

## ORDINANCE

**WHEREAS**, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

**WHEREAS**, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the growing prevalence of small unmanned aircraft, including drones and model airplanes, has created public safety concerns; and

**WHEREAS**, a recent *Washington Post* investigation found that law enforcement agencies, universities and other registered drone users have reported 23 accidents and 236 unsafe incidents since November 2009; and

**WHEREAS**, Chicago has witnessed an increase in “flyaways” or when drones go rogue and fly off from their users; and

**WHEREAS**, last August, a Chicago man was criticized by FAA officials as being “careless and reckless” after he sent a drone over the Lollapalooza music festival and posted videos from it on YouTube; and

**WHEREAS**, videos of a handgun-firing drone built by an 18-year-old Connecticut student for a college class have recently surfaced; and

**WHEREAS**, on May 5, 2014, a DJI Phantom 2 Quadcopter crashed into the 30<sup>th</sup> floor of the Metropolitan Square building, the tallest building in St. Louis; and

**WHEREAS**, pilots have reported dozens of cases in which drones flew too close to their aircraft and the Federal Aviation Administration says the nation’s air-traffic system is not equipped to handle thousands of small devices flying at low altitudes; and

**WHEREAS**, Chicago’s airspace is the among the busiest in the world, handling nearly 882,000 flights and 70 million passengers at O’Hare International Airport, and nearly 250,000 flights and 21 million passengers at Midway International Airport in 2014; and

**WHEREAS**, on July 21, 2015, a drone crashed into the runway at Midway Airport while the U.S. National Guard was conducting a Blackhawk helicopter training mission thereby causing a breach of security at the airport; and

**WHEREAS**, the FAA launched a public awareness campaign last Christmas urging novice operators to pay attention to safety and avoid things like flying too close to passenger planes, buzzing crowds or flying while drunk; and

**WHEREAS**, the unregulated use of drones throughout the City of Chicago poses a threat to the public health and safety; **NOW THEREFORE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

**SECTION 2.** Title 9 of the Municipal Code of Chicago is hereby amended by adding Chapter 9-121, as follows:

**9-121 Small unmanned aircraft**

**9-121-010 Definitions.**

For purposes of this chapter:

“Aircraft” means any contrivance invented, used, or designed to navigate or fly in the air.

“City airspace” means the airspace above the land, water and waterways within the jurisdiction of the city.

“Commissioner” means the commissioner of aviation.

“Department” means the department of aviation.

“Firearm” has the meaning ascribed to the term in Section 8-20-010 of the Code.

“Open air assembly unit” has the meaning ascribed to the term in Section 13-56-110 of the Code.

“Operate” means to pilot, steer, direct, fly or manage a small unmanned aircraft through the air whether from within the aircraft or remotely. The term operate includes managing or initiating a computer system that pilots, steers, directs, flies or manages a small unmanned aircraft.

“Public aircraft” has the meaning ascribed to the term in Section 40102 of Title 49, United States Code.

“Small unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. Small unmanned aircraft does not include toy aircraft and public aircraft.

“Surveillance” means the gathering of images, sounds, data, or other information in a manner that intrudes upon the solitude or seclusion of a person or his private affairs or concerns.

“Toy aircraft” means (a) a glider or hand-tossed small unmanned aircraft that is not designed for and is incapable of sustained flight; and (b) a small unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire.

“Weapon” means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

**9-121-020 Registration required.**

(a) It shall be unlawful for any person to operate a small unmanned aircraft in city airspace unless such small unmanned aircraft is registered with the department.

(b) Prior to operating a small unmanned aircraft in city airspace, each owner of a small unmanned aircraft shall register such small unmanned aircraft with the department. The registration shall be in a form and manner prescribed by the commissioner. Each registration shall contain, at a minimum, the following information:

- (1) the name, address and telephone number of the owner and, if applicable, the lessee of the small unmanned aircraft;
- (2) the make, model and serial number of the small unmanned aircraft;
- (3) proof of insurance as required pursuant to section 9-121-040; and
- (4) whether such small unmanned aircraft has previously been registered with the department, including by a prior owner or lessee, and if so, the unique number or other identifier assigned by the commissioner pursuant to the previous registration.

(c) Where an owner is unable to provide the serial number of a small unmanned aircraft, the commissioner shall specify alternative identifying information that the owner shall provide to satisfy the requirements of this section.

**9-121-030 Registration term and fee.**

(a) Each registration required pursuant to this chapter shall be valid for one year and the annual fee for each small unmanned aircraft registration and renewal shall be \$50.00.

(b) Within fourteen days of any change in the information provided to the department pursuant to subsection 9-121-020(b), the owner of the small unmanned aircraft for which such

information has changed shall report such change to the department in a manner prescribed by the commissioner.

(c) Each owner seeking to renew a registration pursuant to this chapter shall submit a new registration form and shall meet all other requirements for a new small unmanned aircraft registration.

