

AN ORDINANCE ESTABLISHING PROVISIONS RELATING TO THE OPERATION OF UNMANNED AIRCRAFT

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

A new Chapter 15 Article IV of the Municipal Code is hereby enacted which shall read as follows:

ARTICLE IV**Unmanned Aircraft Regulations****15-72. Definitions**

For purposes of this section, the following words and phrases shall have the following meanings:

Unmanned Aircraft (also known as "Drone"): An aircraft operated without the possibility of direct human intervention from within or on the aircraft. An aerial vehicle that:

- a. Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;
- b. Uses aerodynamic forces to provide vehicle lift;
- c. Can fly autonomously or be piloted remotely; and
- d. Can be expendable or recoverable.

Unmanned Aircraft System: An unmanned aircraft, and associated elements (including communication links and the components that control the unmanned aircraft), that is required for the pilot in command to operate safely and efficiently in the national airspace system. To be part of a Unmanned Aircraft System, the unmanned aircraft must be:

- a. Capable of sustained flight in the atmosphere;
- b. Flown within the visual line of sight of the person operating the aircraft or visual observer; and
- c. Flown for hobby, recreational or commercial purposes.

Remote Unmanned Aircraft System 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.

Visual Observer: A person who is designated by the operator of an Unmanned Aircraft System to assist the operator to see and avoid other air traffic or objects aloft or on the ground.

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

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

Commercial Purpose: Receiving anything of value resulting from the operation of the Unmanned Aircraft System.

15-73. Operation Provisions

- (a) Operators of Unmanned Aircraft Systems shall adhere to applicable Federal and State regulations, rules, and laws regarding their use, as may be amended from time to time, and implemented thereafter.
- (b) Unmanned Aircraft Systems must remain below any surrounding obstacles within the airspace, when possible.
- (c) The Unmanned Aircraft System must remain within visual line of sight of the operator of such. Alternatively, the unmanned aircraft must remain within the visual line of sight of a visual observer, provided that the operator of the Unmanned Aircraft System and the visual observer maintain effective communication with each other at all times.
- (d) Operators of Unmanned Aircraft Systems shall not intentionally operate such over persons unprotected by shelter or moving vehicles, or within twenty-five (25) feet from any person, building, or vehicle.
- (e) Operators of Unmanned Aircraft Systems shall not operate such in adverse weather conditions, such as in high winds or reduced visibility.
- (f) Operators or visual observers of Unmanned Aircraft Systems shall not be under the influence of alcohol or controlled substances when such are in operation.
- (g) Operators of Unmanned Aircraft Systems shall ensure the operating environment is safe and shall not operate such in a reckless or negligent manner so as to endanger the life or property of another.
- (h) Operators of Unmanned Aircraft Systems shall not, without the consent of the owner of the property, public utility, or appropriate governmental entity operate such within one hundred (100) feet of or over sensitive infrastructure or property, such as power stations, utility lines, water treatment facilities, correctional facilities, heavily traveled roadways, government facilities or other public utility facilities.
- (i) It shall be unlawful to knowingly operate an Unmanned Aircraft System directly over the private property of another without the property owner's consent, if the operation of such (a) enters into the immediate reaches of the air space next to private property and (b) if it interferes substantially with the property owner's use and enjoyment of their property.
- (j) All Unmanned Aircraft Systems shall be limited to daylight only operations.
- (k) Except as may be otherwise expressly permitted by Federal or State law, it shall be unlawful to operate any Unmanned Aircraft Systems weighing in excess of fifty-five (55) pounds in the City.
- (l) It shall be unlawful to operate an Unmanned Aircraft System for surveillance within the City limits.

- (m) It shall be unlawful to operate an Unmanned Aircraft System 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.
- (n) An operator of an Unmanned Aircraft System must have in their possession the Unmanned Aircraft System 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.
- (o) A remote Unmanned Aircraft System 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.
- (p) Notwithstanding the provisions set forth herein, nothing in this ordinance shall be construed so as to prohibit the use of Unmanned Aircraft Systems by a law enforcement agency, fire protection district or the City of Eureka.

SECTION 2:

The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

SECTION 3

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

SECTION 4:

This ordinance shall be in full force and effect from and after its date of passage and approval.

PASSED AND APPROVED THIS 19TH DAY OF DECEMBER, 2017.

(Original with signature on file)

Kevin M. Coffey, Mayor

ATTEST:

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk