

ORDINANCE NO. 806

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON TO ESTABLISH REGULATIONS CONCERNING THE USE OF UNMANNED AIRCRAFT SYSTEMS

WHEREAS, Unmanned Aircraft Systems commonly referred to as drones are devices designed and intended to be flown under the control of a remote pilot or via a geographic positions system (GPS) guided autopilot mode have become increasingly available to private citizens for personal and recreation uses due to their declining costs; and

WHEREAS, the operation of Unmanned Aircraft (“UA”) and Unmanned Aircraft Systems (“UAS”) can at times pose a hazard to full-scale aircraft in flight and to persons and property on the ground; and

WHEREAS, if the use of Unmanned Aircraft Systems should be left unregulated it can pose threats to the reasonable expectation of privacy to citizens within the jurisdiction of this City; and

WHEREAS, imposing community-based safety regulations on the operation of all Unmanned Aircraft, including model aircrafts, consistent with Federal Aviation Rules is necessary to mitigate such risks and to protect the public from hazards associated with the operation of Unmanned Aircraft and Unmanned Aircraft Systems; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter IV, entitled “Regulation of Unmanned Aircraft” is added to Article 9 of the Anderson Municipal Code and shall read as follows:

IV. Regulation of Unmanned Aircraft

Chapter 9.31 Operating an unmanned aircraft system

Section 9.31.010 Definitions:

For the purpose of this section the following definitions shall apply:

1. **“Unmanned Aircraft” (“UA”)** is an aircraft, including but not limited to an aircraft commonly known as a drone that is operated without possibility of direct human intervention from within or on the aircraft.

2. **“Unmanned Aircraft System” (“UAS”)** is an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft that carries an apparatus that captures still (photographs) or moving images (videos) or any other payload.

Section 9.31.020 – Regulating use of Unmanned Aircraft and Unmanned Aircraft Systems.

1. The following shall apply to the operation of any Unmanned Aircraft and Unmanned Aircraft System:

- a) Every UAS that requires registration with the FAA shall be registered in accordance with the FAA Part 107 Registration requirements. UAS operators who do not register their UAS in accordance with the FAA Part 107 Registration requirements are in violation of this section, and are subject to all applicable legal penalties enforced by the FAA.
- b) Every UAS that requires registration under the FAA must bear its assigned FAA registration numbers affixed to the UAS.
- c) No person shall operate an UAS to record or transmit any visual image or audio record of any person or private real property located in the City under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including but not limited to inside a private residence or office and inside an enclosed yard).
- d) No person shall operate an UA or an UAS within the City outside of daylight hours (between official local times from sunrise and sunset), no more than 400 feet above ground level and no faster than 30 mph.
- e) No person shall operate any UA or UAS in the City beyond the visual line of sight of the person operating the UA or UAS. The operator must use his or her own natural vision to observe the UA/UAS. Visual line of sight means that the operator has an unobstructed view of the UA/UAS. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the UA/UAS, do not constitute the visual line of sight of the person operating the UA or UAS.
- f) No person shall operate an UA or an UAS within the City closer than 25 feet to any human being. This provision of the Ordinance shall not apply as to operator of the UA or UAS and shall not apply during any UA or UAS takeoff and landing event.

- g) No person shall operate an UA or an UAS while under the influence of alcohol or any other drugs, intoxicating compound or any combination thereof.
- h) No person shall operate an UA or an UAS in a careless or reckless manner that is reasonably likely to jeopardize the safety or welfare of the public or in fact causes injury to the public.
- i) No person shall operate an UA or an UAS that is equipped with hazardous materials or items that may be considered to be weapons. Aircraft fuel used to navigate the UA in use is not a material or items considered to be a weapon.
- j) No person shall operate an UA or an UAS in violation of any temporary flight restriction or "Notice to Airmen" (NOTAM) issued by the Federal Aviation Administration (FAA).
- k) No person shall operate an UA or an UAS in the path of any manned aircraft.
- l) No person shall operate an UA or an UAS in a manner that interferes with police activities, firefighting or emergency response or investigative activities.
- m) This section shall not prohibit the use of any model aircraft where the use occurs as described in Section 336 of the FAA Modernization and Reform Act of 2012 or where the use is exempt under Title 14 of the Code of Federal Regulations part 107.
- n) This section shall not apply to a public agency's use of an UAS where operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the FAA.

Section 9.31.020 - Violation

Any operator of an AU or an UAS who violates Section 9.31.020 of this Code is subject to an infraction, fines and confiscation of the UA or the UAS by the Anderson Police Department.

SECTION 3. This ordinance shall take effect thirty (30) days after the date of its adoption.

Ordinance No. 806

April 4, 2017

Page 4 of 4

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on March 21, 2017, and enacted at a regular meeting of the City Council of the City of Anderson held on April 4, 2017, by the following vote:

AYES: Councilmembers Hunt, Comnick, Neutze, Baugh, and Mayor Browning.
NOES: None.
ABSENT: None.
ABSTAIN: None.



Baron Browning, Mayor of the City of Anderson

ATTEST:


Juanita Barnett, City Clerk