

VILLAGE OF HANNA CITY
ORDINANCE NO. 15-09-08

AN ORDINANCE AMENDING THE VILLAGE OF HANNA CITY CODE TITLE XIII,
GENERAL OFFENSES REGULATING THE FLIGHT AND USE OF UNMANNED AERIAL
VEHICLES (COMMONLY REFERRED TO AS "DRONES").

WHEREAS, the Village President and the Board of Trustees of the Village of Hanna City have the responsibility of maintaining public order and safety while promoting the quality of life for the residents of the Village; and

WHEREAS, technology and the market place are making the use and operation of Unmanned Aerial Vehicles, for both hobbyists and commercial operators, more affordable and commonplace and Unmanned Aerial Vehicles are being put to use in an increasing number of applications; and

WHEREAS, Unmanned Aerial Vehicles can fail and drop from the sky potentially injuring people and damaging property; and

WHEREAS, Unmanned Aerial Vehicles when flown over private property can violate a person's right to privacy; and

WHEREAS, Unmanned Aerial Vehicles when flown too close or over public gatherings like festivals and parades and public property like parks and roadways can fail and drop from the sky potentially injuring people and damaging property; and

WHEREAS, the President and Trustees of the Village of Hanna City have determined that it is in the best interest of the Village of Hanna City to add a provision to the City Code regulating the use and operation of Unmanned Aerial Vehicles; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HANNA CITY, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated herein as though fully set forth

SECTION TWO: The Village Code is hereby amended to add to Chapter 139, Unmanned Aerial Vehicles, of Title III, "General Offenses" the following:

CHAPTER 139: UNMANNED AERIAL VEHICLES/DRONES

139.01	Definitions
139.02	Prohibited Activities
139.03	Penalties
139.04	Exceptions and Non-Applicability
139.05	Certain Model Aircraft Exempted

139.06 Permit

139.01 Definitions:

(A) “Unmanned Aerial Vehicle” (“UAV”) means an unmanned aircraft that is motorized, flown by remote/UAS, and operated without the possibility of direct human intervention from within or on the aircraft.

(B) “Unmanned Aircraft System” (“UAS”) means an unmanned aircraft vehicle and associated elements (including communication links and the components that control the UAV) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(C) “Image” means a record of thermal, infrared, ultraviolet, visible light or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.

(D) “Imaging Device” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing or transmitting an image.

139.02 Prohibited Activities

- (A) A person commits an offense if the person uses a UAV/UAS to intentionally or surreptitiously film, audiotape, record, or intrude, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, if the intrusion would be offensive to a reasonable person and is without consent. The act shall be considered intentional if the operator fails to terminate the flight or intrusion once it is known to the operator that an invasion of privacy has taken place. An intrusion can take place either by violating the airspace directly above private property or by filming, recording, or taping activities on private property from a distance.
- (B) A person commits an offense if the person flies a UAV over the private property of another individual or entity without express permission.
- (C) A person commits an offense if the person outfits a UAV with a weapon and flies that UAV/UAS with the intent to threaten or intimidate the other individual(s).
- (D) A person commits an offense if the person flies a UAV over public property and road ways without complying with the requirements set forth in section 139.07 and obtaining the required license from the Village.
- (E) A person commits an offense if the person operates a UAV in or around traffic.
- (F) A person commits an offense if the person flies a UAV within 100 yards of a public gathering, such as but not limited to, a parade, concert, festival, or commemorative gathering without complying with the requirements set forth in section 139.04 and the required licenses from the Village.
- (G) A person commits an offense if the person utilizes a UAV for the purposes of hunting or fishing.

- (H) A person commits an offense if the person operates a UAV in a reckless manner that endangers another person or property.
- (I) A person other than the operator landing the UAV may not bring down an UAV by any means (e.g., handgun, rifle, arrow, slingshot, any object used as a missile, or any electrical device that dismantles the UAV) whether it is flown over private or public property.
- (J) With the exceptions of taking off and landing, the UAV shall not be flown over 400 feet or under 20 feet above the ground.
- (K) A person commits an offense if the person flies a UAV within 100 yards of fire, police, or emergency personnel while in performance of their duties.

