



Leana Kinley <leana@ci.stevenson.wa.us>

MRSC Inquiry: RFI - local regulation of drones

1 message

Steve Gross <sgross@mrsc.org>

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To: "leana@ci.stevenson.wa.us" <leana@ci.stevenson.wa.us>

Leana,

Thanks for your call this afternoon about the city's ability to regulate private use of drones. MRSC has addressed this issue. Here's what we've found for local regulations (not related to agency use) last time we looked.

Clallam County prohibits drone operation "from within or above park lands" See [CCMC 23.03.080](#).

City of Battleground allows drone operation only in designated park areas – see [BMC 8.18.040\(B\)\(2\)\(c\)](#)

Centralia prohibits operation of drones in parks except as permitted for public or private events permitted by the city – see [CMC 10.33.199](#)

Bothell prohibits drones from landing on or taking off from a body of water or land area in a park not specifically designated for that use (see [BMC 8.60.320](#); note that "aircraft" is defined to include drones)

Des Moines prohibits drones from parks except in places and times set apart for such purposes (see [DMC 19.08.030](#) (25) and also prohibits competitions involving drones in a park without first obtaining written permission (see [DMC 19.08.030\(20\)](#)).

Enumclaw generally protects the public from drones in parks:

9.86.130 Use of certain equipment.

It is unlawful to propel any missile over any park, except at places set apart for such purposes. The operation of any remotely controlled flying device, aircraft, helicopters and drones shall be operated in compliance with Federal Aviation Agency rules and regulations and operated in such a manner as to not endanger persons or property, nor in violation of a person's privacy.

You can also search multiple codes at the same time by following the instructions [here](#). Searching for "drone" may turn up some additional examples.

As I mentioned, we last wrote about this in detail in a [March 2017 MRSC Blog Article](#) on drone regulation. As the article explains, there are certain types of regulations that fall under the FAA's jurisdiction. However, a municipality generally has authority to prosecute drone operators for violating laws protecting privacy or nuisance laws. The [FAA](#) takes the position that municipalities may also adopt the following types of police power regulations:

- Requirement for police to obtain a warrant prior to using a drone for surveillance.
- Prohibitions on using drones for voyeurism.
- Prohibitions on using drones for hunting or fishing, or to interfere with or harass an individual who is hunting or fishing.
- Prohibitions on attaching firearms or similar weapons to drones.

It is important to note that there are already laws on the books criminalizing much of such activity – imagine, instead of a drone, that an individual perched in a tree was looking through that same window. These laws – such as [RCW 9A.44.115](#) (Voyeurism) and perhaps [RCW 9A.52.080](#) (Criminal Trespass II) – could apply if a drone was used in the criminal conduct.

I also recommend you discuss your options with your City Attorney.

I hope this is helpful. Please let me know if you have other questions.

Steve

Steve Gross

Legal Consultant

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