

BILL NO. 3155

ORDINANCE NO. 2957

AN ORDINANCE TO REGULATE UNMANNED AIRCRAFT SYSTEMS (DRONES)

WHEREAS, the City of Chesterfield is aware of the proliferation of privately operated unmanned aircraft (drones) by individuals: and,

WHEREAS, the operation of unmanned aircraft (drones) may present a threat to individual privacy and potential physical harm to residents: and,

WHEREAS, the City of Chesterfield is concerned with the peace, safety and welfare of neighborhoods: and,

WHEREAS, The City of Chesterfield is desirous of protecting the residents from potential mishaps caused by such operation of unmanned aircraft (drones):

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

It shall be unlawful for any person to operate an unmanned aircraft within the limits of the City of Chesterfield other than as stipulated herein.

Section I. Definitions: For purposes of this section, the following words and phrases shall have the following meanings:

A. Definitions:

1. **City**

City of Chesterfield

2. **Unmanned Aircraft (drone)**

An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

3. **Operate**

To pilot, steer, direct, fly or manage a small unmanned aircraft through the air whether from within the aircraft or remotely. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages a small unmanned aircraft.

4. **Surveillance**

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 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 such other person's, business's or other entity's land, or into the airspace above such other person's, business's or other entity's land, occurs in connection with such surveillance.

5. **Unmanned Aircraft Systems (UAS) (drone)**

An unmanned aircraft and its associated elements including communication links and the components that control the unmanned aircraft.

6. **Remote UAS Pilot**

The person who:

- a. Has final authority and responsibility for the operation and safety of the flight;
- b. Has been designated as pilot in command before or during the flight; and
- c. Holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight.

7. **Special event**

Any public gathering or event held outdoors on city property that requires the issuance of a permit from the City of Chesterfield.

8. **Visual Observer**

Means a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

9. **Commercial Purpose**

Means receiving anything of value resulting from the operation of the UAS.

10. **Small UAS**

Means a UAS that weighs more than 0.55 pounds and less than 55 pounds. (this includes the actual aircraft and its support systems)

- B. The UAS in flight must remain within visual line of sight of the Pilot of the UAS.
- C. The Pilot(s) of a UAS shall not operate a UAS over persons unprotected by shelter.
- D. The remote pilot of an UAS shall not operate the UAS, nor shall a person act as a visual observer for the operation of an UAS, under the influence of alcohol or controlled substance.
- E. The remote pilot of an UAS shall ensure the operating environment is safe and shall not operate the UAS in a reckless or negligent manner so as to endanger the life or property of another.
- F. It shall be unlawful to operate a UAS directly over the private property of another without the property owner's consent, if such operation of the UAS:
 - 1. enters into the immediate reaches of the air space next to private property or,
 - 2. if it interferes substantially with the property owner's use and enjoyment of his/her property.
- G. All UAS shall be limited to daylight-only operations, or civil twilight – thirty (30) minutes before official sunrise to thirty (30) minutes after official sunset, local time.
- H. It shall be unlawful to operate a UAS for surveillance within the City limits.
- I. It shall be unlawful to operate a UAS over or adjacent to any City sponsored event or athletic event, bicycle race, City swimming pool, fireworks display parade, or emergency scene such as a fire, motor vehicle accident, or crime scene.


- J. An operator of an UAS must have in their possession the UAS registration as issued by the FAA at time of flight and display that registration upon request of an authorized official, such as a police officer.
- K. A remote UAS Pilot must have in their possession an FAA Commercial Remote Pilot Certificate and display that certificate upon request by an authorized official such as a police officer if flying for commercial purposes
- L. Notwithstanding the provisions set forth herein, nothing in this ordinance shall be construed so as to prohibit the use of a drone by a Law Enforcement Agency.
- M. Notwithstanding anything to the contrary, the owner or operator of a critical infrastructure facility as defined by the President of the United States or the Department of Homeland Security may operate an unmanned aircraft system for the purpose of monitoring, operating or maintaining said critical maintenance facility.

Section II. The Chief of Police is authorized to waive compliance with the restrictions herein, when such action is deemed appropriate and does not unduly jeopardize the safety and security of the public or any individual.

Section III. This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

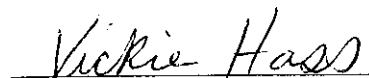
Section IV. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 19TH day of JUNE, 2017.



Bob Nation, Mayor

ATTEST:



Vickie Hass, City Clerk

First Reading Held: 6/5/2017

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Passed and approved this _____ day of _____, 2017.

Bob Nation, Mayor

ATTEST:

Vickie Hass, City Clerk

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