139.03 Penalties

- (A) Any person who violates any of the provisions set forth in Section 139.02 of this Code will be subject to a maximum fine of seven hundred fifty dollars (\$750.00) per each violation.

139.04 Exceptions and Non-Applicability:

It is lawful to use a UAV/UAS within the Village of Hanna City to photograph, film, audiotape, or otherwise record an individual or individuals acting on private property where the following is true of the use:

- (A) If the image is captured by the Village or an individual or entity under contract with the Village of Hanna City for the purposes of resource management;
- (B) If the image is made for the monitoring, operation and maintenance of utilities, telecommunication, or transportation infrastructure for the purpose of maintaining the reliability and integrity of the utility, telecommunication, or transportation system or to determine if repairs to the system are necessary;
- (C) If law enforcement is using the UAV/UAS to execute a valid search warrant;
- (D) If law enforcement is in hot pursuit of a suspect;
- (E) If law enforcement is acting under exigent circumstances, such that a search warrant would not be required;
- (F) If the UAV/UAS is being used to document a crime scene where a felony offense has been committed;
- (G) If the UAV/UAS is being used to document an accident scene as part of an investigation;
- (H) If the UAV/UAS is being used to conduct a search for a lost, missing or abducted person;
- (I) If the image is made for an artistic or journalistic purpose, not otherwise prohibited by state or federal law;

- (J) If the image is made of a public or private event with the express written consent of the event organizer and attendees are notified that a recording may occur and the UAV is not flown in airspace that could endanger any person;
- (K) If the UAV/UAS is being used by a fire department in response to an emergency or for search and rescue or at request and under control of a fire department;
- (L) If the UAV/UAS is being used by a person or an entity engaged in a business or profession licensed by the state, or by an agent, employee or contractor thereof to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- (M) If the UAV/UAS is being used for aerial mapping in compliance with Federal Aviation Administration regulations.
- (N) If the UAV/UAS is being used to deliver cargo in compliance with Federal Aviation Administration regulations.

139.05 Model Aircraft Exempted

The foregoing Sections 139.02 (D)(F) and (J) shall not apply if the UAV/UAS being flown is a model fixed winged aircraft or helicopter, flown for hobby and recreational purposes, and is flown in compliance with FAA's safety guidelines which are as follows:

- *Fly below 400 feet and remain clear of surrounding obstacle;
- *Keep the aircraft within visual line of sight at all times;
- *Remain well clear of and do not interfere with manned aircraft operations;
- *Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying;
- *Don't fly near people or stadiums;
- *Don't fly an aircraft that weighs more than 55 lbs; and
- *Don't be careless or reckless with your unmanned aircraft.

(Section 336 of Public Law 112-95, Special Rule for Model Aircraft)

139.06 Permit

A private individual or business wishing to operate an UAV in the proximity of a public or private event or a property or properties that they do not own for commercial or private purposes (excluding the purposes outlawed by this Ordinance or State or Federal law) shall:


- (A) Complete the permit application;
- (B) Provide proof of insurance that covers the operation of a UAV in the amount of \$250,000 for property damage, personal injury, and general liability per occurrence;
- (C) Pay an annual \$25.00 Application/Permit Fee; and
- (D) Before operating a UAV the operator must obtain the express written consent of the event organizer or property owner and/or resident, and if applicable, the attendees must be notified that a recording may occur.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HANNA CITY,

ILLINOIS, this 15th day of September, 2015.

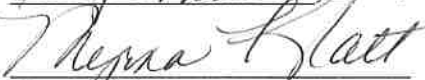
Attest:

Approved:


Myrna Klatt, Village Clerk


Fred Winterroth, Village President

Published in pamphlet form in
my office this 15th day of
September, 2015.


Myrna Klatt, Village Clerk