

McKay's Mill Homeowner's Master Association Pool Area Electronic Recording Guidelines

Privacy, Photography, Recording, and Conduct Rule

Pursuant to the Board's authority under the Declaration and the Rules and Regulations governing use of the Association's recreational facilities, the following rule shall apply to all owners, residents, tenants, occupants, family members, guests, invitees, and other persons using the pool and related recreational amenities.

1. Purpose

The pool and recreational amenities are intended for the safe, comfortable, and peaceful enjoyment of residents and their guests. This Rule is adopted to protect the privacy of users of the recreational facilities and to prevent conduct that interferes with the use and enjoyment of the amenities by others.

2. Photography and Recording Restrictions

Except as expressly permitted below, no person shall photograph, videotape, film, livestream, record, monitor, or otherwise capture images, audio, video, or other likenesses of other patrons within the pool enclosure or recreational facilities.

Individuals may photograph or record members of their own immediate family or household. Incidental capture of unrelated persons in the background of a photograph or video shall not constitute a violation of this Rule.

No person may intentionally direct a camera, recording device, mobile phone, tablet, smart glasses, wearable technology, or similar device toward unrelated patrons for the purpose of photographing, recording, livestreaming, monitoring, or otherwise capturing images or information concerning such patrons.

3. Prohibited Recording Devices

The use of recording or surveillance devices directed toward, or capable of capturing images or recordings of, unrelated patrons is prohibited within the pool enclosure and recreational facilities.

Prohibited devices include, without limitation:

- Smart glasses;
- Meta or similar recording glasses;
- Wearable cameras;
- Body cameras;
- Hidden cameras;
- Drones;
- Augmented reality devices with recording capabilities;
- Artificial-intelligence-enabled recording devices;
- Any other electronic device primarily being used to capture, record, monitor, transmit, store, or collect images, audio, video, or other identifying information regarding unrelated patrons.

This list is illustrative and not exhaustive. The Rule shall apply to future technologies and devices that perform substantially similar functions.

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4. Nuisance and Interference with Enjoyment of Amenities

No person shall engage in conduct that materially interferes with another patron's use and enjoyment of the pool or recreational facilities.

Conduct may constitute a violation of this Rule if it:

- Creates a reasonable concern that patrons are being photographed or recorded in violation of these Rules;
- Involves the repeated use of prohibited recording devices after being requested to discontinue such use;
- Disturbs, harasses, intimidates, or unreasonably interferes with other patrons' use of the amenities; or
- Otherwise constitutes a nuisance under the Association's governing documents.

The Board may consider the totality of the circumstances, including the nature of the conduct, witness observations, and the effect on other patrons' use and enjoyment of the facilities.

5. Enforcement

Violation of this Rule may result in:

- Removal from the pool or amenity area;
- Suspension of amenity privileges;
- Monetary fines to the extent authorized by the governing documents and applicable law;
- Notice and hearing procedures established by the Association; and
- Any other remedy available under the governing documents or applicable law.

Nothing herein limits the Association's authority to address conduct that constitutes a nuisance or otherwise violates the governing documents.