

Bill No. 12209

Ordinance No. 17-110

Sponsor: Rod Herrmann

An Ordinance Enacting a New Chapter and a New Section of the Code of Ordinances to be Known as Chapter 236 Miscellaneous Regulations; Section 236.010 Regulation of Unmanned Aircraft Systems (Drones).

Be it Ordained by the Council of the City of St. Charles, Missouri, as Follows:

SECTION 1. The Code of Ordinances of the City of Saint Charles, Missouri, Article II, Public Health Safety and Welfare is hereby amended by creating a new Chapter to be known as Chapter 236, Miscellaneous Regulations and to enact a new section to be known as Section 236.010, to read as follows:

CHAPTER 236. Miscellaneous Regulations

Section 236.010. Regulation of Unmanned Aircraft Systems (Drones).

A. *Definitions.* For purposes of this Section, the following words and phrases shall have the following meanings:

UNMANNED AIRCRAFT (also known as a "drone")

A high-powered, aerial vehicle that:

1. does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;
2. uses aerodynamic forces to provide vehicle lift;
3. can fly autonomously or be piloted remotely; and
4. 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 an unmanned aircraft system, the unmanned aircraft must be:

1. capable of sustained flight in the atmosphere;

2. flown within the visual line of sight of the person operating the aircraft; and
3. flown for hobby or recreational purposes.

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.

- B. *Unmanned Aircraft System Operator Requirements.* An operator of an unmanned aircraft system shall:
1. adhere to applicable federal and state laws and regulations regarding their use, and as may be amended from time to time, and implemented thereafter;
 2. remain below any surrounding obstacles within the airspace, when possible;
 3. remain within visual line of sight of the operator of the unmanned aircraft system; or, alternatively, the unmanned aircraft shall 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;
 4. not intentionally operate an unmanned aircraft system over persons unprotected by shelter or moving vehicles, or within twenty-five (25) feet from any person, building, or vehicle;
 5. not operate an unmanned aircraft system within five (5) miles of an airport or heliport without first notifying the airport and control tower;
 6. not operate an unmanned aircraft system in adverse weather conditions, such as in high winds or reduced visibility;
 7. not operate an unmanned aircraft system, nor shall a visual observer observe the operation of an unmanned aircraft system, under the influence of alcohol or controlled substances;
 8. ensure the operating environment is safe and shall not operate an unmanned aircraft systems in a reckless or negligent manner so as to endanger the life or property of another;

9. not without the consent of the owner of the property, public utility, or appropriate governmental entity operate an unmanned aircraft system within twenty-five (25) 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; and

10. limit operation of an unmanned aircraft system to daylight-only operations, or civil twilight (thirty (30) minutes before official sunrise to thirty (30) minutes after official sunset, local time), with appropriate anti-collision lighting; provided, notwithstanding the foregoing, a person may, with the consent of the property owner, operate an unmanned aircraft system between civil twilight and 10:00 P.M. directly above the areas of property that are fully lit by one or more outdoor light fixture provided that each light fixture is at a height no less than sixty (60) feet above the surface of the ground.

C. It shall be unlawful for any person to:

1. knowingly operate an unmanned aircraft system directly over the private property of another without the property owner's consent, if such operation of the unmanned aircraft system:

a. enters into the air space of the private property; and

b. it interferes substantially with the property owner's use and enjoyment of his/her property; or

2. operate a unmanned aircraft systems weighing in excess of fifty-five (55) pounds (twenty-five (25) kilograms) except as may be otherwise expressly permitted by Federal or State law.

SECTION 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of St. Charles, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

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June 6, 2017
Date Passed

06/08/2017
Date Approved by Mayor

Approved as to Form:
Michael J. Valenti 5-10-2017
Michael J. Valenti, City Attorney Date

John Hanneke
John Hanneke, Presiding Officer

Sally A. Faith
Sally A. Faith, Mayor

Attest:
[Signature]
City Clerk

