



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
Fax (313) 343-2785

NOTICE OF MEETING AND AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, November 9, 2015, at 7:45 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
 2. Roll Call
 3. Acceptance of Agenda
 4. Planning Commission Vacancy
 5. Closed Executive Session
 6. Drone Ordinance
- A. Biographical Sketches:
 1. Dennis Zak
 2. Eric Reiter
 - A. Pending litigation
 - A. Memo 11/03/15 – City Attorney, w/attachments:
 1. Exhibit 1 – Overview of Small UAS Notice of Proposed Rulemaking
 2. Exhibit 2 – HB 4866
 3. Exhibit 3 – HB 4868
 4. Exhibit 4 – Proposed Ordinance, Palm Beach, FL
 5. Exhibit 5 - Proposed Ordinance to Amend Chapter 28 Offenses, Article VI Offenses Against Public Peace, by Adding Sec. 28-359 to Regulate Drone Use, Grosse Pointe Woods
 6. Exhibit 6 – Ordinance, Ocean Township, NJ
 7. Ordinance – Ferndale, MI
 8. (Template) Ordinance Regulating Operation of Unmanned Aerial Systems Within The City of
 9. The Bill of Rights Defense Committee – Model Legislation: Drones
 10. Detroit Free Press article: Ferndale drops a proposal to ground drones
 11. Free Press News Services – ‘A Troubling Trend’ Close calls with drones spur registration
 12. Detroit Free Press article: Sky’s the limit for aircraft use

- | | |
|---------------------------------------|---------------------------------------|
| 7. Emergency Rescue Invoice | A. Letter 10/30/15 – S. Douglas Touma |
| 8. Park Pass Fees | |
| 9. Parking Meters – Cost to Employees | |
| 10. Mack Avenue Speed Limit Change | |
| 11. Proposed Items for Removal | A. Allowable number of animals |
| | B. Baby Pool – Lake Front Park |
| | C. Fence Ordinance Amendment |
| 12. New Business/Public Comment | |
| 13. Adjournment | |

Alfred Fincham
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwmi.us.

cc:

Council – 7
Berschback
Fincham
Hathaway

Rec. Secretary
Email Group
Media - Email
Post -8

File



CITY OF GROSSE POINTE WOODS
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

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RECEIVED
AUG 11 2015
CITY OF GROSSE POINTE WOODS

BIOGRAPHICAL SKETCH

✓ I am interested in making application to serve as a member on the following Board/Commission:

<input type="checkbox"/> Beautification Commission	<input type="checkbox"/> Building Authority
<input type="checkbox"/> Board of Review	<input type="checkbox"/> Community Tree Commission
<input type="checkbox"/> Citizens' Recreation Commission	<input type="checkbox"/> Downspout Board of Appeals
<input type="checkbox"/> Construction Board of Appeals	<input type="checkbox"/> Historical Commission
<input type="checkbox"/> Fireworks Committee	<input type="checkbox"/> Mack Avenue Business Study Committee
<input type="checkbox"/> Local Officers' Compensation Commission	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Pension Board	<input type="checkbox"/> Other:
<input type="checkbox"/> Senior Citizens' Commission	

NAME: DENNIS F. ZAK

ADDRESS: 19964 W. EMORY CT

TELEPHONE: Home: 313-882-1384 Office: 586-777-0700

E-Mail: dennis19900@yahoo.com

OCCUPATION: Attorney

OF YEARS RESIDENT OF GROSSE POINTE WOODS: 30

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

Attorney, Financial experience, current LOC Commission member

EDUCATION: College, Law School

PROFESSIONAL / SERVICE CLUB AFFILIATIONS: Licensed Attorney, formerly Licensed
as a CPA, Licensed PK Insurance

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: COMMITTED
TO COMMUNITY AND MAINTAIN CONSISTENT POLICIES

Signature of sponsor

Signature of applicant

Date: 8/10/15

Return to Clerk's Office

NOTE: Biographical sketches will be retained on file for one year. Please resubmit a new form after that time.



