

ORDINANCE NO. 2016-R-17
DEKALB COUNTY CODE SECTION 32-4-4-1
DEKALB COUNTY COMMISSIONERS

AN ORDINANCE RESTRICTING THE USE OF
UNMANNED AERIAL VEHICLES ("DRONES") BY INDIVIDUALS AND BUSINESSES
ABOVE ANY COUNTY-OWNED, LEASED, OR OPERATED PROPERTY, ABOVE
ANY COUNTY RIGHT-OF-WAY, AND ABOVE ANY EASEMENT GRANTED IN
FAVOR OF COUNTY, WITH EXEMPTIONS

WHEREAS, the rapid implementation of technology concerning Unmanned Aerial Vehicles (hereinafter referred to as "UAVs"), also commonly known as "Drones" (also referred to as an unpowered aerial vehicle and a remotely piloted aircraft (RPA), also referred to as an aircraft without a human pilot on board), throughout the United States poses a serious threat to the privacy and constitutional rights of the American people, including the residents and businesses of DeKalb County, Indiana (County); and

WHEREAS, "Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft; and

WHEREAS, "Unmanned Aerial Vehicle" means an unmanned aircraft and associated elements, including communication links, cameras, and components that control the unmanned aircraft that are required for the pilot in command to operate safely and efficiently in the national airspace system and can use a geographical positions system (GPS) guided autopilot mechanism; and

WHEREAS, UAVs have become increasingly available to private citizens for personal and recreational uses due to their declining costs; and

WHEREAS, UAVs can fly at altitudes below the navigable airspace, generally at Four Hundred (400) Feet, which is generally under the jurisdiction, regulation and control of the Federal Aviation Administration (FAA); and

WHEREAS, some UAVs are equipped with high definition cameras, night vision cameras, infrared-see-through scopes, and the County Commissioners desire to protect the privacy interests of County residents and businesses in the areas above any County-owned property, above any County-owned or County-controlled right-of-way, and above any easement granted in favor of County; and

WHEREAS, some UAVs can be equipped with anti-personal devices, meaning any projectile, firearm, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact an individual, livestock, or property; and

WHEREAS, there are no existing regulations regarding who may purchase a UAV, which presents a safety risk to residents in that UAVs may be purchased by sex offenders, and other persons with certain criminal backgrounds, such as but not limited to: domestic violence, theft, burglary, breaking and entering, trespass, and assault; and

WHEREAS, County is a home rule unit of government pursuant to IC 36-1-3 and has authority to enact legislation not pre-empted by Federal or State of Indiana legislation.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:

Section 1. PROHIBITED ACTS: No person shall

- 1.1 Operate any unmanned aircraft in such a manner so as to observe or record the activities of anyone on or in or at any County park or County-owned, or leased, or operated land, or County-owned buildings unless authorized to do so in writing and in advance by the County Commissioners.
- 1.2 Operate any unmanned aircraft so as to interfere with any police or fire investigation.
- 1.3 Operate any commercial or noncommercial unmanned aircraft within 500 feet of a County Sheriff investigation, traffic accident, medical emergency, fire, or fire investigation.
- 1.4 Operate any commercial or noncommercial unmanned aircraft in or over any County park or County-owned, or leased, or operated land or County-owned buildings unless authorized to do so in writing and in advance by the County Commissioners.

Section 2. EXCEPTIONS: The prohibitions in this Ordinance to not apply to:

- 2.1 The operation of unmanned aircraft by law enforcement agencies, fire departments, emergency vehicles, or other governmental responders in the performance of their official duties.
- 2.2 The operation unmanned aircraft by a governmental agency or with the prior approval of a governmental agency in the performance of a governmental function to assist in the performance of a governmental function.

Section 3. VIOLATIONS: Violators of this Ordinance may be charged with a infraction by any enforcement officer of any government jurisdiction in DeKalb County, Indiana.

- 3.1 The DeKalb County Prosecuting Attorney is authorized to prosecute any violation of this Ordinance.
- 3.2 Any Court of DeKalb County, Indiana, having general traffic jurisdiction shall be empowered to process such charges as violations of the law similar to speeding violations of the Indiana Code, in an amount not to exceed \$150.00 for each violation.

3.3 Any existing penalties for such violations shall be applied to this Ordinance and be imposed for any such violations.

Section 4: EFFECTIVE DATE: This Ordinance shall become effective after passage of the third reading as adopted by the DeKalb County Commissioners and the publication of this Ordinance thereafter as required by law.

Section 5: ORDINANCE CODIFIED: This DeKalb County Ordinance Number 2016-R-17 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 32-4-4-1 and appropriately indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, November 21, 2016.

READ AND PASSED SECOND READING: Monday, November 21, 2016.

READ AND PASSED ON THIRD READING: Monday, November 21, 2016.

This Ordinance No. 2016-R-17, codified as DeKalb County Code Section 32-4-4-1 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

COMMISSIONERS:

BY:


Donald D. Grogg, President

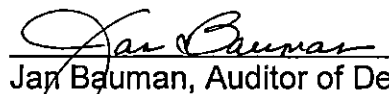
BY:


Randall J. Deetz, Vice President

BY:


Jacqueline Rowan, Member

Attested By:


Jan Bauman, Auditor of DeKalb County, Indiana