

ORDINANCE NO. 303

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE
THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE RESTRICTING USE OF DRONE AERIAL VEHICLES IN THE CITY OF ARLINGTON AIRSPACE

Section 1. Purpose.

It is the purpose of this Ordinance to provide the residents of the City protection from invasions of privacy due to the rapid implementation of drone technology being put into use by individuals, entities, and law enforcement agencies. Use of unmanned aerial vehicles also pose an unreasonable public safety concern to other aircraft or objects in the air, and to City residents and their property on the ground in the event of drone malfunction, loss of control, or other inability to sustain flight as intended.

Section 2. Definitions.

"City" means the City of Arlington, Sibley County, Minnesota.

"Drone" means a powered, aerial vehicle that:

- a. does not carry a human;
- b. uses aerodynamic forces to provide vehicle lift;
- c. can fly autonomously or be piloted remotely;
- d. can be expendable or recoverable.

Section 3. Permitted Use.

- a. No person, entity, governmental unit or law enforcement agency may operate a drone within the airspace of the city, unless such has been permitted by the City of Arlington, using forms, procedures and fees as set by resolution of the City Council from time to time.
- b. In addition to City rules and restrictions for such permitted drone use, the drone operator shall comply with all FAA and other government regulations.
- c. Drone use shall be restricted to no more than a 200 foot ceiling altitude.
- d. No drone shall be operated beyond the line of sight of the drone operator, unless the operator is assisted by a drone observer who keeps the drone in line of sight and who is in constant radio contact with the drone operator.
- e. The City permitting procedure may require the drone operator to carry liability insurance for said drone operation, in coverage amounts and terms as set by the City Council from time to time.
- f. No drone shall be operated within the designated flight corridors of the helicopter air ambulance servicing the city hospital, and no drone shall be operated anywhere within city limits at any time a helicopter air ambulance is in flight within the city limits.

Section 4. Exceptions.

A drone may be operated within city air space without permit if any of the following exceptions apply:

- a. A law enforcement agency first obtains a warrant authorizing its use; or
- b. A law enforcement agency determines, under particular circumstances, that there is immediate danger of death or serious injury to any person, and the law enforcement agency reasonably believes that the use of a drone may help to avoid said death or serious injury; or
- c. It is operated only within the boundaries of an individual's real property, and has no surveillance capabilities; or
- d. The drone operator is hired to do aerial photography of a property by the property owner, and the drone is operated only within the boundaries of the customer's real property.
- e. The operator of any drone without city permit under any of the exceptions of this Section 4 shall still comply with the restrictions set out in Section 3, Subsections b, c, d, and f above.

Section 5. Penalty.

Use or operation of a drone within the airspace of the City in violation of this Ordinance shall be a misdemeanor, punishable in accordance with State law.

This ordinance shall become effective immediately upon publication.

For City of Arlington

By Richard Nagel
Its Mayor

By Liza M. Donabauer
Its City Administrator

First Reading: October 19, 2015
Second Reading: November 3, 2015
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