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RECEIVED

OCT 20 2015

CITY OF GROSSE PTE. WOODS

BIOGRAPHICAL SKETCH

✓ I am interested in making application to serve as a member on the following Board/Commission:

Beautification Commission	Building Authority
Board of Review	Community Tree Commission
Citizens' Recreation Commission	Downspout Board of Appeals
Construction Board of Appeals	Historical Commission
Fireworks Committee	Mack Avenue Business Study Committee
Local Officers' Compensation Commission	X Planning Commission
Pension Board	Other:
Senior Citizens' Commission	

NAME: Eric Reiter

ADDRESS: 1597 Newcastle Rd

TELEPHONE: Home: 881-3622

Office: 248-277-6006

E-Mail: ericjreiter@outlook.com

OCCUPATION: Director of Room Operations, Renaissance Hotels (Marriott)

OF YEARS RESIDENT OF GROSSE POINTE WOODS: 10

PERSONAL SKILLS OR AREAS OF EXPERTISE RELATIVE TO THE COMMISSION:

18 years in the hotel industry, 10 of which as a General Manager or Regional Manager. Opening GM of two new hotels.

EDUCATION: Completed coursework toward BA, Business focus

PROFESSIONAL / SERVICE CLUB AFFILIATIONS: Current Awards Chair for Beautification Advisory Commission. Past Chair of BAC for two years.

DESCRIBE WHY YOU WOULD BE AN ASSET TO THE COMMISSION/BOARD: _____

Objective decision maker, experience dealing with municipalities

Signature of sponsor

Signature of applicant

Date: 10/20/2015

Return to Clerk's Office

NOTE: Biographical sketches will be retained on file for one year. Please resubmit a new form after that time.

Lisa Hathaway

From: Eric Reiter [ericreiter@hotmail.com]
Sent: Tuesday, October 20, 2015 3:10 PM
To: Lisa Hathaway
Subject: Biographical Sketch
Attachments: Office Lens 20151020-150505.jpg; ATT00001.c

Hi Lisa,

I am still interested in the Planning Commission vacancy. I am available to attend the Committee-of-the-Whole meeting on November 9. My current sketch should be included in this message.

Thank you,
Eric Reiter

MEMORANDUM

TO: The Honorable Mayor and City Council
FROM: Chip Berschback
DATE: November 3, 2015
RE: Proposed Drone Ordinance

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NOV - 4 2015
CITY OF GROSSE PTE. WOODS

Dear Mayor and Council:

I have already attended one seminar on this topic and am scheduled to attend a webinar on November 12, 2015. State and local governments are currently developing regulations since it appears that FAA regulations may not be finalized until 2017. See Exhibit 1, General FAA Information.

Two Michigan bills were introduced September 16, 2015. HB4866 (Exhibit 2) merely prohibits flying drones within 1500 feet of a correctional facility or county jail. HB4868 (Exhibit 3) prohibits operation of a drone in a manner that interferes with a public safety operation or services by a public utility. Public Act 12 and 13 prohibit drones from interfering with hunting or fishing. Obviously this is not very comprehensive, and additional legislation is likely over the next few years.

I would recommend putting something in place as soon as possible to regulate drone use in the City, with the understanding that the law in this area is rapidly changing and it is likely that any ordinance the City enacts will be subject to amendments in the future. Possible options include prohibiting all drone use, allowing drone use under limited circumstances, or allowing use with more liberal exceptions. Proponents of unregulated drone use may argue that local communities cannot enforce or limit the use of aircraft, but *Gustafson v. City of Lake Angelus*, 76 F.3rd 778 (C.A.6 1996) found that a city could enforce local ordinances against the operation of aircraft (outside of an airport facility). Accordingly, preemption by federal regulations is a possible, but not a foregone conclusion (at this time).

Ferndale conducted several work sessions and hearings regarding a proposed drone ordinance which would essentially ban all drone use. The recommended proposed ordinance was not enacted after several hearings.

Having reviewed several other ordinances on the internet, I would ask the Council to consider the method utilized by Palm Beach, Florida (Exhibit 4). There are some reasonable exceptions which would allow the use of drones under specific circumstances. I have edited the Palm Beach Ordinance and attach a proposed GPW Ordinance for your consideration (Exhibit 5). Please note that this draft would allow drone use on personal property, provided the limitations in (e) are met.

I am also recommending that the Council amend the Park Rules and Regulations for Lakefront Park and Ghesquiere Park to prohibit drone use (except for some limited use by the Park Staff in the future).

Other ordinances and articles I looked at are attached as Exhibit 6.



