

ORDINANCE NO. 942-2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BARSTOW, CALIFORNIA, ADDING A NEW CHAPTER 9.66 (UNMANNED AIRCRAFT) OF TITLE 9 (PEACE, MORALS AND SAFETY) OF THE BARSTOW MUNICIPAL CODE

WHEREAS, in order to protect the safety and privacy of Barstow residents regarding the use of unmanned aircraft within the corporate city limits; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BARSTOW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Municipal Code Amendment. Title 9 ("Peace, Morals and Safety") of the Barstow Municipal Code is hereby amended to add Chapter 9.66 ("Unmanned Aircraft") to read as follows:

Chapter 9.66 Unmanned Aircraft

9.66.010 – Definitions.

As used in this chapter, "unmanned aircraft" means a device that flies and is operated without the possibility of direct human intervention from within or on the aircraft.

9.66.020 – Operation and Recording.

A. No person shall operate an unmanned aircraft within 50 feet of a public right-of-way.

B. No person shall operate an unmanned aircraft in a manner that harasses, startles, or annoys pedestrians or vehicles, or threatens their safety and welfare.

C. No person shall operate an unmanned aircraft over any private real property located in the city in which the resident and/or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, a private residence or office, and its surrounding yard, parking lot, or landscaping).

D. No person shall use an unmanned aircraft to record or transmit any visual image or audio recording of any person or private real property located in the city under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, inside a private residence or office, and inside an enclosed yard).

E. No person shall use an unmanned aircraft to peek in the door or window of any inhabited building or structure without visible or lawful business with the owner or occupant.

9.66.030 – Model aircraft.

This chapter shall not prohibit the use of any model aircraft which is flown in compliance with section 336 of the Federal Aviation Administration Modernization and Reform Act of 2012 and which does not transmit or record visual images or audio recordings of any person or real property located in the city.

9.66.040 – Use by public safety agencies.

This chapter shall not prohibit the use of any unmanned aircraft by law enforcement or public safety agencies:

- A. If a warrant is issued authorizing the use of an unmanned aircraft; or
- B. For the purpose of providing emergency management, fire, or police protection services in response to a life threatening emergency, or for surveying the condition of persons or property during a duly declared state of emergency; or
- C. Under circumstances where a warrant would not otherwise be required by law.

9.66.050 – Interference with emergency response.

No person shall, through use of an unmanned aircraft, interfere with the lawful efforts of a firefighter or other public safety officer to extinguish a fire or respond to a medical or other emergency.

9.66.060 – City-owned unmanned aircraft.

Unmanned aircraft owned and operated by the City or by City-contracted agent/agency is exempt from the provisions of this chapter while lawfully operated by city employees or City-contracted agent/agency engaged in city business, including but not limited to surveying and mapping property, inspecting infrastructure, monitoring traffic, and recording local events. This section does not apply to use of unmanned aircraft by city public safety agencies, which must comply with Section 9.66.040 of this code.

9.66.070 – Penalties.

Violation of any of the provisions of this chapter is a misdemeanor and shall be punishable as set forth in Section 1.01.110 of this code.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be

unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

Section 3. Effective Date. This Ordinance was introduced on December 7, 2015 and was adopted by the City Council at its regular meeting held on December 21, 2015. Ordinance 942-2015 shall take effect on 30 days after adoption on January 20, 2016. This Ordinance and the City Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

PASSED, APPROVED AND ADOPTED, this 21st day of December, 2015.

Julie Hackbarth-McIntyre, Mayor

ATTEST:

JoAnne V. Cousino, City Clerk

I, JoAnne V. Cousino, City Clerk for the City of Barstow, California and ex-officio Clerk of the City Council, do hereby certify, UNDER PENALTY OF PERJURY, that the foregoing is a true and correct copy of Ordinance No. 942-2015 which was introduced at the regular meeting of the City Council of the City of Barstow held on the 7th day of December, 2015, and adopted at the regular meeting of the City Council of the City of Barstow on the 21st day of December, 2015 by the following vote:

AYES: COUNCIL MEMBERS GRACEY, HARPOLE, HERNANDEZ; MAYOR PRO TEM SILVA;
MAYOR HACKBARTH-MCINTYRE

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

JoAnne V. Cousino, City Clerk

