

**WEST LOCH FAIRWAYS ASSOCIATION
POLICY RESOLUTION FOR RESTRICTING THE USE OF UNMANNED AIRCRAFT
SYSTEMS (UAS) or DRONES**

WHEREAS, Article III, Section 3.5 of the First Restatement of the By-Laws of West Loch Fairways Association (the "Restated Bylaws") states in its relevant part, "The Board of Directors shall have and may exercise all of the powers of the Association, including, without limitation, all of the powers of the Association as set forth in the Declaration, except as specifically reserved to or as may from time to time be conferred upon Owners by operation of law, the Articles of Incorporation, the Declaration or these Bylaws;" and

WHEREAS, Article III, Section 3.02 of the First Restatement of the Declaration of Covenants, Conditions, and Restrictions of West Loch Fairways (the "Restated Declaration") states in its relevant parts:

RESIDENTIAL LOTS: USES AND RESTRICTIONS. Each Lot shall be for the exclusive use and benefit of its Owner, subject, however, to the following covenants, conditions and restrictions:

* * *

(t) No Owner shall violate or permit the violation on his Lot of any applicable law or ordinance pertaining to zoning, buildings, fires, signs or other matter relating to the use and development of his Lot.

(u) No Owner shall undertake an activity upon any Lot or in or about any Lot which is unlawful or would unreasonably disrupt or impair the privacy and quiet enjoyment of any other Lot or Owner thereof.

WHEREAS, Article V, Section 5.06(a) of the Restated Declaration states, "The Board may from time to time adopt, amend and repeal rules and regulations to be known as the Rules to govern the following: (1) the use of Common Area by any Owner or by the Family, invitee, licensees, or lessees of such Owner; (2) the use of Service Roads; (3) the collection and disposal of refuse; (4) the burning of open fires; (5) the maintenance of animals within West Loch Fairways; and (6) the amount of the Initiation Assessment to be paid by each new Association Member;" and

WHEREAS, Article V, Section 5.06(b) of the Restated Declaration states, "With respect to subparagraph (a)(1) above, the West Loch Fairways Rules may without limitation and to the extent deemed necessary by the Association in order to preserve the benefits of West Loch Fairways for all Owners, their families, invitees, licensees, lessees, and guests, restrict and/or govern the use of Common Area by any Owner or by the Family, invitee, licensees, or lessees or guests of such Owner."

WHEREAS, Article V Section 5.06(c) of the Restated Declaration states, "With respect to subsection (a)(2) above, the Rules may provide for: (1) parking restrictions; (2) maximum speeds for vehicular traffic on Service Roads; (3) the time or times when commercial vehicles may be permitted to use Service Roads owned by the Association; and (4) the types of vehicles other than passenger automobiles which may be permitted to use the Service Roads owned by the Association."

WHEREAS, Article V, Section 5.2(c) of the Restated Bylaws, authorizes the Board of Directors (the “Board”) to impose sanctions for violations of the Rules; and

WHEREAS, the Board wishes to establish uniform regulations for restricting the use and operation of Unmanned Aircraft Systems (UAS), also known as Drones, at West Loch Fairways.

NOW THEREFORE, BE IT RESOLVED THAT the following rules and regulations regarding the use and operation of Unmanned Aircraft Systems (UAS), also known as Drones, within West Loch Fairways is adopted by the Board:

1. Definitions

a. “Unmanned Aircraft System” (UAS) or “Drone” means a powered aerial vehicle that:

- (1) Does not carry a human operator;
- (2) Uses aerodynamic forces to provide vehicle lift;
- (3) Can fly autonomously or be piloted remotely;
- (4) Can carry a lethal or nonlethal payload.

b. “Imaging Device” means a mechanical, digital or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

c. “Image” means a record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

2. Recreational Use of Unmanned Aircraft Systems or Drones

a. Operating a UAS or drone on or over a West Loch Fairways Common Area or Service Road is PROHIBITED.

b. Operating a UAS or drone over property not owned by the West Loch Fairways Association (the “Association”) but within the Association’s membership boundary (see Diagram 1 on page 4 of this Resolution) shall adhere to the following rules:

(1) Follow the Federal Aviation Administration safety guidelines for hobby and recreational use:

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Do not fly within five (5) miles of an airport unless you contact the airport and control tower before flying (**Note:** The West Loch Fairways community is located less than five (5) miles from the Kalaeloa Airport)
- Do not fly near people or stadiums

- Do not fly an aircraft that weighs more than 55 lbs.
- Do not be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

(2) Except during takeoff and landing, the UAS shall be operated at a distance of more than 250 feet above any Lot or structure to ensure the privacy and quiet enjoyment of any other Lot, Owner or Resident.

(3) The UAS shall not use an installed imaging device within 250 feet above any Lot or structure.

(4) The UAS or any other device may not interfere with any radio signals through its use.

(5) By operating a UAS, the operator is assuming all liability associated with its use and will indemnify the Association for any and all liability that arises from the use of the UAS. The operator will also have any and all insurance policies applicable to the use of the UAS.

(6) The UAS shall only be operated during daylight hours and only in non-adverse weather conditions.

3. Commercial Use of Unmanned Aircraft Systems or Drones

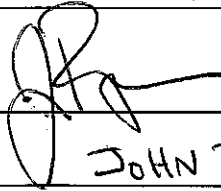
a. Operating a UAS or drone on or over a West Loch Fairways Common Area or Service Road is PROHIBITED without a permit from the Federal Aviation Administration.

(1) Owners, their families, invitees, licensees, lessees, and guests shall not schedule or accept deliveries by UAS or drone on any West Loch Fairways Common area or Service Road or Lot.

CERTIFICATE

I hereby certify that the above resolution was adopted pursuant to the FIRST RESTATEMENT OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF WEST LOCH FAIRWAYS and the FIRST RESTATEMENT OF THE BY-LAWS OF WEST LOCH FAIRWAYS ASSOCIATION, by the Board of Directors of the Association, at a Board meeting on OCTOBER 20, 2015.

DATED: Ewa Beach, Hawaii, OCTOBER 20, 2015.



JOHN ROGERS, Secretary
(Print Name)

Diagram 1