Overview of Small UAS Notice of Proposed Rulemaking

Summary of Major Provisions of Proposed Part 107

The following provisions are being proposed in the FAA's Small UAS NPRM.

Operational Limitations	<ul style="list-style-type: none"> • Unmanned aircraft must weigh less than 55 lbs. (25 kg). • Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the operator or visual observer. • At all times the small unmanned aircraft must remain close enough to the operator for the operator to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses. • Small unmanned aircraft may not operate over any persons not directly involved in the operation. • Daylight-only operations (official sunrise to official sunset, local time). • Must yield right-of-way to other aircraft, manned or unmanned. • May use visual observer (VO) but not required. • First-person view camera cannot satisfy "see-and-avoid" requirement but can be used as long as requirement is satisfied in other ways. • Maximum airspeed of 100 mph (87 knots). • Maximum altitude of 500 feet above ground level. • Minimum weather visibility of 3 miles from control station. • No operations are allowed in Class A (18,000 feet & above) airspace. • Operations in Class B, C, D and E airspace are allowed with the required ATC permission. • Operations in Class G airspace are allowed without ATC permission • No person may act as an operator or VO for more than one unmanned aircraft operation at one time. • No careless or reckless operations. • Requires preflight inspection by the operator. • A person may not operate a small unmanned aircraft if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a small UAS. • Proposes a microUAS option that would allow operations in Class G airspace, over people not involved in the operation, provided the operator certifies he or she has the requisite aeronautical knowledge to perform the operation.
Operator Certification and Responsibilities	<ul style="list-style-type: none"> • Pilots of a small UAS would be considered "operators". • Operators would be required to: <ul style="list-style-type: none"> ○ Pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center. ○ Be vetted by the Transportation Security Administration.

EXHIBIT

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	<ul style="list-style-type: none"> ○ Obtain an unmanned aircraft operator certificate with a small UAS rating (like existing pilot airman certificates, never expires). ○ Pass a recurrent aeronautical knowledge test every 24 months. ○ Be at least 17 years old. ○ Make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the proposed rule. ○ Report an accident to the FAA within 10 days of any operation that results in injury or property damage. ○ Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is safe for operation.
Aircraft Requirements	<ul style="list-style-type: none"> • FAA airworthiness certification not required. However, operator must maintain a small UAS in condition for safe operation and prior to flight must inspect the UAS to ensure that it is in a condition for safe operation. Aircraft Registration required (same requirements that apply to all other aircraft). • Aircraft markings required (same requirements that apply to all other aircraft). If aircraft is too small to display markings in standard size, then the aircraft simply needs to display markings in the largest practicable manner.
Model Aircraft	<ul style="list-style-type: none"> • Proposed rule would not apply to model aircraft that satisfy all of the criteria specified in Section 336 of Public Law 112-95. • The proposed rule would codify the FAA's enforcement authority in part 101 by prohibiting model aircraft operators from endangering the safety of the NAS.



Unmanned Aircraft Systems

www.faa.gov/news/updates/?newsId=84165

FAA Administrator Opens UAS Registration Meeting

[www.faa.gov/news/updates
/?newsId=84165](http://www.faa.gov/news/updates/?newsId=84165)

Administrator Huerta urges Task Force
members to "think big, and think outside
the box."



Unmanned aircraft systems (UAS ([unmanned aircraft systems](#))) are inherently different from manned aircraft. Introducing UAS into the nation's airspace is challenging for both the FAA and aviation community, because the U.S. has the busiest, most complex airspace in the world. The FAA is taking an incremental approach to safe UAS integration.

What Can I Do with my Model Aircraft? ([model aircraft](#))

UAS come in a variety of shapes and sizes and serve diverse purposes. Regardless of size, the responsibility to fly safely applies equally to manned and unmanned aircraft operations. The FAA is partnering with several industry associations to promote safe and responsible use of unmanned aircraft. Read more about the [Know Before You Fly](#) educational campaign.

Different Types of UAS Operations

- [Public Operations \(\[public operations\]\(#\)\)](#) (Governmental)
- [Civil Operations \(\[civil operations\]\(#\)\)](#) (Non-Governmental)
- [Model Aircraft \(\[model aircraft\]\(#\)\)](#) (Hobby or Recreation only)



Model Aircraft Operations

Model aircraft operations are for hobby or recreational purposes only.

