

ADMINISTRATIVE ORDER NUMBER 6-29

SUBJECT: USE OF UNMANNED AERIAL SYSTEMS/DRONES (UAS)

Responsible Department: City Manager

Date Issued: 09-05-2019

Date Revised:

Approved: *(Signature on File)*

Purpose

The purpose of this policy is to establish guidelines for the use of unmanned aerial systems for official City business, and for the storage, retrieval, and dissemination of images and data captured by the UAS.

Definitions

Unmanned Aerial System (UAS) – An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

Certificate of Waiver or Authorization (COA) – Authorization issued by the Federal Aviation Administration (FAA) for gaining approval when there is a need to operate a UAS outside of the provisions of current FAA rules.

Remote Pilot – Person directly responsible for controlling the UAS and is the final authority as to the operation of the small unmanned aircraft system.

Visual Observer – An additional crew member for a flight mission who serves as a second set of eyes, monitoring the drone in flight in order to support the Remote Pilot.

Policy

A UAS may be utilized for official City business. Any use of a UAS will be in strict accordance with constitutional and privacy rights and FAA regulations. Prior to adoption and revision, a Department specific UAS policy and use case must be reviewed by the Risk Department, City Attorney's Office, and City Manager and registered with the Information Services Department (ISD).

Procedures

1. **FAA Regulation.** UAS, UAV, drones are regulated by the current FAA regulations), which is available at www.faa.gov. Current FAA rules must be used

to guide the development of department policy, operation and all required training/certification for any proposed UAS program.

2. **Department Use.** Any department wishing to use a UAS for City business shall ensure use conforms to current laws, regulations, and best practices and will include the following responsibilities:
 - a. Ensure the drone is properly registered and is in compliance with current FAA regulations.
 - b. Determine which FAA regulations apply and obtain a FAA Certificate of Waiver or Authorization (COA) if necessary. Retain records and confirm that all authorized Remote Operators and any Visual Observers are currently qualified and have completed any required FAA and/or department-approved training regarding use of the UAS.
 - c. Develop a uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents, if applicable. Deployment of a UAS shall require written authorization of the Department Director or their designee.
 - d. If required, implement a system for public notification of UAS deployment.
 - e. Develop an operational protocol governing the deployment and operation of a UAS in full compliance of current FAA rules.
 - f. Develop a protocol for fully documenting and retaining records of UAS deployments.
 - g. Ensure UAS inspection, maintenance, and record-keeping protocol for continuing airworthiness of a UAS, up to and including its overhaul or life limits meets all FAA regulations.
 - h. Follow protocols to ensure record retention and purge periods are maintained in accordance with established records retention schedules.
 - i. Recommend program enhancements, particularly regarding safety and information security.
 - j. Ensure protocols for damage and accidents follow established City, Department, and FAA reporting requirements.
 - k. Ensure established department protocols are followed by monitoring and providing periodic reports no less than annually, to the Department Director and City Manager.

- I. Ensuring departmental policies are updated to coincide with any appropriate change FAA regulations.
3. **Privacy.** Use of the UAS may involve privacy concerns. Absent a warrant or exigent circumstances, Remote Pilots and Visual Observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions may include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.
4. **Use of UAS.** Only authorized/certified Remote Pilots and Visual Observers shall be permitted to operate the UAS. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest, or where exigent circumstances exist and such use is authorized by official department policy or deemed necessary for public safety purposes and authorized by public safety personnel. In all other instances, legal counsel should be consulted. Any individual engaging in misuse of a UAS or use not within Department policy may be subject to discipline, up to and including termination.
5. **Prohibited Use.** The UAS video surveillance equipment shall not be used:
 - a. Operating in violation of the FAA regulations.
 - b. To conduct random surveillance activities.
 - c. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
 - d. To harass, intimidate, or discriminate against any individual or group.
 - e. To conduct personal business of any type.
 - f. The UAS shall not be weaponized.
6. **Retention of UAS Data.** Data collected by the UAS shall be retained as provided in an established records retention schedule.