

**CITY OF STEVENSON, WASHINGTON
ORDINANCE 2020-1162**

**AN ORDINANCE OF THE CITY OF STEVENSON, WA ADDING CHAPTER 10.42 TO
PROHIBIT USING AN UNMANNED AIRCRAFT TO RECORD OR TRANSMIT
VISUAL OR AUDIO RECORDINGS; SETTING A CRIMINAL PENALTY;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, City Council has received complaints from citizens regarding “drones” flying over properties; and

WHEREAS, the City Council requested staff to update the Stevenson Municipal Code to include prohibiting unmanned aircraft to record or transmit visual or audio recordings; and

WHEREAS, the City Council desires to add SMC 10.42 to prohibit using unmanned aircraft to record or transmit visual or audio recordings.

NOW, THEREFORE, the City Council of the City of Stevenson do hereby ordain as follows:

Section 1. Chapter 10.42 of the Stevenson Municipal Code Established. A chapter of the Stevenson Municipal Code entitled "Unmanned Aircraft Systems," to be codified as Stevenson Municipal Code (SMC) Chapter 10.42, is hereby established to read as set forth on Exhibit “A” attached hereto and by this reference incorporated herein:

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall become effective following passage and publication as provided by law.

PASSED by the City Council of the City of Stevenson and approved by the Mayor this _____ day of _____, 2020.

Mayor of the City of Stevenson

ATTEST:

APPROVED AS TO FORM:

Clerk of the City of Stevenson

Attorney for the City of Stevenson

**CHAPTER 10.42
UNMANNED AIRCRAFT SYSTEMS**

Sections:

- 10.42.010 Definitions
- 10.42.020 Use of Unmanned Aircraft prohibited
- 10.42.030 Penalty

10.42.010 Definitions

For the purposes of this chapter:

- A. "Unmanned Aircraft" shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.
- B. "Unmanned Aircraft Systems" shall mean an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the unmanned aircraft.
- C. "Person" shall mean any individual, firm, trust, partnership, public or private association or corporation.
- D. "Model Aircraft" shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any person strictly for hobby or recreational purposes.

10.42.020 Use of Unmanned Aircraft Prohibited

- A. No person shall use an Unmanned Aircraft to record or transmit any visual image or audio recording of any person or private real property located in the City under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, inside a private residence or office, and inside an enclosed yard).
- B. This section shall not prohibit the use of any Model Aircraft, which is flown in compliance with section 336 of the FAA Modernization and Reform Act of 2012 and which does not transmit or record visual images or audio recordings of any person or real property located in the City.
- C. This Section shall not prohibit the use of any Unmanned Aircraft by law enforcement or public safety agencies:
 - a. If a warrant is issued authorizing the use of an Unmanned Aircraft; or
 - b. For the purpose of providing emergency management, fire, or police protection services in response to a life-threatening emergency, or for surveying the condition of person or property during a duly declared state of emergency
 - c. Under circumstances where a warrant would not otherwise be required by law.

10.42.030 Violation

Violation of this section as a first offense shall constitute a misdemeanor. Repeated violations shall be charged as a gross misdemeanor.