The FAA has partnered with several industry associations to promote [Know Before You Fly](#), a campaign to educate the public about using unmanned aircraft safely and responsibly. Individuals flying for hobby or recreation are strongly encouraged to follow safety guidelines, which include:

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Don't fly near people or stadiums
- Don't fly an aircraft that weighs more than 55 lbs
- Don't be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

The statutory parameters of a model aircraft operation are outlined in [Section 336 of Public Law 112-95 \(the FAA Modernization and Reform Act of 2012\)](#) (PDF). Individuals who fly within the scope of these parameters do not require permission to operate their UAS; any flight outside these parameters (including any non-hobby, non-recreational operation) requires [FAA authorization \(www.faa.gov/uas/civil_operations/\)](#). For example, using a UAS to take photos for your personal use is recreational; using the same device to take photographs or videos for compensation or sale to another individual would be considered a non-recreational operation.

More about the [Know Before You Fly campaign](#)

Read the [FAA's Interpretation of the Special Rule for Model Aircraft \(www.faa.gov/uas/media/model_aircraft_spec_rule.pdf\)](#) (PDF)

Read the [Do's and Don'ts of Model Aircraft Operations](#)

[View FAA YouTube videos on safe model aircraft operations.](#)

The "Model Aircraft Do's and Don'ts" ([www.faa.gov/uas/publications/model_aircraft_operators/assets/media/model-aircraft-infographic.pdf](#)) (PDF)

Rep Kent Heise
R Plymouth

9/16/2015

HOUSE BILL No. 4866

HOUSE BILL No. 4866

September 16, 2015, Introduced by Reps. Heise, Singh, Darany and Hughes and referred to the Committee on Criminal Justice.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 69b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 69B. (1) A PERSON WHO IS OPERATING AN UNMANNED AERIAL
2 VEHICLE SHALL NOT FLY THE AIRCRAFT OR DEVICE WITHIN 1,500 FEET OF
3 ANY CORRECTIONAL FACILITY OR COUNTY JAIL IN THIS STATE.

4 (2) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT AGENCY
5 OPERATING AN UNMANNED AERIAL VEHICLE UNDER FEDERAL AVIATION
6 ADMINISTRATION REGULATIONS.

7 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
8 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
9 NOT MORE THAN \$2,000.00, OR BOTH.

10 (4) AS USED IN THIS SECTION:

HOUSE BILL No. 4866

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EXHIBIT

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1 (A) "CORRECTIONAL FACILITY" INCLUDES A FACILITY OR INSTITUTION
2 THAT IS MAINTAINED AND OPERATED BY THE DEPARTMENT OF CORRECTIONS
3 AND A FACILITY OR INSTITUTION OPERATED BY A PRIVATE ENTITY UNDER
4 SECTION 201.

5 (B) "LAW ENFORCEMENT AGENCY" MEANS THE DEPARTMENT OF STATE
6 POLICE, THE DEPARTMENT OF NATURAL RESOURCES, OR A LAW ENFORCEMENT
7 AGENCY OF A COUNTY, TOWNSHIP, CITY, OR VILLAGE THAT IS RESPONSIBLE
8 FOR THE PREVENTION AND DETECTION OF CRIME AND ENFORCEMENT OF THE
9 CRIMINAL LAWS OF THIS STATE.

10 (C) "UNMANNED AERIAL VEHICLE" MEANS AN UNMANNED VEHICLE OR
11 DEVICE THAT USES AERODYNAMIC FORCES TO ACHIEVE FLIGHT AND IS
12 PILOTED REMOTELY.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

9/16/2015

HOUSE BILL No. 4868

HOUSE BILL No. 4868

September 16, 2015, Introduced by Reps. Heise, Singh, Darany and Hughes and referred to the Committee on Criminal Justice.

A bill to amend 1945 PA 327, entitled
"Aeronautics code of the state of Michigan,"
by amending section 3 (MCL 259.3), as amended by 2002 PA 35, and by
adding section 98.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Balloon" means a lighter-than-air aircraft that is not
3 engine driven and that sustains flight through the use of either
4 gas buoyancy or an airborne heater.

5 (b) "Commercial activity or operations" means an activity or
6 operation such as the sale of gasoline or oil, ~~the~~ soliciting or
7 engaging in charter flying or flight instruction, ~~the provision of~~
8 PROVIDING shelter or the tie-down of an aircraft, the overhaul or
9 repair of an aircraft or of engines, or other activity or operation
10 that offers aeronautic facilities or services to the public.

