

Ordinance 2019-25

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS AT: CHAPTER 28: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES TO INCLUDE ARTICLE VII: UNMANNED AIRCRAFT REGULATIONS.

Short title: "An ordinance to encourage innovative and safe uses of unmanned aircraft while addressing concerns about accountability."

WHEREAS, unprecedented advances in Unmanned Aircraft technology have empowered realtors, inspectors, biologists and preservationists, farmers and agricultural researchers, photographers and others to document the world around them in ways that oftentimes replace more hazardous operations; and

WHEREAS, the City supports innovation, STEM education and new technology, and wants to be a home to innovative companies; and

WHEREAS, after studying various alternatives for the regulation of safety, privacy, nuisance, trespass, and related police power and zoning issues raised by Unmanned Aircraft, and taking account the approaches adopted by cities across the nation, which include criminalizing or prohibiting the use of Unmanned Aircraft; and

WHEREAS, the City recognizes that legitimate concerns raised by drones regarding safety, privacy, nuisance, and trespass, can be addressed largely through existing laws; and

WHEREAS, the difficulty of identifying drones operators raises concerns regarding enforcement of existing laws and tying Unmanned Aircraft operators to their devices; and

WHEREAS, the FAA has declared that State and local governments have historically been able to regulate the take-offs and landings of aircraft within their boundaries; and

WHEREAS, the FAA's Micro UAS (flight over people) task force has recommended that Unmanned Aircraft operators coordinate with State and local officials; and

WHEREAS, public safety professionals have expressed significant concerns regarding the risks posed by Unmanned Aircraft to, and the difficult of identifying drone operators who interfere with, public safety operations.

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that chapter 28 be amended to include "Article VII. -Unmanned Aircraft Regulations" as follows:

ARTICLE VII. – UNMANNED AIRCRAFT REGULATIONS

Section 28-208 – Purpose. The City encourages the safe and responsible use of Unmanned Aircraft. This ordinance is designed to empower innovation while protecting and promoting the health, safety, and welfare of its citizens.

Section 28-209 – Definitions. An “Unmanned Aircraft” shall mean an aircraft operated without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones, remote controlled aircraft, and model aircraft.

Section 28-210 – Development of Rules. In addition to the specific requirements set forth below, the City directs and delegates to its City Manager the authority to develop rules for the operation of Unmanned Aircraft within the City limits, consistent with this ordinance. The City Manager must publish such rules on the City’s website, or through other equivalent internet accessible systems, and must periodically report to the Council at least once per year on the implementation of such rules, including information regarding enforcement actions and the costs associated with implementing and enforcing such rules. The rules developed by the City Manager must be consistent with the following:

- (a) The City Manager may adopt reasonable restrictions on the time, place, and manner in which a person may land, launch, or otherwise operate an Unmanned Aircraft so as not to interfere with the health, safety, and welfare of City residents.
- (b) The City Manager may require certain conditions be fulfilled prior to the take-off, landing, or operation of an Unmanned Aircraft from certain designated lands within the boundaries of the City.

Section 28-211 – Notice of Intended Operation.

- (a) To ensure operations are accountable, no Unmanned Aircraft weighing more than 250 grams shall take-off from, land upon, or be operated from any land within the boundaries of the City without the operator first notifying the City electronically of the intended operation through an internet accessible system to be provided by the City Manager. The electronically filed notice may contain any or all of the following information as required by the City Manager:
 - (i) The name, address, and telephone number of the person or corporation filing the notice and the telephone number at which the operator can be contacted during the operation;
 - (ii) The take-off and landing location of the operation;
 - (iii) The expected start and end time of the operation (if the operator intends to takeoff and land multiple times in the same location, one notice for multiple operations may suffice, so long as the duration of the combined operations does not exceed 4 hours, after which a new notice must be filed);
 - (iv) The purpose of the operation;
 - (v) A statement affirming that the operator has consulted relevant City rules and intends to abide by them;
 - (vi) Such other information as the City Manager shall deem reasonably necessary to inform the City whether the takeoff, landing, or operation will endanger the health, safety, or welfare of persons located within the City, and if such use is inconsistent with this ordinance.