

Moose Hollow / Cascades Condominiums

Personal Security Camera Rules and Regulations

The Utah legislature recently added to the Utah Condominium Ownership Act (“**Condominium Act**”) a provision regarding an Owner’s right to install personal security cameras (“**PSCs**”) in certain locations outside of his or her Unit.

Subsection 57-8-8.1(6)(a) of the Condominium Act states an Association rule “may not prohibit a unit owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner’s condominium unit.”

Meanwhile, Subsection 57-8-8.1(6)(b) states a rule may prohibit a unit owner from installing a personal security camera in a common area not physically connected to the owner’s unit.

The Association has adopted these rules and regulations regarding the installation and use of PSCs (“**PSC Rules**”) in order to balance the Owners’ right to install PSCs against certain privacy concerns, while preserving the Project’s aesthetics and protecting against damage to Buildings and Common Area Improvements, as required by the Amended and Restated Declaration of Condominium of the Moose Hollow & Cascades at Moose Hollow Condominium Project (“**CC&Rs**”).

Unless otherwise defined in these PSC Rules, capitalized terms are as defined in the CC&Rs.

Please note these PSC Rules are intended to address PSCs that are located and operated outside any Unit. The only portion of these PSC Rules that apply to PSCs situated inside, but pointing outside, any Unit are the provisions regarding privacy.

Board Approval

In order to preserve the Project’s uniform exterior appearance, Section 6.8 of the CC&Rs provides that Owners must not make any changes to the exterior of any Unit or any Limited Common Area (e.g. patios, decks, balconies, etc.) without the Board’s prior written approval. Likewise, Section 6.9 of the CC&Rs states that Owners are strictly prohibited from installing or attaching any improvements on any portion of the Project that adversely impacts or alters the exterior appearance of any Building or impairs the uniform appearance of the Project.

Accordingly, the installation of any PSC by any Owner must be approved by the Board. This includes any PSCs installed by any Owner either before or after these PSC Rules were adopted by the Board on December 7, 2022.

The Board’s decision to approve or disapprove the installation of any PSC must be consistent with these PSC Rules. Failure to obtain the Board’s written approval of any PSC will result in a written warning that the Owner must immediately obtain the Board’s written approval or the proscribed PSC must be removed. If an Owner fails to remove the proscribed PSC within fourteen (14) days following the Owner’s receipt of written notice from the Board, the Board will remove the PSC at the Owner’s sole expense, including the cost of repairing any damage to the Building, any Common Area Improvements or any other portion of the Project. The Owner may also be fined as set forth under Section 8.35 of the CC&Rs and any applicable provisions of the Condominium Act.

The Board may revoke the approval of any PSC if the Board determines that the appearance or location of the PSC has been changed and/or the Board determines the PSC is being used in any manner that violates these PSC Rules or any other provisions of the Governing Documents, or any applicable state or federal laws, especially including any Rules or laws regarding privacy.

Any and all Board approvals or decisions regarding any PSC must be made by a majority vote of the Board. Such approvals or decisions may not be made by any sole Board member or less than a majority of the Board's members.

Size and Color

In order to preserve the aesthetics and appearance of the Project, PSCs must be reasonably inconspicuous. Accordingly, the dimensions of any PSC should generally be less than 6 inches high by 6 inches wide, and not extend more than 6 inches from the surface or material to which the PSC is mounted. In order to prevent incompatibility with Building colors and finishes, all PSCs must be black, brown or grey or painted to match the color of the surface or material to which the PSC is mounted.

Location

An Owner may install a PSC only on exterior Building surfaces or materials that are immediately adjacent to (*i.e.* no more than 12 inches from) any outside entryway or entry point to his or her Unit, including windows or doors.

Owners are prohibited from installing more than one (1) PSC immediately adjacent to any given window or door to their Unit.

PSCs may only be attached to horizontal wood siding or aluminum flashing. Owners are prohibited from attaching PSCs to any other exterior Building surface or material including, for example but without limitation, rock, stucco, beams, decorative wood or trim. This restriction applies to all exterior Building surfaces and materials, including those that surround patios, decks, or balconies, and any walls that extend above or around the main entryway door, patio door or garage door of any Unit.

Pursuant to Subsection 57-8-8.1(6)(b) of the Condominium Act, Owners are prohibited from installing PSCs on or in any part of the Common Area that is not physically connected to their Unit.

Installation

As set forth under Section 6.10 of the CC&Rs, Owners are strictly prohibited from drilling through, penetrating, altering or removing any portion of any exterior walls of any Building (including door/window frames, railings, or any other exterior surface or improvement) without obtaining the Board's prior written permission. This restriction applies to any exterior walls, including those that separate any Unit from that Unit's Limited Common Area (patios, decks balconies, etc.).