HOUSE BILL No. 4868

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1 (c) "Commission" means the Michigan aeronautics commission.

2 (d) "Dealer" means a person engaged in the business of
3 purchasing, selling, brokering, exchanging, or dealing in aircraft
4 parts or in aircraft of a type required to be registered.

5 (e) "Decal plate" means ~~that~~ THE distinctive tab, sticker,
6 decal, or plate issued by the commission with the registration
7 certificate for an aircraft.

8 (f) "Department" means the state transportation department,
9 bureau of aeronautics.

10 (g) "Director" means the deputy director of the department,
11 bureau of aeronautics who is the director of the Michigan
12 aeronautics commission.

13 (H) "DRONE" MEANS AN AIRCRAFT, OR OTHER FLYING DEVICE, THAT IS
14 REMOTELY CONTROLLED.

15 SEC. 98. (1) AN INDIVIDUAL WHO IS OPERATING A DRONE SHALL NOT
16 DO ANY OF THE FOLLOWING:

17 (A) KNOWINGLY FLY THE DRONE IN A MANNER THAT INTERFERES WITH A
18 PUBLIC SAFETY OPERATION.

19 (B) KNOWINGLY FLY THE DRONE IN A MANNER THAT INTERFERES WITH
20 THE PROVISION OF SERVICES BY A PUBLIC UTILITY.

21 (C) KNOWINGLY FLY THE DRONE FOR THE PURPOSE OF COMMITTING AN
22 ACT THAT IS PUNISHABLE AS A FELONY OR MISDEMEANOR UNDER THE LAW OF
23 THIS STATE.

24 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
25 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
26 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

27 (3) AS USED IN THIS SECTION:

1 (A) "PUBLIC SAFETY OPERATION" MEANS AN OPERATION THAT INVOLVES
2 THE ACTIONS OF ANY OF THE FOLLOWING INDIVIDUALS WHILE THE
3 INDIVIDUAL IS PERFORMING HIS OR HER DUTIES:

4 (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL
5 SUBDIVISION OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A MOTOR
6 CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF THE DEPARTMENT OF
7 STATE POLICE.

8 (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR
9 UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THE JUNIOR
10 COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND THE RULES
11 AND ORDINANCES OF THE JUNIOR COLLEGE, COLLEGE, OR UNIVERSITY.

12 (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
13 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

14 (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT OF
15 THE INTERIOR.

16 (v) A SHERIFF OR DEPUTY SHERIFF.

17 (vi) A CONSTABLE.

18 (vii) A PEACE OFFICER OF A DULY AUTHORIZED POLICE AGENCY OF
19 THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, AN AGENT OF THE
20 UNITED STATES DEPARTMENT OF JUSTICE.

21 (viii) AN EMPLOYEE OF THE UNITED STATES DEPARTMENT OF HOMELAND
22 SECURITY, INCLUDING, BUT NOT LIMITED TO, CUSTOMS AND BORDER
23 PROTECTION AND THE SECRET SERVICE.

24 (ix) A FIREFIGHTER.

25 (x) AN INDIVIDUAL LICENSED UNDER SECTION 20950 OF THE PUBLIC
26 HEALTH CODE, 1978 PA 368, MCL 333.20950.

27 (xi) AN INDIVIDUAL ENGAGED IN A SEARCH AND RESCUE OPERATION AS

1 THAT TERM IS DEFINED IN SECTION 50C OF THE MICHIGAN PENAL CODE,
2 1931 PA 328, MCL 750.50C.

3 (xii) AN INDIVIDUAL WHO IS A MEMBER OF THE UNITED STATES
4 MILITARY AND IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES OR
5 A MEMBER OF THE NATIONAL GUARD OR THE DEFENSE FORCE AND IN ACTIVE
6 STATE SERVICE, AS THAT TERM IS DEFINED IN SECTION 105 OF THE
7 MICHIGAN MILITARY ACT, 1967 PA 150, MCL 32.505.

8 (B) "PUBLIC UTILITY" MEANS THAT TERM AS DEFINED IN SECTION 1
9 OF 1972 PA 299, MCL 460.111, BUT INCLUDING A MUNICIPALLY OWNED
10 UTILITY.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.

