

City of Saratoga
Standards for Encroachment Permits for Private Security Cameras
Adopted February 14, 2017

In order to protect of the public health, safety and welfare, encroachment permits for private security cameras in a public right of way shall comply with the following standards in addition to all other standards and requirements applicable to encroachment permits in the City of Saratoga:

I. Only Homeowners' Associations ("HOA") meeting the following requirements may receive encroachment permits for security cameras from the City of Saratoga ("City"):

- The HOA must govern a common interest development which has recorded a declaration containing a legal description of the common interest development, the name of the HOA, and any restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes.
- The HOA must have Articles of Incorporation which are filed with the California Secretary of State identifying the HOA as an association formed to manage a common interest development.
- The HOA must have a board of directors ("Board"). The Board must be elected by a vote of the HOA's property owners.
- The HOA's Board must hold regular meetings. Minutes of board meetings must be made available for review by HOA members within 30 days of each meeting.
- The HOA's Board must pass a resolution at a regular board meeting adopting a security policy that conforms to the requirements listed below.
- At least 30 days prior to the Board meeting at which the Board authorizes an application for a security camera encroachment permit the Board shall mail notice of the date and time of the Board meeting to the owners of all the properties in the HOA. Property owners and residents shall be authorized to attend and speak at that meeting concerning the application.

II. Mandatory HOA security policies:

- The HOA agrees to make security images and other data available only to (i) residents of the HOA who are eighteen years of age or older and (ii) authorized law enforcement investigations as provided below. For the purposes of these standards "residents" includes people residing in and all owners of property in the HOA.
- All HOA residents seeking access to security images and other data must agree that the data will be used only for home security purposes, and must additionally agree to not sell the data, use it for a commercial purpose, or make it publically available.
- The HOA agrees that security images and other data may be shared with the Santa Clara County Sheriff's Office and other state or federal government law enforcement officials when requested in connection with an investigation.
- The HOA must keep a record of who is provided access to security images and other data and what images and date that person was given access to. The City shall be entitled to inspect such records upon request to the HOA's Board.
- If any of these mandatory security policies are not complied with by a HOA Board or any of its residents, the City retains the right, at its discretion, to revoke the HOA's encroachment permit and require that the HOA remove the previously-permitted security camera at the HOA's own cost.

City of Saratoga
Supplemental Application for Encroachment Permit for Private Security Cameras

If you are a homeowners association applying for an encroachment permit to install a private security camera please complete this form and provide the listed documents along with the other information and materials required by the encroachment permit application.

Homeowners Association (HOA) Name: _____

On behalf of the HOA named above, I hereby certify as follows:

1. Full and accurate copies of the following documents are attached to this application:
 - A. The recorded declaration establishing the common interest development and naming the HOA.
 - B. The Articles of Incorporation on file with the California Secretary of State identifying the HOA as an association formed to manage a common interest development.
 - C. The HOA security policy adopted by the HOA's Board satisfying the requirements of the City of Saratoga's Standards for Encroachment Permits for Private Security Cameras.
2. The HOA has a Board of Directors elected by the property owners within the HOA.
3. The HOA Board has regular meetings and minutes of board meetings are available for review by HOA members within 30 days of each meeting.
4. At least 30 days prior to the Board meeting at which the HOA Board authorized this application for a security camera encroachment permit the Board mailed notice of the date and time of the Board meeting to owners of all property in the HOA. Property owners and residents were authorized to attend and speak at that meeting concerning the application.
5. The HOA understands and agrees that if any of the mandatory security policies set forth in the City's Standards for Encroachment Permits for Private Security Cameras are not complied with by the HOA Board or any of its property owners or residents, the City retains the right to, at its discretion, revoke the HOA's encroachment permit and require that the HOA remove the previously-permitted security camera at the HOA's own cost.
6. This application and the certifications and agreements in this application have been duly approved by the HOA named above and I am fully authorized to sign this document and bind the HOA accordingly.

By:

Signed Name

Date

Printed Name

Title

Phone Number

Email Address

Attachments

- A - Recorded Declaration
- B - Articles of Incorporation
- C - HOA Security Policy