

**CITY OF DEADWOOD  
ORDINANCE 1419**

**ORDINANCE #1419: REPEALING AND REPLACING CHAPTER 8.21.020  
OPERATING REGULATIONS**

**NOW THEREFORE**, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

**SECTION 1:**            **REPEAL AND REPLACE** “8.21.020 Operating Regulations” of the Deadwood Municipal Code is hereby *repealed and replaced* as follows:

**BEFORE REPEAL AND REPLACE**

8.21.020 Operating Regulations

The city commission authorizes limited drone operation in city airspace for hobby or recreational purposes only, except that it shall be unlawful to exceed such authorization by operating a drone:

- A. In a protected airspace located within the area designated by the 1961 National Historic Landmark District, Planning Unit 4 or the Deadwood Event Complex Property (see maps attached to Ordinance 1260). This protected airspace hereafter shall be referred to as the "Deadwood Drone No Fly Zone";
- B. Over any person who is not involved in the operation of the drone, without such person's consent;
- C. Over vehicular traffic;
- D. Over property that the operator does not own, unless the property owner consents and subject to any restrictions that the property owner may place on such operation;
- E. By a child under 13 years of age when not accompanied by the child's parent or guardian or an adult designated by the child's parent or guardian. The failure of a parent or designated adult to supervise an underage child's operation of a drone shall be a violation by the parent or designated adult;
- F. At an altitude higher than 400 feet above ground level;
- G. Outside the visual line of sight of the operator. The operator shall use his or her own natural vision, which includes vision corrected by standard eyeglasses or contact lenses, to maintain at all times an unobstructed view of the drone, without the use of vision-enhanced devices, such as binoculars, night vision goggles, powered vision magnifying devices and goggles designated to provide a "first person view" from the model or similar devices;
- H. In a manner that interferes with, or fails to give way to, any manned aircraft or moving vehicle or conveyance;
- I. Whenever weather conditions impair the operator's ability to operate the drone safely;

- J. During the period between sunset and sunrise;
- K. Over any open air assembly unit, school, school yard, hospital, water treatment facility, cemetery, water storage facility, law enforcement building or place of worship, without the property owner's consent, and subject to any restrictions that the property owner may place on such operation;
- L. For the purpose of conducting surveillance, unless expressly permitted by law;
- M. With 0.08 percent or more by weight of alcohol in that person's blood, or while under the influence of alcohol, any drug, any intoxicant, or any combination thereof, as set forth in SDCL 32-23-1, which renders that person incapable of safely operating such drone;
- N. That is equipped with a firearm or other weapon;
- O. With intent to use such drone or anything attached to it to cause harm to persons or property; or
- P. In a reckless or careless manner.

(Ord. 1260, 2017)

## AFTER REPEAL AND REPLACE

### 8.21.020 Operating Regulations

~~The city commission authorizes limited drone operation in city airspace for hobby or recreational purposes only, except that it shall be unlawful to exceed such authorization by operating a drone: In a protected airspace located within the area designated by the 1961 National Historic Landmark District, Planning Unit 4 or the Deadwood Event Complex Property (see maps attached to Ordinance 1260). This protected airspace hereafter shall be referred to as the "Deadwood Drone No Fly Zone"; Over any person who is not involved in the operation of the drone, without such person's consent; Over vehicular traffic; Over property that the operator does not own, unless the property owner consents and subject to any restrictions that the property owner may place on such operation; By a child under 13 years of age when not accompanied by the child's parent or guardian or an adult designated by the child's parent or guardian. The failure of a parent or designated adult to supervise an underage child's operation of a drone shall be a violation by the parent or designated adult; At an altitude higher than 400 feet above ground level; Outside the visual line of sight of the operator. The operator shall use his or her own natural vision, which includes vision corrected by standard eyeglasses or contact lenses, to maintain at all times an unobstructed view of the drone, without the use of vision enhanced devices, such as binoculars, night vision goggles, powered vision magnifying devices and goggles designated to provide a "first person view" from the model or similar devices; In a manner that interferes with, or fails to give way to, any manned aircraft or moving vehicle or conveyance; Whenever weather conditions impair the operator's ability to operate the drone safely; During the period between sunset and sunrise; Over any open air assembly unit, school, school yard, hospital, water treatment facility, cemetery, water storage facility, law enforcement building or place of worship, without the property owner's consent, and subject to any restrictions that the property owner may place on such operation; For the purpose of conducting surveillance, unless expressly permitted by law; With 0.08 percent or more by weight of alcohol in that person's blood, or while under the influence of alcohol, any~~

~~drug, any intoxicant, or any combination thereof, as set forth in SDCL 32-23-1, which renders that person incapable of safely operating such drone; That is equipped with a firearm or other weapon; With intent to use such drone or anything attached to it to cause harm to persons or property; or In a reckless or careless manner.(Ord. 1260, 2017)~~

The City of Deadwood authorizes drone operation for hobby or recreational purposes only when done in full compliance with all State and Federal Laws.

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

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David Ruth Jr., Mayor, City of  
Deadwood

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Jessica McKeown, Finance Officer,  
City of Deadwood