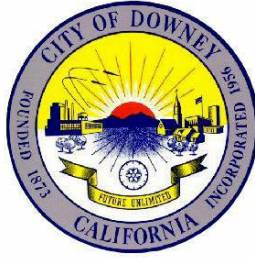


DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

Leslie Murray
Chief of Police

No. 22-03

Downey Municipal Code Chapter 16. Section 4999. Unmanned Aircraft Systems (Drones)

On September 13, 2022, an ordinance was adopted by the City Council of the City of Downey adding **Chapter 16** ("Unmanned Aircraft Systems (Drones)") of Article IV ("Public Welfare, Morals, and Policy"). Chapter 16 includes the addition of **Section 4999** ("Purpose and Intent"), **Section 4999.1** ("Definitions"), **Section 4999.2** ("Federal and State Law, Rules, and Regulations"), **Section 4999.3** ("Operating Requirements"), **Section 4999.4** ("Exemptions"), and **Section 4999.5** ("Violations").

The ordinance goes into effect 30 days after adoption. Beginning October 14, 2022, personnel are authorized to issue municipal code citations to persons who violate any provisions of this Chapter. Personnel should utilize Downey Municipal Code Section 4999.5 when issuing any citations.

Section 4999 - Purpose and Intent

The purpose and intent of this Chapter is to effectively regulate Unmanned Aircraft (commonly known as "drones") and Unmanned Aircraft Systems within the City in order to promote the health, safety, and general welfare. The City seeks to implement appropriate regulations of Unmanned Aircraft and Unmanned Aircraft Systems (including Model UASs and Civil UASs) pursuant to the City's police powers and its authority to issue regulations related to zoning, land use, privacy, trespass, and law enforcement operations. All regulations herein are intended to protect the health, safety, and welfare of the public, and to address specific areas of local municipal concern where a drone incident could cause injury to another person, damage to another person's property, invade a person's expectation of privacy, or interfere with emergency operations.

Section 499.1 – Definitions

As used in this Chapter, the following words and phrases shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "Animal" shall mean any pet or wildlife.
- B. "City" shall mean the City of Downey.
- C. "Civil UAS" refers to an Unmanned Aircraft or Unmanned Aircraft System operated for any purpose other than strictly hobby or recreational purpose, including, but not limited to, commercial purposes or in the furtherance of or incidental to, any

business or media service or agency.

- D. "Emergency responder" shall mean any first emergency responder including, but not limited to, law enforcement – including peace officers, firefighters, paramedics, or any emergency rescue service.
- E. "FAA" shall mean the Federal Aviation Administration.
- F. "Hobby" or "recreational purpose" shall mean personal enjoyment without direct or indirect compensation. The following uses shall not be considered hobby or recreational purposes:
 - 1. Taking photographs, audio recordings, or video recordings for any commercial purpose;
 - 2. Taking photographs, audio recordings, or video recordings in conjunction with the sale of real estate;
 - 3. Taking photographs, audio recordings, or video recordings to advertise commercial services;
 - 4. Taking photographs, audio recordings, or video recordings for use in social media for any commercial entity or enterprise, non-governmental agency, or non-profit/charitable organization or agency.
- G. "Model Aircraft" or "Model UAS" refers to any Unmanned Aircraft or Unmanned Aircraft System operated by any person for hobby or recreational purposes.
- H. "Operator" shall mean the individual piloting the Unmanned Aircraft or Unmanned Aircraft System.
- I. "Operator's assistant" shall mean any individual assisting the operator with the operation of the Unmanned Aircraft.
- J. "Public UAS" shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency or City-contracted agent or agency or Downey franchised utility companies for government-related purposes, including but not limited to:
 - 1. Search and rescue operations
 - 2. Damage assessments
 - 3. Managing special events
 - 4. Monitoring traffic
 - 5. Situational awareness of critical incidents
 - 6. Training and support for all previously mentioned scenarios
 - 7. Managing other City operations and Capital Investment Projects
- K. "Unmanned Aircraft" or "UA" shall mean an aircraft without a human pilot onboard, that is controlled by an operator on the ground, and is operated without the possibility of direct human intervention from within or on the aircraft. Unmanned Aircraft shall include, without limitation, "drones."

- L. “Unmanned Aircraft Systems” or “UAS” shall mean any Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft – including any apparatus that captures still visual images (still photographs or moving video) or audio recordings, as well as any other payload.
- M. “Visual line of sight” shall mean an unobstructed view of an Unmanned Aircraft or Unmanned Aircraft System by its operator utilizing the operator’s natural vision throughout the entire flight of the UA or UAS. Use of the following devices/instruments shall not constitute visual line of sight for the operator:
 - 1. The use of any vision enhancing device, such as binoculars, night vision goggles, and vision magnifying devices (other than standard eyeglasses or contact lenses designed to correct the operator’s vision);
 - 2. The use of any goggles, video-relay monitors, or any other device designed to provide a “first-person view” from the Unmanned Aircraft to the operator or operator’s assistant;
 - 3. The use of any other person (including an operator’s assistant) in lieu of the operator, except as may otherwise be permitted by Federal law.

Section 4999.2 – Federal and State Law, Rules and Regulations

This Chapter is not intended to preempt Federal Aviation Administration (FAA) rules or State law relating to the take-off, landing, or operation of any UA or UAS (including, but not limited to, any Model Aircraft, Model UAS, or Civil UAS), but rather to operate in conjunction with those rules and laws to promote public safety and privacy while recognizing the limitations in the FAA’s enforcement authority.

