hereinafter enacted/published rules, regulations and guidelines covering the flying of unmanned aircraft will be the standard to which members, guests, vendors and all others will be held.

RULES WORTHY OF SPECIAL MENTION

1. Any UAS flown within LOP must be flown within the unaided sight of the operator.
2. Any UAS shall be clearly marked with the FAA registration number.
3. Any UAS flown within LOP must be powered solely by an electric motor(s) connected to an external typical propeller(s) that is designed to emit minimal noise.
4. Any UAS being flown within LOP may not be flown over groups of people.

ADDITIONAL REFERENCE MATERIAL RESOURCE

The Academy of Model Aeronautics (AMA) provides a very informative on-line AMA Safety Guide called the “Safety Handbook,” which can be found at www.modelaircraft.org.

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