

meanings set forth in Ballot Measure 91; Section 5, chapter 1, Oregon Laws 2015, as amended

9.11 DRONE POLICY

ISSUE #1

9.11.1 Due to safety and privacy concerns, Black Butte Ranch prohibits the operation or use on or above Resort property of unmanned aerial systems, or drones, by the general public—including model aircraft by recreational users and hobbyists—without the prior written authorization from Black Butte Ranch. This prohibition includes drones used for filming or videotaping, as well as any drone use by media or journalists operating above or within the area boundaries. This prohibition extends to any devices launched or operated from Ranch property, as well as any launched from private property outside of the Ranch boundaries.

Please contact Ranch management if you have any questions or if you seek prior authorization to operate any such devices. Any authorized operation of drones on or above Ranch property will be governed by Federal Aviation Administration (FAA) rules and regulations, local law enforcement, and U.S. Forest Service rules, as well as those policies separately established by this Resort, which may include certification, training, insurance coverage, indemnification requirements, and waivers or releases of liability. Any violation of this policy may result in the confiscation of any prohibited equipment, and may subject violators to any liability for damages, including, but not limited to, damages for trespass, violations of privacy, and physical injuries to persons and/or property, as well as legal fees.

9.12 PUBLIC NUDITY

9.12.1 Public nudity in the public view of others is prohibited on the common areas of Black Butte Ranch property. Visitors, owners and guests of Black Butte Ranch may not intentionally display their genitals in the public areas on The Ranch, or on any private property that can reasonably be seen by the public. This shall include urination or defecation in common areas, areas open to the public and/or in public view (except in urinals or washrooms provided for that purpose)

9.12.2 Violation of this rule may result in immediate trespass from all Black Butte properties.

9.12.3 Black Butte Ranch 9.12 does not apply to private areas such as locker rooms, bathrooms, or inside of private residences that have a reasonable expectation of privacy. This rule also does not apply to women who are engaged in breastfeeding.

Addendum A
Black Butte Ranch Rules and Regulations Fine Schedule

Chapter 2 - Ranch Access and Security			
	Ranch Access	1st	2nd & Sub
2.1.7	Failure to display/misuse of Ranch Pass	\$50	\$100
Chapter 3 - Traffic and Vehicle Rules			
	Traffic and Vehicles		

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 9.11.1 (p. 29): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Due to safety and privacy concerns, Black Butte Ranch prohibits the operation or use on or above Resort property of unmanned aerial systems, or drones, by the general public - including model aircraft by recreational users and hobbyists - without the prior written authorization from Black Butte Ranch. This prohibition includes drones used for filming or videotaping, as well as any drone use by media or journalists operating above or within the area boundaries.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).