

# DECISION PAPER



January 14, 2016

**Issue:**

Private use of drones on common areas and near common facilities. Tahoe Donner does not have a rule to address drone usage on association property.

**Background:**

Recreational businesses and homeowner associations are seeing an increase in private use of drones as they become more popular and affordable to most. Ski areas in particular have seen private use of drones within ski area boundaries creating a hazard to the user, ski area and other guests. These hazards are created due to the user's distraction while using the drone while skiing/snowboarding.

Additionally, the hazards to others should the drone collide with the user and or others as well as facilities like chair lifts are real. Recreational businesses and specifically ski areas are recommended by industry counsel to create and enforce a drone rule/policy to reduce risk of damage or injury. As such, management and the covenants committee reviewed and discussed the creation of a drone rule.

**Options:**

1. Do not create a rule for drone use;
2. Consider approving drone rule as drafted for 45-day member notification of board consideration of new rule;
3. Consider drone rule with modifications for 45-day member notification of board consideration of new rule;

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## Recommendations:

The Covenants Committee and management requests the Board of Directors consider approving Option 2: approving drone rule as drafted for 45-day member notification of board consideration of new rule.

Recommended new rule Drone Use is as follows:

*The operation or use of unmanned aerial systems, or drones on Tahoe Donner Association common area and other association real property – without the prior written authorization from Tahoe Donner Association – is expressly prohibited. This prohibition on drone operations or use extends to any drones launched or operated from association property, as well as drones launched from private property.*

Prepared By: Annie Rosenfeld and Covenants Committee

General Manager Approval: BE

Date: 1/15/16

## COVENANTS DRONE RULE

### Full Rule

The operation or use of unmanned aerial systems, or drones on Tahoe Donner Association common area and other association real property – without the prior written authorization from Tahoe Donner Association – is expressly prohibited. This prohibition on drone operations or use extends to any drones launched or operated from association property, as well as drones launched from private property.

### Website Text of Rule Details

Out of safety concerns for guests, employees, and association property, as well as concerns for individual privacy, Tahoe Donner Association prohibits the operation or use of unmanned aerial systems, or drones, by the general public – including recreational users and hobbyists – without the prior written authorization from Tahoe Donner Association. This prohibition includes drones used for filming or videotaping, as well as any drone use by media or journalists operating above or within Tahoe Donner property boundaries. This prohibition on drone operations or use extends to any drones launched or operated from association property, as well as drones launched from private. Any authorized operation of aerial drones may be governed by Federal Aviation Administration (FAA) rules and regulations, local law enforcement, and / or U.S. Forest Service, as well as those policies separately established by Tahoe Donner Association, which may include certification, training, insurance coverage, indemnification requirements, and waivers or releases of liability. Any violation of this rule may involve suspension of your recreation and/or member privileges, or the revocation of your season pass, as well as confiscation of any drone equipment, and may subject violators to any damages, including, but not limited to, damages for violations of privacy and/or physical or personal injuries or property damage, as well as regulatory fines and legal fees.

### Map or signage short version:

Unmanned aerial drone use by guests or the media is prohibited without prior written approval of Tahoe Donner Association. Visit [tahoedonner.com](http://tahoedonner.com) for more information.