PSCs must be installed with minimal impact to the exterior walls of any Building, including, for example, prevention of water, insect or rodent intrusion, and the prevention of any electrical or fire-related hazards. In order to meet these requirements, the PSC must be installed by a licensed, bonded and insured contractor. Any electrical wiring must be installed by a licensed, bonded and insured electrician. This paragraph does not apply to the installation of any doorbell camera that replaces an existing doorbell by utilizing the existing low-voltage doorbell wiring, which may be installed by the Owner. The installation of any other type of doorbell camera, especially one that is powered by any electrical source other than the existing low-voltage doorbell wire, must comply with this paragraph

PSCs may only be installed using mounting options that do not involve screws, drilling holes or damaging the Building's exterior surface, such as over-the-door hooks, horizontal siding hooks, heavy-duty mounting tape or any other Board-approved method of mounting the PSC that does not damage the exterior Building surface or material. PSCs must not be installed or mounted on any poles of any kind, and must not be installed using brackets that cause the PSC to extend more than 6 inches from the wall or surface to which the bracket is mounted.

The installation of any PSC on any part of any Building roof is absolutely prohibited.

Privacy

In order to protect and maintain the privacy of other Owners and their family members, guests and invitees, Owners are prohibited from positioning, pointing, programming or using PSCs in any manner that violates another person's reasonable expectation of privacy.

Accordingly, an Owner must not intentionally point his or her PSC at any door, window, patio, deck, balcony, or other Limited Common Area of any other Unit. An Owner may not point his or her PSC at any parking spaces or parking areas located in any part of the Project.

With regard to any PSC located immediately adjacent to the entryway of any Unit (including doorbell cameras) the Owner of such PSC must make a reasonable effort to position or point the PSC such that the area being monitored or recorded is solely limited to the area located immediately in front of the entryway. The Board recognizes it may be difficult to apply the requirements of this paragraph to doorbell cameras, particularly those that serve Unit entryways located in Moose Hollow Foyer Areas. Nonetheless, Owners must make every reasonable effort to prevent their doorbell cameras from unduly infringing upon the privacy of neighboring Units.

Variable range, motion triggered cameras must be set at the absolute minimum range for the intended area and protective purpose. For example, if possible, the motion detection range of doorbell cameras must be limited to the area immediately in front of the entryway door served by that doorbell camera. In short, PSCs must not be intentionally positioned, pointed, programmed or used to monitor or record any portion of another person's Unit, including ingress or egress to and from such Unit.

As part of the Board's approval of any PSC, the Board may require a screenshot (or multiple screenshots) showing what the PSC will be monitoring and/or recording. In order to ensure any given PSC remains in compliance with the privacy provisions of these PSC Rules, the Board may periodically require that the Owner of such PSC submit to the Board a new screenshot (or multiple screenshots) showing what the PSC will be monitoring and/or recording.

In order to further protect and maintain the privacy of others in the Moose Hollow/Cascades community, all PSCs must be set to video recording only. The recording of any audio of any kind, including conversations, under any circumstance and for any purpose whatsoever is strictly prohibited.

Preferred/Prohibited PSCs

Preferred PSCs include those that are relatively small and less conspicuous, such as doorbell cameras and small dome PSCs. The installation and use of any such preferred PSCs are nonetheless subject to Board approval. Bullet-design cameras are discouraged, although smaller bullet-design cameras that do not exceed the maximum dimensions set forth above may be approved at the Board's discretion.

PSCs that exceed the size and/or color requirements set forth above are prohibited.

PSCs equipped with floodlights or any similar lighting are absolutely prohibited, regardless of whether or not such lights have been disabled or may be operated manually, by timer or by motion detector. This prohibition does not apply to inconspicuous doorbell camera pin lights. Likewise, this prohibition does not apply to PSCs equipped with low, infrared night vision LED lights.

Required Information for Board Approval

In order to obtain the Board's written permission to install any PSC on any part of the Project, an Owner must submit to the Board:

- Photograph showing the proposed location of the PSC
- Manufacturer and model number of the proposed PSC
- Photograph of the PSC, which accurately depicts the color and style
- Dimensions of the PSC (length, width & height)
- Written description of how the proposed PSC will be installed, including the power source and how the PSC will be attached to the Building
- Name, address, telephone, and license number of the contractor and/or electrician that will perform any part of the PSC's installation
- Any other information the Board may reasonably request

Each Owner request to install any PSC will be individually reviewed by the Board. The Board reserves the right to deny the installation of any PSC that does not meet the requirements of these PSC Rules.