**9-121-040 Insurance required.**

(a) It shall be unlawful for any person to operate a small unmanned aircraft in city airspace unless such person maintains a liability insurance policy that insures the owner, lessee and operator of the small unmanned aircraft and provides, at minimum, the following limits:

- (1) \$100,000 for personal injury or death of one person;
- (2) \$300,000 for personal injury or death to more than one person in one accident, with a maximum of \$100,000 for each person; and
- (3) \$50,000 for property damage.

(b) Each policy of liability of insurance required under this section shall (1) be issued by an insurer authorized to do business in the State of Illinois; and (2) name the City of Chicago as an additional insured.

**9-121-050 Identification tag required.**

(a) It shall be unlawful for any person to operate a small unmanned aircraft in city airspace unless a valid identification tag issued by the department is duly affixed to such small unmanned aircraft.

- (1) Within 15 days after receiving a completed small unmanned aircraft registration form, the commissioner shall issue an identification tag containing a unique number or other identifier for the registered small unmanned aircraft, which the commissioner shall record on such small unmanned aircraft's registration form. Each tag shall be made of a lightweight, tamper-proof and weatherproof material and shall be proportional in size to the small unmanned aircraft for which it is issued.
- (2) The identification tag shall be affixed securely to a conspicuous and permanent part of the small unmanned aircraft.
- (3) A person may not transfer an identification tag to another person unless:
  - (i) The identification tag is transferred with the corresponding small unmanned aircraft as part of a transfer of ownership or lease of the small unmanned aircraft;

- (ii) The subsequent owner or lessee duly updates the small unmanned aircraft registration; and
- (iii) The commissioner approves the use of the same identification tag for the small unmanned aircraft.

**9-121-060 Operating regulations.**

- (a) No person shall operate a small unmanned aircraft in city airspace:
  - (1) for the purpose of conducting surveillance, unless expressly permitted by law; or
  - (2) within five miles of an airport; or
  - (3) that is equipped with a firearm or other weapon; or
  - (4) with intent to use such small unmanned aircraft or anything attached to such small unmanned aircraft to cause harm to persons or property; or
  - (5) within one-quarter mile of any open air assembly unit, school, hospital or place of worship; or
  - (6) at any altitude higher than four-hundred feet above ground level; or
  - (7) outside the line of sight of the operator; or
  - (8) while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as those terms are defined in 625 ILCS 5/11-501, as amended; or
  - (9) whenever weather conditions would impair the operator's ability to do so safely; or
  - (10) between the hours of 8:00 p.m. and 8:00 a.m.

(b) Notwithstanding the prohibitions set forth in this section, a person may operate a registered small unmanned aircraft in any location designated for such operation by the general superintendent and chief executive officer of the Chicago Park District.

(c) Notwithstanding the prohibitions set forth in this section, any person authorized to operate a small unmanned aircraft pursuant to a certificate of waiver, certificate of authorization or airworthiness certification under Section 44704 of Title 49, United States Code shall be authorized to operate a small unmanned aircraft in city airspace in accordance with the terms of such certificate of waiver, certificate of authorization or airworthiness certification.

**9-121-070 Violation - penalty.**

Any person who violates any of the provisions of this chapter, or any rule or regulation promulgated thereunder, shall be fined not less than \$500.00 nor more than \$5,000.00 for each offense, or may be incarcerated for a term not to exceed 180 days, or both fined and incarcerated. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

**9-121-080 Seizure for unlawful use.**

If the mayor, superintendent of police, the commissioner of aviation, or their duly authorized enforcement officers shall have a reasonable basis for believing any small unmanned aircraft has been operated in violation of this chapter, said small unmanned aircraft or any part or contents thereof may be seized by any duly authorized enforcement official, followed by an administrative hearing with notice to the owner within seven days of such seizure for the purpose of reviewing the appropriateness of the seizure, and held until such time as the owner of such small unmanned aircraft reimburses the city for actual cartage cost incurred in the seizure and pays to the city \$20.00 for each day or part of the day said small unmanned aircraft has been in storage. If criminal charges involving the use or condition of the small unmanned aircraft are pending, the small unmanned aircraft shall be held until disposition of the criminal charges. If it is determined at the hearing by a preponderance of the evidence that the seized small unmanned aircraft has not been operated in violation of this chapter, it shall be returned to the owner without charge.

**9-121-090 Rules and regulations.**

The commissioner of aviation, in consultation with the corporation counsel, is authorized to promulgate rules and regulations necessary or appropriate to implement the requirements of this chapter. Such duly promulgated rules and regulations shall be posted by the commissioner of aviation on the department of aviation's website.

**SECTION 3.** This ordinance shall be in full force and effect 30 days after its passage and publication.



Edward M. Burke, Alderman, 14<sup>th</sup> Ward

