

CITY COUNCIL POLICY

SUBJECT: USE OF UNMANNED AIRCRAFT SYSTEMS

NO.: __-__

PURPOSE:

To develop a policy governing the responsible use of Unmanned Aircraft Systems (UAS), or “drones,” by City staff. In addition to this policy, each City department will develop policy and/or procedures specific to their department and areas of responsibility.

DEFINITIONS:

UAS: UAS are defined by the Federal Aviation Administration (FAA) as the unmanned aircraft platform and its associated elements – including communication links, sensors, software and power supply – that are required for safe and efficient operation within the National Airspace System.

Part 107: Refers to Rule 12 CFR Part 107 (US Code of Federal Regulations) which defines operating rules for commercial use of UAS.

Certificate of Authorization (COA): Authority to fly/operate an aircraft (or UAS) granted by the FAA to a government entity under specific provisions and limitations.

POLICY:

1. Requirements/Guidelines
 - a. UAS are a useful technology that can be used in a number of beneficial ways for accomplishing a City department’s mission.
 - b. All UAS operations will be conducted in accordance with current FAA rules, requirements, and guidelines as well as within department policy.
 - c. Operations will be conducted within visual line-of-sight (VLOS) unless beyond line-of-sight (BLOS) operations have been authorized.
 - d. Flights/missions will be conducted by a two-person team, pilot in command (PIC) and an observer, whenever possible.
 - e. UAS policies, guidelines, and flight logs will be accessible to the public.

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2. Privacy

- a. Staff will ensure that privacy protections in Section 1708.8 of the California Civil Code, Trespass; "...when <a> person knowingly enters...into the airspace above the land of another person without permission or otherwise commits a trespass in order to capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal or familial activity and the invasion occurs in a manner that is offensive to a reasonable person," apply to all UAS deployments.
- b. Operators will take reasonable precautions to avoid inadvertently recording or transmitting images that infringe upon an individual's right-to-privacy. This includes consideration by the operator on when to turn on/off the recording function and the route of the UAS during deployment.
- c. Operators will avoid flying UAS over private property to the extent possible, unless necessary for the protection of life and property, with consent of the owner, or in compliance with lawful access.

3. Mission examples include, but are not limited to:

- a. Public Works:
 - (1) Roof, gutter, and tree canopy inspections.
 - (2) Roadway and construction project management and oversight.
 - (3) Environmental assessments.
- b. Fire Department:
 - (1) Lifesaving efforts during/ after natural disasters, major events, and mass casualty incidents.
 - (2) Active monitoring and asset allocation during fire events.

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- (3) Hazardous material incident management.
 - (4) Evidence and scene documentation.
 - c. Police Department:
 - (1) Searching for and locating lost or missing people.
 - (2) Aerial perspectives of an active incident for situational awareness and resource allocation.
 - (3) Response to suspected explosive devices and/or dangerous scenes.
 - (4) Crime scene/collision scene documentation and/or reconstruction.
- 4. Prohibited Use
 - a. Conducting any business other than official City business.
 - b. Random surveillance.
 - c. Targeting a person based solely on individual characteristics, such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
 - d. A person shall not weaponize a UAS or operate a weaponized UAS.
- 5. Data Collection and Retention
 - a. All video, photo, and sound recordings that are retained as a public record will be collected and stored in compliance with an approved digital evidence management system.
 - b. Data will be maintained in accordance to the City's records' retention schedule, or as required for criminal and/or civil proceedings.
 - c. Unauthorized use, duplication, publication, and/or distribution of UAS videos and images are prohibited.

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- d. Release of video, photo, and sound recordings shall be in compliance with relevant Public Records Act laws with requests made through the City Clerk's Office.
- e. Requests for deletion of accidental recordings shall be completed in accordance with current department policy.

6. Roles and Responsibilities

- a. Each department will assign staff who will be responsible for managing each department's UAS program and ensuring compliance with applicable Federal, State, and local laws, regulations, as well as policies. Contact information for staff responsible for UAS operations will be available through the City's website.
- b. Departments shall adopt UAS use guidelines in order to inform residents on the City's use of UAS by, but not limited to, law enforcement, fire, emergency medical, and public works functions. These guidelines will be available to the public through the City's website.
- c. Training will be conducted as required by current FAA rules and regulations and managed by department program supervisors. Regular training will include, but not be limited to:
 - (1) Civil liberties and privacy.
 - (2) Safety and risk mitigation.
 - (3) Current industry best practices and standards.
 - (4) Cross training with other city departments.

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Revised: _____, Resolution No. _____

Effective Date: _____, Resolution No. _____

CNLPOL
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