Section 4999.3 – Operating Requirements

No person shall cause, allow, permit, or suffer the take off, landing, or operation of an UA or UAS in the City, unless in strict adherence to the following regulations:

- A. The UA or UAS shall only take off, land, or operate within the City during the hours of 7:00 a.m. and 8:00 p.m.;
- B. The UA or UAS shall not take off or land on any public sidewalk, parkway, alley, street, highway, or public parking lot or structure in the City, nor operate less than one hundred feet (100’) above any public sidewalk, parkway, alley, street, highway, or public parking lot or structure in the City;
- B. The UA or UAS shall not take off, land, or be on or over any privately-owned property other than one belonging to the operator or operator’s assistant without the express written consent of the owner and/or occupant of that property;
- C. The UA or UAS shall not take off, land, or operate within five hundred feet (500’) of any emergency vehicle that is operating with lights and/or sirens;
- D. The UA or UAS shall not take off, land, or operate within five hundred feet (500’) of any active law enforcement or emergency response incident, or in any manner that directly interferes with the lawful efforts of any emergency responder in response to an emergency or in an effort to provide emergency services;
- E. The UA or UAS shall not take off, land, or operate within five hundred feet (500’) of any Public UAS or of any manned aircraft operated by any public agency

(including law enforcement) for governmental purposes;

- F. The UA or UAS shall not take off, land, or operate within two hundred feet (200') of a school facility during school hours or school events without prior notification to and written authorization by school officials;
- G. The UA or UAS shall not take off, land, or operate within one hundred feet (100') of any public building or facility without prior notification to and written authorization by the City;
- H. The UA or UAS shall be and shall remain in the operator's visual line of sight at all times from take-off to landing;
- I. The UA or UAS shall not be closer than twenty-five feet (25') to any human being except the operator and/or operator's assistant at any time other than take-off or landing;
- J. The UA or UAS shall not take off, land, or be operated in such a manner that serves to harass, stalk, disturb, frighten, intimidate, injure, threaten, victimize or otherwise cause mental or emotional distress to any person or animal on public or private property;
- K. The UA or UAS shall not record or transmit any visual image or audio record of any person or privately-owned real property located in the City under circumstances in which the subject person or owner or occupant of the privately-owned real property has a reasonable expectation of privacy or without their express written permission (including, but not limited to, inside the premises or curtilage of a private residence, office, or hotel/motel room, or of inside of backyard, exterior deck, or any enclosed yard);
- L. The operator shall not cause, allow, permit, or suffer the take off, landing, or operation of any UA or UAS in a careless or reckless manner so as to create a substantial risk of serious physical injury to any person or substantial risk of damage to property of another;
- M. The operator shall not be under the influence of alcohol, cannabis, or any other drug, intoxicating compound, or any combination thereof while operating a UA or UAS;
- N. The UA or UAS shall not be equipped with hazardous materials or any weapons or items that may be considered to be weapons;
- O. Any person who causes injury to another person while operating a UA or UAS shall comply with the following:
 - 1. The operator shall notify the Downey Police Department of the injury within twenty-four (24) hours of the incident;
 - 2. The operator shall provide the Downey Police Department with the operator's name and current residential address, and shall also present a valid and unexpired form of identification issued by a Federal, State, or municipal government;
 - 3. The operator shall render reasonable assistance to any person injured during the incident (including, but not limited to, contacting medical or emergency personnel) if it is apparent that treatment is necessary or if treatment is

requested by any injured person;

4. Each failure to report injury to another person as required by this Subsection shall constitute a separate violation of this Chapter.
- P. Any person who causes damage to the property of another person while operating a UA or UAS shall comply with the following:
1. The operator shall immediately locate and notify the owner or person in charge of the damaged property of the name and current residential address of the operator and of the owner of the UA or UAS involved. The operator shall also present a valid and unexpired form of identification issued by a Federal, State, or municipal government;
 2. In the event the owner or person in charge of the damaged property cannot reasonably be ascertained or located, the operator shall leave in a conspicuous place on the property damaged, a written notice providing the name and current residential address of the operator and of the owner of the UA or UAS involved. The operator must also notify the Downey Police Department with this information within 24 hours of the incident;
 3. If damage is caused to any City property, the operator shall notify the Downey Police Department or other appropriate City Official within 24 hours of the incident.
 4. Each failure to provide information or to report an incident of damage as required by this Subsection shall constitute a separate violation of this Chapter.

Section 499.4 – Exemptions

This Chapter shall not apply to:

- A. Any Public UAS;
- B. Any Civil UAS authorized pursuant to a Film Permit or Special Event Permit issued by the City, when operated in compliance with all conditions of the Film Permit or Special Event Permit.

Section 4999.5 – Violations

- A. In addition to any other remedy, any person who causes, permits, aids, abets, suffers, or conceals a violation of any provision of this Chapter, or who fails to comply with any obligation or requirement of this Chapter, is guilty of a misdemeanor punishable in accordance with Section 1200 of this Code.
- B. Each violation of this Chapter is hereby declared to be a public nuisance.
- C. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

- D. In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by administrative or civil action, including, but not limited to, civil injunction or other abatement action.