

Unmanned Aircraft Systems (UAS) and Small Unmanned Aircraft System (Small UAS) Usage

- A. Purpose and Intent.** The intent of this (ordinance/resolution) is to establish requirements relative to the use and operation of a Unmanned Aircraft System (UAS) or a Small Unmanned Aircraft System (Small UAS) within the (Township / City / Village) of _____ to ensure safety to persons and reduction in the risks to aircraft operations and property within the (Township / City / Village) of _____. The operational requirements and restrictions of this article are intended to promote the public safety and welfare, protect the privacy of residents and visitors, and reduce nuisances associated with the use of UAS and Small UAS within the (Township / City / Village).
- B. Applicability.** These regulations apply to the use and operation of an Unmanned Aircraft System or Small Unmanned Aircraft System within (Township / City / Village) airspace.
- C. Operational Requirements and Restrictions.** An Unmanned Aircraft System (UAS) or Small Unmanned Aircraft System (Small UAS) may be operated in (Township / City / Village) airspace for hobby or recreational purposes only, except that it shall be unlawful to operate a UAS or Small Unmanned Aircraft System as follows:
1. In a reckless manner creating a substantial risk of serious physical injury to another person, or substantial risk of property damage of another person;
 2. In a manner that interferes with a piloted aircraft;
 3. In a manner that interferes with firefighting, police activity, or emergency response activity;
 4. In a manner that is intended to harass, annoy, or assault a person, or to create or cause a public nuisance;
 5. To capture a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
 6. Over any person who is not involved in the operation of the UAS or Small UAS, without such person's consent;
 7. Over vehicular traffic;

8. Over property that the operator does not own, unless the property owner consents;
9. Over property owned, leased, or operated by the (Township / City / Village), including but not limited to airports, parks, lakes, swimming pools, trails, parking lots, and public buildings;
10. Over property used as a Public Gathering Space where large numbers of people congregate in a defined area or space.
11. By a child under thirteen (13) years of age when not accompanied by the child's parent or guardian or an adult designated by child's parent or guardian. The failure of a parent or designated adult to supervise an underage child's operation of a UAS or Small UAS shall be a violation by the parent or designated adult;
12. At an altitude higher than 400 feet about ground or water surface level.
13. Outside the visual line of sight of the operator. The operator shall use his or her own natural vision, which includes vision corrected by standard eyeglasses or contact lenses, to maintain at all times an unobstructed view of the UAS or Small UAS, without the use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles designed to provide a "first person view" from the model or similar devices;
14. In a manner that interferes with, or fails to give way to, any manned aircraft or moving vehicle.
15. During the period between sunset and sunrise;
16. Whenever weather conditions impair the operator's ability to operate the UAS or Small UAS safely;
17. Over any open-air assembly, school, school yard, hospital, swimming pool, place of worship, or law enforcement building, without the property owner's consent;
18. Within 500 feet of any electric generating facility, substation, or control center, or within 100 feet of any electric transmission facility, or within 25 feet of any electric distribution facility of any overhead wire, cable, conveyor, or similar equipment for the transmission of sounds or signal, or of heat, light, or power,

or data, upon or along any public rights-of-way within the City/Town/County, without the facility or equipment owner's consent;

19. To conduct surveillance, unless expressly permitted by law;

20. With 0.08 percent or more by weight of alcohol in that person's blood or while under the influence of alcohol, or any drug, any intoxicant, or any combination thereof, which renders that person of safely operating such drone;

