

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 23 ARTICLE IX DRONES OF THE CODE OF
ORDINANCES OF THE CITY OF OELWEIN, IOWA

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That the General Ordinances of the City of Oelwein adopted July 1, 2012, be amended by adding the following to Section CHAPTER 23 ARTICLE IX DRONES

REGULATIONS RELATED TO THE OPERATION OF UNMANNED AERIAL VEHICLES ORDINANCE; PROVIDING, RULES AND REQUIREMENTS FOR THE OPERATION OF UNMANNED AERIAL VEHICLES WITHIN THE CITY OF OELWEIN; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OELWEIN, IOWA:

ARTICLE I

Section 1.

Purpose: Harmony with Other Governmental Regulations

The City Council hereby recognizes that unmanned aerial vehicles (UAV), also known as drones, can pose unique safety, nuisance, and privacy invasion risks; thus regulating the operation of unmanned aerial vehicles within the city is needed to promote the public safety and welfare of the City and its residents. These regulations are to be read in harmony with all other regulations regarding the use of unmanned aerial vehicles, specifically including any rules promulgated by the Federal Aviation Administration. Further, compliance with these regulations should not be interpreted as express, implied or tacit approval to operate an unmanned aerial vehicle in violation of any other governmental regulations or in a manner, which jeopardizes the health, safety, or welfare of the public. Nothing in this article shall be construed to authorize the operation of any UAV in the City Limits airspace in violation of any Federal statute or rules promulgated thereunder. Operators of unmanned aerial vehicles should familiarize themselves with all applicable regulations relating to the use of an unmanned aerial vehicle, including the Federal Aviation Administration requirements regarding notification of an airport operator and control tower, where applicable, prior to operating an unmanned aerial vehicle within five miles of an airport, including but not limited to the Oelwein Municipal Airport.

Section 2 – Definitions

1. The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - a. "Commercial Use" means the use of an Unmanned Aerial Vehicle within the City
 - i. Limits for a commercial purpose, including aerial photography, aerial mapping, or geospatial Imaging.
 - b. "Commercial User" means any company, entity or person who is in the business of flying an Unmanned Aerial Vehicle for a Commercial Use and has a license to fly.
 - c. "OPD" means Oelwein Police Department
 - d. "FAA" means the Federal Aviation Administration
 - e. "Law Enforcement Agency" means a lawfully established federal, state, or local public law enforcement agency that is responsible for the prevention and detection of crime, local

government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

- f. "Private Property" means all parcels of land within the City of Oelwein limits that are not Public Property, including, but not limited to, residences, schools, churches, resorts, utility substations, golf course, or lakes.
- g. "Public Property" means streets, rights of way, parks, lakes, and other parcels of land owned by the City of Oelwein, Iowa.
- h. "Unmanned Aerial Vehicle" or "UAV" (aka "Drone") means an aircraft that maybe flown without a pilot or operator in or touching the aircraft.

Section 3 - Restrictions; Exceptions

- 1. Private Property. It is unlawful for a person to use a UAV over Private Property at a level between zero feet and five hundred feet above the ground level of the Private Property without the express written permission of the owner of the Private Property over which the UAV is flying.
- 2. Public Property. The use of a UAV/drone over Public Property within the City Limits is unlawful unless the use has been authorized by the issuance of a Special Event Permit approved by City Council.
- 3. Commercial Use on Private or Public Property. The Commercial Use of UAV within the City Limits is unlawful unless the Commercial User has met the requirements provided in subsection A and B above with respect to operation of a UAV on either Private Property or Public Property and the following additional requirements:
 - a. Registered as a Commercial User with the OPD, said registration to include proof of having obtained the appropriate certifications or registrations required from the FAA for the type of Commercial Use(s) to be conducted within the City Limits by the Commercial User; Provided a list of the types and number of UAVs that the Commercial User plans to use within the City Limits, as well as the brand and model of each UAV; any registration number, license number or other identifying information for each such UAV, specifically including registration numbers supplied by the FAA; and photos of each UAV, at least one such photo to show the particular registration or license number for each UAV; and
 - b. At least four hours prior to each Commercial Use of a UAV, the Commercial User shall provide notification to the OPD and the O-ACM or his/her designee of the planned date, time, location of the Commercial Use, contact information for the Commercial User, and other information required by the Police Department.
- 4. Exceptions. In addition to the uses allowed above, the use of a UAV is allowed Within the City Limits for:
 - a. Recreational use of an UAV within one's own property so long as such use is at a height of less than five hundred feet (500') and not in violation of the additional violations set forth in subsection E below; or
 - b. By a Law Enforcement Agency in response to an emergency situation or after obtaining a warrant based upon probable cause that criminal activity is occurring.
- 5. Additional Violations. In addition to those violations enumerated above, the following are violations of this Article, even under an otherwise authorized use or exception. No person or entity shall operate a UAV within the City Limits:
 - a. In a careless or reckless manner that poses an apparent or actual threat of harm, or actual harm to persons or property; or
 - b. Without the express permission of a person, owner, or authorized representative, to capture, view, record or transmit any visual image or audio recording of such person or their private real property, located In the City Limits, under circumstances in which the

subject person or owner of the private property has a reasonable expectation of privacy (including, but not limited to, inside a private residence, school room, resort room, office, or inside an enclosed yard); or

- c. In such a manner as to intentionally harass, annoy, or assault a person or persons or to cause a public nuisance.

Section 4 — Violations/Penalties:

1. Violation of any part of this ordinance shall be a simple misdemeanor.

Section 2. That all Ordinances or parts thereof in conflict herewith be and the same are hereby repealed. This Ordinance shall become effective upon the date specified above.

First reading –

Second reading –

Third reading –

Passed and adopted by the City Council of the City of Oelwein, Iowa, this _____ day of

_____.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

Recorded _____, 2022.

Dylan Mulfinger, City Administrator

First Reading on _____:

It was moved by _____ and seconded by
that the Ordinance as read be adopted, and upon roll
call there were:

AYES NAYS ABSENT ABSTAIN

Weber
Garrigus
Lenz
Stewart
Seeders
Payne

Second Reading on _____ It was moved by
and seconded by _____ that the Ordinance as read
be adopted (or to suspend the rules), and upon roll
call there were:

AYES NAYS ABSENT ABSTAIN

Weber
Garrigus
Lenz
Stewart
Seeders
Payne

Third Reading on _____ It was
moved by _____ and seconded by _____ that
the Ordinance as read be adopted (or to suspend the
rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Weber
Garrigus
Lenz
Stewart
Seeders
Payne