

THE CITY COUNCIL WILL CONSIDER THIS ORDINANCE ON JUNE 13, 2022:

ORDINANCE NO. _____

**CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**AN ORDINANCE ADDING CHAPTER 16 TO THE CITY OF CHAMPLIN'S CODE OF
ORDINANCES, REGULATING DRONES IN THE CITY OF CHAMPLIN**

The City Council of the City of Champlin does hereby ordain the following:

CHAPTER 16 – DRONES

ARTICLE I.

Section 16-1. - Purpose.

It is the purpose of this Ordinance to provide guidelines to drone users, who wish to operate drones in the City of Champlin, provide residents of the City protection from invasions of privacy by drone, and allow the City's law enforcement agency to regulate usage and apply penalties for non-lawful usage of a drone. Use of unmanned aerial vehicles also poses a 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 16-2. – Definitions.

"City" means the City of Champlin, Hennepin County, Minnesota.

An unmanned aerial vehicle (UAV) or "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 remotely piloted.
- D. Can be expendable or recoverable.

Section 16-3. - Permitted Use.

- A. Drone use shall comply with all regulations as set forth by the FAA, as amended. (refer to <https://www.faa.gov/uas/>)
- B. Recreational drone use shall be allowed in compliance with 49 USC 44809.
- C. Any drone weighing more than 0.55 pounds must be registered with FAA.

- D. The City 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.
- E. Drone use and operation shall not be used in any act of voyeurism, or privacy invasion.
- F. No drone shall be operated within the designated flight corridors of the helicopter air ambulance service, and no drone shall be operated anywhere within City limits at any time a helicopter air ambulance is in flight within the City limits.
- G. The City reserves the right to create permitting and fee structures for drone operations with City Council approval.
- H. The City will allow the limited use of drones for recreational purposes in Champlin City Parks, subject to the restriction listed in this section, and any additional safety rules promulgated by the FAA or the City. The operator of the UAV may be required to produce valid FAA registration upon request while operating the UAV in any City Park. The City reserves the right to order and enforce the immediate discontinuation of the use of the UAV on any City owned property, as requested by the City's officer or representative.

Section 16-4. – Exceptions.

A drone may be operated within City air space for any of the following exceptions:

- A. A law enforcement agency first obtains a warrant authorizing its use; or
- B. A law enforcement agency may use a UAV under the following exceptions without a warrant:
 - 1. during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
 - 2. over a public event where there is a heightened risk to the safety of participants or bystanders;
 - 3. to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
 - 4. to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;
 - 5. to conduct a threat assessment in anticipation of a specific event;
 - 6. to collect information from a public area if there is reasonable suspicion of criminal activity;
 - 7. to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
 - 8. over a public area for Officer training or public relations purposes; and
 - 9. for purposes unrelated to law enforcement at the request of a government entity provided that the request is in writing and specifies the reason for the request and a proposed period of use.

C. The drone operator is hired for the purposes of creating/producing aerial photography of a property by the property's owner, and the drone is operated only within the boundaries of the property owner's real property.

D. At City Council approved events.

Section 16-5. – Penalty.

Use or operation of a non-registered drone with the FAA within the airspace of the City is in violation of this Ordinance, and shall be considered a misdemeanor, punishable by the fines and other penalties established under state law for misdemeanors in effect on the date the violation occurs.

Severability. Should any section, subdivision, clause, or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Effective Date. This ordinance shall become effective upon its passage and publication in accordance with applicable law.

Ryan Karasek, Mayor

Attest:

Julie Tembreull, City Clerk

First Reading: Waived
Second Reading: June 13, 2022
Adopted: