

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AUGUSTA, GEORGIA CODE TITLE ONE, CHAPTER THREE, TO ADD A NEW ARTICLE SIX, CODE SECTION 1-3-44; TO PLACE REGULATIONS ON THE LAUNCHING AND OPERATION OF UNMANNED AIRCRAFT SYSTEMS; AND FOR OTHER PURPOSES.

WHEREAS, Unmanned Aircraft Systems, also known as UAS or drones, are devices that are used or are intended to be used for flight in the air with no onboard pilot; and

WHEREAS, drones can be as simple as a remotely controlled model aircraft used for recreational purposes or as complex as surveillance aircraft flying over hostile areas in warfare; and

WHEREAS, drones are not generally allowed in United States general airspace because of the threat they present to other aircraft, and under the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, the FAA is directed to develop and propose regulations that will enable and regulate drone flight throughout the United States airspace by September, 2015; and

WHEREAS, drones have limitations in "vision" compared to the vision of human pilots, and do not have the same capability to avoid other aircraft as aircraft piloted by humans; and

WHEREAS, drones may be operated to intentionally or unintentionally cause harm and event disruption, and may be utilized in the planning and execution of a wide variety of criminal activity; and

WHEREAS, the Augusta, Georgia Commission is well aware of incidents of violence which have occurred at public gatherings and famous sports venues, such as the Boston Marathon; and

WHEREAS, drones have the capability to monitor and record individuals, groups and populations, and intercept and record data generated by individuals, such as cell-phone calls and text messaging; and

WHEREAS, the FAA has jurisdiction over aviation in navigable airspace, but Augusta, Georgia has authority to enact code provisions to regulate the conduct of launching and operating UAS within the boundaries of Richmond County Georgia in order to protect and secure public health, safety and welfare.

WHEREAS, in January 2015, the FAA released guidance for local law enforcement in dealing with unauthorized UAS operations which acknowledges the role of local regulation on UAS and local law enforcement activities related to unauthorized UAS operations; and

WHEREAS, it is in the public interest and the interests of public safety to prohibit the operation of a UAS over populated areas, within (and above) the geographical limits of Richmond County, Georgia until such time as the FAA and/or State of Georgia adopts additional regulations governing the use of drones; and

WHEREAS, this Commission finds that UAS, when operated in populated areas, present (a) an unreasonable and unacceptable threat to public safety in the air and to persons and property on the ground; and (b) an unreasonable and unacceptable threat to the rights of individual privacy, freedom of association and assembly, equal protection and judicial due process in Augusta, Georgia.

NOW, THEREFORE, THE AUGUSTA, GEORGIA COMMISSION DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Augusta, GA Code Title One, Chapter Three (Aviation Commission), as forth in the Augusta, GA Code, re-adopted July 10, 2007, is hereby amended by adding a new Article Six and Chapter 1-3-44 as set forth in "Exhibit A" hereto.

SECTION 2. This ordinance shall become effective upon approval.

SECTION 3. All ordinances, parts of ordinances in conflict herewith are hereby repealed.

Adopted this _____ day of _____, 2015.

Hardie Davis, Jr.
As its Mayor

Attest:

Lena J. Bonner, Clerk of Commission

1st Reading: _____
2nd Reading: _____

Exhibit A

ADD NEW:

ARTICLE 6 OPERATION OF UNMANNED AIRCRAFT SYSTEMS/DRONES

Sec. 1-3-44. Adoption of regulations on the launching and operation of unmanned aircraft systems.

The Governing Authority of Augusta, Georgia hereby adopts regulations governing the launching and operation of unmanned aircraft systems within (and above) the geographical bounds of Richmond County, Georgia.

(a) *Definitions.* As used in this Article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

(1) Unmanned Aircraft System; UAS; Drone. An aircraft without a human pilot aboard, the flight of which is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle or aircraft.

(2) Populated area. Any area containing dwellings; any congested area within Augusta, Georgia, including areas containing shopping centers, retail operations, manufacturing facilities, schools, hospitals, medical facilities, entertainment or sports facilities, or other structures; any sporting event or open air assembly of persons; and any heavily populated parks.

(b) *Restrictions.* No person shall launch or operate any Unmanned Aircraft System, including those classified by the FAA as model aircraft, in a populated area within the limits of Richmond County, Georgia, without prior written FAA authorization, and written permission from the Augusta, Georgia Commission. Exempted from the classification as a populated area is:

(1) the existing model aircraft field located at the intersection of Mike Padgett Highway and Horseshoe Road, and the airspace immediately above that field; and

(2) other model aircraft fields (and the airspace immediately above such fields) approved for such purposes by the Augusta, Georgia Commission.

(c) *Violation- Penalty.* Any person who violates the provisions of this Code Section is guilty of a misdemeanor, and upon conviction shall be imprisoned for up to sixty (60) days and be subject to a fine of not more than \$1,000.00.

- (d) *UAS Impound Authorized.* In addition to the penalty specified in Section 4 above, any UAS operated in violation of this Code Section may be impounded in the interest of public safety. The owner of the UAS may appeal any impoundment to a Court having jurisdiction in Augusta, Georgia.
- (e) *Severability.* If any provision of this Code Section or its application to any person or circumstance is held invalid, the remainder of the Code Section or the application of the provision to other persons or circumstances shall not be affected.
- (f) *Effective Date.* This Ordinance shall be in full force and effect after its passage and approval by the Augusta, Georgia Commission.

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