ORDINANCE NO. ____-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 14, ARTICLE II - AIRCRAFT; ADDING A NEW SECTION SEC. 14-35, "DRONES". PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 14, Article II - Aircraft, adding a new Section 14-35, to read as follows:

Sec. 14-35. – Drones

14-35a – Purpose:

As a result of the rapid implementation of drone technology, many issues arise from their use, mainly the invasion of privacy and concerns for public safety. Drones have the ability to carry wireless cameras that record data and/or transmit live streams of data. Without regulating the use of drones, they could be used to invade the privacy of Town residents who are enjoying the use of their property.

In addition, drones are classified as unmanned aerial vehicles (UAV's). They pose a public safety concern not only to other aircrafts or objects in the air, but to the residents of the Town and their property. Some of these concerns are, but not limited to, unexpected drone malfunctions, loss of control, unforeseen incidents that can cause inability to sustain its flight as intended, their ability to carry weapons and that they can be used in the planning and execution of a wide variety of criminal activity.

14-35b – Definition:

"Drone" means a powered, aerial vehicle that:

- a) Does not carry a human;
- b) Uses aerodynamic forces to provide vehicle lift;
- c) Can fly autonomously or be piloted remotely;
- d) Can be expendable or recoverable

EXHIBIT

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14-35c – Prohibition:

No person, entity, governmental unit or law enforcement agency may operate a drone within the airspace of the Town of Palm Beach.

14-35d – Exceptions:

- a) A law enforcement agency first obtains a warrant authorizing its use for investigations;
- b) Law enforcement, fire department or ocean rescue personnel determines that there is immediate danger, death or serious injury to any person or may assist in a critical incident;
- c) It is operated only within the boundaries of an individual's real property and has no surveillance capabilities;
- d) A commercial business or educational entity that has obtained the maximum amount of insurance available in the open market for the use of drones and that has obtained a permit from the Town that details a specific reason, specific time and a specific place the drone is to be used. The permit will only be issued after being reviewed and approved by the Director of Public Safety.

14-35e – Drone Limitations:

- Must weigh less than 55 lbs;
- Must remain within the visual sight of the operator at all times;
- May not operate over any person, gathering of persons or residences not directly involved in the operation
- Daylight operations only (sunrise to sunset)
- Maximum airspeed of 100 mph
- Maximum altitude of 500 feet above ground level
- Minimum weather visibility of 3 miles
- No careless or reckless operations
- No person may operate a drone if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of the drone
- The operator must be at least 17 years old
- Must possess an unmanned aircraft operator certificate with a small UAS (Unmanned Aircraft Systems) rating

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of _____, 2015, and for second and final reading on this ____ day of _____, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

ORDINANCE # _____

**AN ORDINANCE TO AMEND CHAPTER 28 OFFENSES,
ARTICLE VI OFFENSES AGAINST PUBLIC PEACE,
BY ADDING SEC. 28-359 TO REGULATE DRONE USE.**

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Sec. 28-359 Unlawful Drone Use.

(a) Purpose.

As a result of the rapid implementation of drone technology, many issues arise from their use, mainly the invasion of privacy and concerns for public safety. Drones have the ability to carry wireless cameras that record data and/or transmit live streams of data. Without regulating the use of drones, they could be used to invade the privacy of residents who are enjoying the use of their property.

In addition, drones are classified as unmanned aerial vehicles (UAV). They pose a public safety concern not only to other aircrafts or objects in the air, but to residents and their property. Some of these concerns include, but are not limited to, unexpected drone malfunctions, loss of control, and their ability to carry weapons and be used in the planning and execution of criminal activity.

(b) Definition.

"Drone" means a powered, aerial vehicle that:

- i. Does not carry a human;
- ii. Uses aerodynamic forces to provide vehicle lift;
- iii. Can fly autonomously or be piloted remotely;
- iv. Can be expendable or recoverable.

(c) Prohibition.

No person, entity, governmental unit or law enforcement agency may operate a drone within the airspace of the City, except as allowed by this Ordinance.

(d) Exceptions.