21. That is equipped with a firearm or other weapon;

22. With intent to use such UAS or Small UAS or anything attached to it to cause harm to person's or property; or

23. In a reckless, careless, or negligent manner.

- D. Operations authorized by FAA.** Nothing in this article shall be construed to prohibit any person who is permitted by the Federal Aviation Administration to operate a UAS or Small UAS in (Township / City / Village) airspace from conducting such operations in accordance with the terms of such authorization and, if applicable, in accordance with this article.
- E. Operations prohibited by Federal or State regulation.** Nothing in this article shall be construed to authorize the operation of any drone in city/town air space in violation of any Federal or State law or rule promulgated thereunder, including, but not limited to, any temporary flight restrictions or notices to airmen issued by the Federal Aviation Administration. This article shall not be construed to permit interference by any UAS or Small UAS operation with air traffic or airport operations or in a manner less restrictive than Federal Aviation Administration guidelines regarding unmanned aerial systems and regulations regarding air space obstructions.
- F. Government operations authorized.** Nothing in this article shall be construed to prohibit the use of a UAS or Small UAS by a law enforcement or governmental agency or to conduct governmental operations on behalf of the (Township / City / Village) of _____, State or Federal Government.
- G. Negligence per se.** This article is enacted to protect the health and safety of all persons lawfully within the (Township / City / Village) or (Township / City / Village) airspace and to prevent damage to persons and property. A violation of this article without legal excuse is negligence as a matter of law.

H. Penalty. It shall be unlawful for any person to violate or fail to comply with this article. A violation of this article by an adult is a Class B misdemeanor. Any adult who violates this article shall be fined not less than \$100.00 nor more than \$1,500.00 for each offense, nor jailed for more than thirty (30) days, or both. Each day that a violation continues shall constitute a separate and distinct offense. A law enforcement officer may seize a UAS or Small UAS as evidence of a violation of this article. The drone thereafter shall be disposed of in accordance with state law for disposition of seized property.

DEFINITIONS

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Altitude means the height of an aircraft above the surface of the land or water below it.

Airspace, Township, City or Village means the space on a vertical plane perpendicular to and above the land, water, and waterways within the jurisdiction of the township, city or village.

Hobby or Recreational Purposes means a pursuit engaged in for relaxation, and not for business purposes, compensation, or hire.

Open-Air Assembly means a gathering of people in an outdoor, unenclosed space, typically for the purpose of attending a public event, demonstration, or meeting. These assemblies can be sporting events, concerts, parades, protests, political rallies, festivals, religious gatherings, or parks during certain events.

Operate means to pilot, steer, direct, fly or manage an aircraft through the air whether from within the aircraft or remotely.

Public Aircraft has the meaning ascribed to the term in 42 U.S.C. 40102.

Public Gathering Space means any structure, enclosed area or other demarcated space used for the assembly of persons in the open air, including, but not limited to, amusement parks, stadiums, athletic fields, motor speedways, aviation fields, amphitheatres, outdoor swimming pools, outdoor theaters or event spaces, street festivals or parade routes.

Small Unmanned Aircraft System (Small UAS) means an unmanned aircraft weighing less than fifty-five (55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Surveillance means the gathering, without permission and in a manner that is offensive to a reasonable person, of visual images, physical impressions, sound recordings, data, or other information involving:

1. An active crime, accident or fire scene or investigation; or

2. The private, personal, business, or familial activities of another person business, or entity, or that otherwise intrudes upon the privacy, solitude, or seclusion of another person, business, or entity regardless of whether a physical trespass onto real property owned, leased, or otherwise lawfully occupied by such other person, business, or other entity, or into the airspace above real property owned, leased, or otherwise lawfully occupied by such other person, business, or other entity occurs in connection with such surveillance.

Toy Aircraft means:

1. A glider or hand-tossed aircraft that is not designed for and is incapable of sustained flight; or
2. An aircraft that is capable of sustained flight and is controlled by means of a physical attachment, such as a string or wire.

Unmanned Aircraft means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned Aircraft System (UAS) or Small Unmanned Aircraft System (Small UAS) means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national air space system. A UAS or Small UAS cannot exceed the weight of 55 pounds at the time of operation, including the weight of any payload or fuel. The term Unmanned Aircraft System or Small Unmanned Aircraft System does not include Toy Aircraft or Public Aircraft as defined herein.

Visual Line of Sight means that the operator has an unobstructed view of the Unmanned Aircraft System (UAS) or Small Unmanned Aircraft System (Small UAS).

Weapon means any instrument, article, or substance that, under circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing harm or damage to any person or property, including, but not limited to firing a bullet, projectile, or projecting a laser.