

Troon Village Association

Drone Rules

WHEREAS, the Troon Village Association (“Association”) is governed by the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Troon Village, recorded August 30, 1988, as Instrument No. 88-357622, re-recorded as Instrument No. 88-430025, both in the official records of the Maricopa County, Arizona Recorder, as amended from time to time (the “Declaration”).

WHEREAS, Section 4.04 of the Declaration states: “All uses, activities and Improvements on any Lot or Parcel shall conform to and be done in compliance with all applicable governmental laws, rules, and regulations....”

WHEREAS, Section 4.18 of the Declaration states: “No odors or loud noises shall be permitted to arise or emit from any Lot or Parcel. No use or activity shall be undertaken or permitted on any Lot or Parcel which constitutes an annoyance to surrounding Owners or Occupants or a public or private nuisance....”

WHEREAS, Section 4.21 of the Declaration states: “If additional uses, activities, and facilities are deemed by the Board to be a nuisance or to adversely affect the health, safety or welfare of Owners or Occupants or the quality or attractiveness of Troon Village, the Board may make rules restricting or regulating such uses, activities and facilities. Such rules, when adopted in the manner provided in Section 5.04 of this Declaration, shall be effective as Association Rules.”

WHEREAS, the Board is concerned with the impact on safety and privacy presented by the use of drones in the community, as well as the potential for drones to create a nuisance for Owners or Occupants of the community.

NOW, THEREFORE, the Association hereby adopts Drone Rules in order to regulate the use of drones in the community.

1. The use of any Model Aircraft, as that term is defined in the FAA Modernization and Reform Act of 2012, or any small unmanned aircraft system (UAS) that is governed by Federal Aviation Administration (FAA) rules now or hereafter in effect (collectively, “Drones”) within the community shall be governed by these Drone Rules.
2. Anyone piloting a Drone within Troon Village is solely responsible for ensuring their own compliance with all local, state, and federal laws, regulations, and rules. The Drone pilot shall be solely responsible for any injury or damage arising out of the Drone’s operation in the community.
3. No one may operate a Drone within the community without having obtained a permit from the Association. Anyone wishing to operate a Drone in the community shall first submit an application to the Association, in a form adopted by the Board of Directors. The application must be signed by the Owner of the respective Lot or Parcel and by the Drone pilot. The

application must be completed in its entirety before it will be reviewed by the Board. By submitting an application, the person(s) signing the application shall be deemed to agree to the terms of these Drone Rules. The Board will review the completed application and, if the qualifications are met, the Board will issue a permit for the Lot/Parcel Owner and Drone pilot.

4. All Drone operators must have insurance covering any damages from Drone use. Proof of insurance, specifically for drone liability, shall be submitted with the application. The person(s) signing the application shall be deemed to agree to reimburse the Association for the any repair costs not covered by the drone liability insurance relating to damage caused by the Drone to portions of the property maintained by the Association.
5. No one may operate a Drone over any Lot or Parcel or take pictures or video footage of a Lot or Parcel unless they have obtained the written permission of the Owner of such property. No one may operate a Drone over any person or take pictures or video footage of a person unless they have obtained that person's written permission. Violations shall be deemed to be a nuisance and in violation of the Declaration.
6. Except in the case of an emergency landing, all Drones must take off and land within the boundaries of the pilot's Lot or Parcel. All Drone pilots, while operating a Drone, must remain within the boundaries of their Lot or Parcel. No one may operate a Drone from any Common Area.
7. No one may operate a Drone at any level below two hundred feet (200') above ground level over the property (as delineated by the perimeter wall) and Drones may never fly under or within close proximity to covered structures.
8. Drones may only be flown during daylight hours and must always remain in the pilot's line of sight while in flight.
9. Any Drone that is operated so as to be offensive or detrimental to any other property in the vicinity thereof or to its Owners or Occupants, as determined in the sole discretion of the Board, shall be deemed to be a nuisance and in violation of the Declaration.
10. Upon the written request of any Owner or Occupant, the Board shall conclusively determine, in its sole and absolute discretion, whether a particular Drone is being operated to be a nuisance. The Owner or Occupant submitting the request for determination of whether the Drone is a nuisance shall keep a log and documentation of proof of the nuisance for a minimum of two (2) weeks or such other time period as is prescribed by the Board. The Owner or Occupant must also provide information to the Association documenting in what Lot or Parcel within Troon Village the user of the Drone resides. In addition, Owners or Occupants submitting a request for determination of any of the above shall provide any other documentation required by the Association. Any decision rendered by the Board shall be final and enforceable in the same manner as other restrictions of the Declaration.

11. The Association is not required to take enforcement against all Drones operated in Troon Village. However, should the Association bring any legal or administrative action to enforce these Drone Rules and/or the Declaration with respect to a Drone, the Owner or Occupant submitting a complaint would be required to testify and provide documentation relevant to the complaint. The Association does not prejudice or waive its right to enforce these Drone Rules and/or the Declaration should the Association not enforce these Drone Rules and/or the Declaration as to any particular Drone's operation in Troon Village.
12. The Board of Directors shall have the authority to enforce the provisions of these Drone Rules in any manner provided by the Association's governing documents and applicable law.

These Drone Rules are adopted by majority vote of the Board at a meeting duly noticed to all Owners and held on September 18, 2023 and will become effective on [Date = 15 days after adoption by Board], 2023.



President, Troon Village Association