Drones may be operated under the following circumstances:

- i. A public safety agency first obtains a warrant authorizing its use for investigations;
- ii. Public safety personnel determine that there is immediate danger of death or serious injury to any person, or that drone use may assist in an emergency;
- iii. It is operated only within the boundaries of an individual's real property and has no surveillance capabilities; [in or out?]
- iv. A commercial business or educational entity that has obtained insurance with a minimum limit of \$300,000, specifically covering unmanned aerial vehicle operation and that has obtained a permit

EXHIBIT

5

tabbles

from the City that details a specific reason, specific time and a specific place the drone is to be used. The permit will only be issued after being reviewed and approved by the Director of Public Safety.

(e) Drone Limitations.

Any drones allowed under the exceptions in Sec. 28-359(d)(iii) or (iv) must comply with the following:

- Must weigh less than 55 lbs;
- Must remain within the visual sight of the operator at all times;
- May not operate over any person, gathering of persons or residences not directly involved in the operation;
- Daylight operations only (sunrise to sunset);
- Maximum airspeed of 100 mph
- Maximum altitude of 400 feet above ground level;
- Minimum weather visibility of 3 miles;
- No careless or reckless operations.
- No person may operate a drone if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of the drone;
- The operator must be at least 17 years old;
- Must possess an unmanned aircraft operator certificate with a small UAS (Unmanned Aircraft Systems) rating.

(f) Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

(g) Penalties.

Any person or entity using a drone in violation of the permissible uses outlined in this Ordinance shall be guilty of a misdemeanor, carrying a maximum penalty of up to 90 days in jail and a fine not to exceed \$1,000 for each day on which a drone is flown, plus court costs and costs of prosecution.

ORDINANCE 2015- /O

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN,
STATE OF NEW JERSEY ADOPTING CERTAIN REGULATIONS OF DRONE
TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF OCEAN

WHEREAS, the Township of Ocean (hereinafter "Township") deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of Township and its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in Ocean Township; and

WHEREAS, drone technology includes "drones," which are unmanned aircraft that can fly under the control of a remote pilot or *via* geographic positions system (GPS) guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400'), and are equipped with surveillance technologies (*e.g.*, high definition cameras, night vision cameras, and infrared-see-through scopes, *etc.*); and

WHEREAS, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

WHEREAS, drones and unmanned aircraft can be used to fly above areas where people may congregate, above residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

WHEREAS, it is evident that the rapid development, implementation, and use of drone technology and unmanned aircraft throughout the United States, as set forth herein, poses a serious threat to the health, safety, and welfare of Township's inhabitants, seasonal population, and visitors in general, as well as the economic activity and public safety of the Township and the region; and

WHEREAS, the federal government and the State of New Jersey have thus far failed to adopt specific and comprehensive legal restrictions on the use of drone technology, the federal government has thus far only issued general guidelines regarding legal restrictions on the use of the type of unmanned aircraft designated as "model aircraft," and the Federal Aviation Administration ("FAA") is presently scheduled to adopt drone technology regulations in fall 2015, and, therefore, at this time there are no meaningful regulations protecting the public, health, and welfare from drone technology and unmanned aircraft particular to and specific to the needs of Township; and

WHEREAS, approximately forty states and local governments in the United States have adopted regulations of drone technology and unmanned aircraft to date despite the prospect of potential federal preemption issues.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Ocean, Ocean County, State of New Jersey, in accordance with the aforesaid recitals, which are incorporated herein by reference, that:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to adopt certain and specific regulations of drone technology and unmanned aircraft in the Township to protect the public health, welfare, and safety.

ARTICLE I **Drones and Unmanned Aircraft**

Section 1. Definitions

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (GPS) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

“Sensing device” means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WiFi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

Section 2. Regulations

- A. Except as otherwise provided in Section 3, drones are prohibited from flying in any airspace below 400 feet within Ocean Township.
- B. Except as otherwise provided in Section 3, unmanned aircraft are prohibited from flying in any airspace below 400 feet within Ocean Township in:
 - 1. the airspace over any residentially or commercially zoned area in Ocean Township;

2. the airspace over any roads within Ocean Township; and
3. the airspace over any government or public buildings, property, or parks within Ocean Township.

Section 3. Exceptions

- A. This Chapter shall not prohibit the Constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization of or servicing Ocean Township, the County of Ocean, the State of New Jersey, or the United States Government for lawful purposes and in a lawful manner.
- B. This Chapter shall not prohibit any state or federal agencies from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to federal and state regulations.
- C. This Chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner's consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.
- D. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific Federal Aviation Administration ("FAA") regulations is permissible if same exists.
- E. This Chapter shall not prohibit the use of unmanned aircraft by:
 1. any federal, state, and local agencies, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner; or
 2. an owner of private property in the Township in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in Ocean Township with that property owner's consent.

