

Article XX

Use of Drones

Note: Capitalized terms are defined in Article I, Definitions & Forms

The use of Drones in North Carolina is governed by both the Federal Aviation Authority (FAA) and the North Carolina Department of Transportation (NCDOT) and all Drone operators are expected to familiarize themselves with the governing laws and regulations applying to use of [Drones in North Carolina](#).

Without limiting the obligations of the Drone operator to understand and comply with the laws and regulations applicable to the use of Drones (also known as "Unmanned Aircraft Systems"), it should be understood that under North Carolina law it is illegal for someone to operate a Drone to conduct surveillance of (a) a person or dwelling occupied by a person and the area surrounding that dwelling without the person's consent, (b) private real property without the consent of the owner, easement holder, or lessee of the property, or (c) to photograph an individual, without the individual's consent, for the purpose of publishing or otherwise publicly disseminating the photograph. N.C. Gen. Stat. 15A-300.1.

1. Types of Drones.

A. Recreational use Drones are those that are privately-owned and used simply for fun or personal enjoyment. In the state of North Carolina, you are required by the [FAA](#) to take The Recreational UAS Safety Test (TRUST). You are also required to follow the FAA's recreational model aircraft rules and that can be found on the [North Carolina Department of Transportation](#) website, which include without limitation the following:

- (1)** Drones may not be launched or recovered from either privately-owned Improved or Unimproved Lots not owned by the Drone operator without the impacted property owner's consent.
- (2)** A Drone operator must always keep their Drone in their visual line of sight, use a visual tracker, and/or a visual observer who is co-located and in direct communication with the operator.
- (3)** In addition, the following requirements apply:
 - a.** Any pictures taken must be confined to the area within the property boundaries of the Drone operator.
 - b.** Recreational use Drones should NOT be flown over CFPOA common areas without the prior written approval of the General Manager.

- c. Drone operators are expected to operate Drones responsibly and safely, and without creating a nuisance to other Community Members.

B. Commercial use Drones are used in connection with a business. Services such as aerial photography, construction, and surveying are examples of commercial uses of Drones. Commercial Drone operators are required to follow the NCDOT guidelines and may be required to hold a remote pilot airman certificate (FAA Part Small UAS rule part 107) including the requirement to pass the FAA's Aeronautical Knowledge Test. The use of Drones for commercial purposes within Connestee Falls is permitted only with the prior written approval of the General Manager. Drones must be confined to the airspace within the property boundaries of the approved use. If the use of the Drone requires exiting that airspace, then prior permission must be received from the General Manager and adjoining property owners.

2. General.

A. Compliance with Laws. All operators of Drones within Connestee Falls must adhere to all current federal and North Carolina laws and regulations pertaining to the ownership and operation of Drones. These Rules & Regulations do not supersede, but act in concert with, federal, state and county laws and regulations, and any conflicts will be construed in favor of the primary governing authority (i.e., Federal Aviation Administration or North Carolina Department of Transportation).

B. Time of Day. Recreational and Commercial use Drones cannot be used within Connestee Falls before 8:00 a.m. and shall be used only during daylight hours.

C. Law Enforcement and Emergency Management Exception. North Carolina statutes allow for the use of Drones for emergency management activities, including incident command, area reconnaissance, search and rescue, preliminary damage assessment, hazard risk management, and floodplain mapping. These statutes also make other changes to align the state law with federal law. Accordingly, the use of Drones for emergency management activities are permitted at any time, and anywhere within the Community, as needed by emergency agencies such as fire, rescue and police department use.

D. Violations. Violations of these Rules and Regulations should be reported to the General Manager who will address the matter with the offender, which may result in the offender and/or responsible Member being issued a Violation notice requiring an appearance before the Judicial Committee (Article XXIII) where a fine may be imposed for each Violation.

E. No Assumption of Liability/Insurance. Operating a Drone, whether for personal or commercial purposes, is an activity that entails certain risks and potential liabilities. Operators of Drones within Connestee Falls should maintain appropriate insurance coverage as applicable to their use of Drones. The Association, including its agents and

employees, assumes no liability and will not be responsible for any harm or damage to any individual, property, or animal that occurs as the result of operating a Drone, regardless of whether prior written approval from the General Manager was obtained.