

**ORDINANCE NO. 7-17 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
RICHMOND TO ESTABLISH REGULATIONS CONCERNING THE  
USE OF UNMANNED AIRCRAFT SYSTEMS (DRONES)**

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**WHEREAS**, drones, which are unmanned aircraft that can fly under the control or a remote pilot or via a geographic positions system (GPS) guided autopilot mode, have become increasingly available to private citizens for personal and recreation uses due to their declining costs; and

**WHEREAS**, some drones are equipped with high definition cameras, night vision cameras and infrared-see-through scopes; and

**WHEREAS**, some drones can be used to fly above private residences and to hover outside somebody's window or in their backyards without the knowledge of the resident who has a reasonable expectation of privacy in his or her home and in his or her backyards; and

**WHEREAS**, there are no existing regulations regarding who may purchase a drone which presents a safety risk to residents in that drones may be purchased and operated by persons intending to use such drone to engage in illegal activity; and

**WHEREAS**, the City Council desires to minimize the risk of drones being used in connection with illegal activity by requiring registration and regulating the operation of drones in accordance with Federal and State law.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND  
DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

Section Chapter 11.46 of Article XI of the City of Richmond Municipal Code is hereby added and shall read as follows:

**Chapter 11.46 - Unmanned Aircraft Systems (Drones)**

**11.46.010 - Operating an unmanned aircraft system**

For the purpose of this section:

1. **"Unmanned Aircraft"** is an aircraft, including but not limited to, an aircraft commonly known as a drone that is operated without possibility of direct human intervention from within or on the aircraft.
2. **"Unmanned Aircraft System" (UAS)** is an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft that carries an apparatus that captures still (photographs) or moving images (videos) or any other payload.
  - a) Every UAS weighing between .55lbs and 55 lbs, and operating in the City shall be registered in accordance with the FAA Part 107 Registration requirements. UAS operators who do not register their UAS in accordance with the FAA Part 107 Registration requirements are in violation of this section, and are subject to all applicable legal penalties enforced by the FAA.
  - b) Every UAS that weighs over .55lbs, and operates in the City shall have the assigned FAA registration numbers affixed to the UAS as required by the FAA.

- c) No person shall operate a UAS to record or transmit any visual image or audio record 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 or without their permission (including but not limited to, inside a private residence or office, inside an enclosed yard, rooftops, backyards and exterior decks),.
- d) No person shall operate a UAS within the City outside of daylight hours (between official local times from sunrise and sunset), no more than 400 feet above ground level and no faster than 20 mph.
- e) No person shall operate any UAS in the City beyond the visual line of sight of the person operating the UAS. The operator must use his or her own natural vision to observe the UAS. Visual line of sight means that the operator has an unobstructed view of the UAS. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the UAS, do not constitute the visual line of sight of the person operating the UAS.
- f) No person shall operate the UAS within the City closer than 25 feet to any human being, except the operator and except during takeoff and landing.
- g) No person shall operate a UAS while under the influence of alcohol or any other drugs, intoxicating compound or any combination thereof.
- h) No person shall operate a UAS in a careless or reckless manner that would jeopardize the public.
- i) No person shall operate a UAS that is equipped with hazardous materials or any weapons or items that may be considered to be weapons.
- j) No person shall operate a UAS in violation of any temporary flight restriction or “Notice to Airmen” (NOTAM) issued by the Federal Aviation Administration (FAA).
- k) No person shall operate a UAS in the path of any manned aircraft.
- l) Operators may use a UAS to exercise their First Amendment right to observe and record governmental activities; however, no person shall operate a UAS in a manner that directly interferes with police activities, firefighting or emergency response activities that would jeopardize the integrity of such public safety activities.
- m) This section shall not prohibit the use of any model aircraft as described in 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.
- n) This section shall not prohibit the use of any UAS by law enforcement or public safety agencies, provided that the law enforcement or public safety agency has a current Certificate of Authorization (COA) from the FAA to operate within the airspace of the City.
- o) Any operator of a UAS who violates this section is subject to fines and confiscation of the UAS by the Richmond Police Department.

**SECTION 2.** The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**SECTION 3.** This ordinance shall take effect thirty (30) days after the date of its adoption.

First read at a regular meeting of the Council of the City of Richmond held April 4, 2017, and finally passed and adopted at a regular meeting thereof held April 18, 2017, by the following vote:

AYES: Councilmembers Choi, Martinez, McLaughlin, Myrick, Willis, Vice Mayor Beckles, and Mayor Butt.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

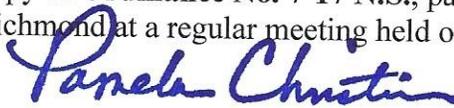
**PAMELA CHRISTIAN**  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:  
**TOM BUTT**  
Mayor

Approved as to form:  
**BRUCE GOODMILLER**  
City Attorney

State of California            }  
County of Contra Costa        }       : ss.  
City of Richmond                }

I certify that the foregoing is a true copy of **Ordinance No. 7-17 N.S.**, passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 18, 2017.



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Pamela Christian, City Clerk of the City of Richmond