Section 4. Violations and penalties.

A violation of this Chapter shall be punishable by a fine of between \$100.00 and \$500.00 for a first offense, and for a second or subsequent offence a fine of between \$500.00 and \$1,000.00.

Section 5. Repealer.

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

Section 6. Severability.

If any word, phrase, clause, section, or provisions of this Chapter shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 30th day of July, 2015. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 13th day of August, 2015, at 6:30 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Diane Ambrosio, RMC
TOWNSHIP CLERK

ORDINANCE NO. ____

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 12, MISDEMEANOR OFFENSES, ARTICLE V, PUBLIC NUISANCES GENERALLY, SECTION 12-114, OF THE FERNDALE CODE OF ORDINANCES.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Code of Ordinances, Chapter 12, Misdemeanor Offenses, Article V, Public Nuisances Generally, Section 12-114, is amended as follows:

Sec. 12-114. Operation of model airplanes and drones.

(A) Model airplanes. It shall be unlawful to fly or operate any power driven miniature or model airplanes within the corporate limits of the city except in those areas specifically allowed by resolution of the council and in conformity with such rules and regulations as shall be adopted from time to time by the council in relation thereto. A violation of this section is a misdemeanor and is declared a public nuisance subject to abatement as provided in section 12-112.

(B) Drones.

1. Purpose. It is the purpose of this sub-section to provide the residents of the city protection from invasions of privacy due to the rapid implementation of drone technology being put into use by individuals, and other entities (other than authorized law enforcement agencies). Use of unmanned aerial drones also pose an unreasonable public safety concern to other aircraft or objects in the air, and to city residents and their property on the ground in the event of drone malfunction, loss of control, or other inability to sustain flight.

2. Definitions. "Drone" means a powered, aerial vehicle that:

- a. does not carry a human;
- b. uses aerodynamic forces to provide vehicle lift;
- c. can fly autonomously or be piloted remotely.

3. Prohibition. No person or entity (other than authorized law enforcement agencies) may operate a drone within the airspace of the city.

4. Exceptions. This section does not prohibit the use or operation of a drone in the city's airspace if:

- a. it is operated by an authorized law enforcement agency; or
- b. it is operated with authorization from the Federal Aviation Administration; or
- c. it is operated only within the boundaries of an individual's real property.

5. *Penalty.* Use or operation of a drone within the airspace of the city in violation of this section shall be a misdemeanor.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FERNDAL, OAKLAND COUNTY, MICHIGAN, THIS ____ DAY OF _____, 2015.

DAVE COULTER, MAYOR

MARNE McGRATH, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ____ day of _____, 2015.

MARNE McGRATH, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE _____

The City of Ferndale has adopted Ordinance No. ____, amending Chapter 12, Misdemeanor Offenses, Article V, Public Nuisances Generally, Section 12-114 of the City of Ferndale. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

MARNE McGRATH, CITY CLERK

[DRAFT]

ORDINANCE REGULATING OPERATION OF UNMANNED AERIAL SYSTEMS WITHIN
THE CITY OF

Part I.

[Preamble]

Sec. [xxx] Operation of model airplanes and drones.

(A) Model airplanes. It shall be unlawful to fly or operate any power driven miniature or model airplanes within the corporate limits of the city except in those areas specifically allowed by resolution of the council and in conformity with such rules and regulations as shall be adopted from time to time by the council in relation thereto. A violation of this section is a misdemeanor and is declared a public nuisance subject to abatement as provided in section [xxx].

(B) Drones.

1. *Purpose.* It is the purpose of this sub-section to provide the residents of the city protection from invasions of privacy due to the rapid implementation of drone technology being put into use by individuals, and other entities (other than authorized law enforcement agencies). Use of unmanned aerial drones also pose an unreasonable public safety concern to other aircraft or objects in the air, and to city residents and their property on the ground in the event of drone malfunction, loss of control, or other inability to sustain flight.

2. *Definitions.* "Drone" means a powered, aerial vehicle that:

- a. does not carry a human;
- b. uses aerodynamic forces to provide vehicle lift;
- c. can fly autonomously or be piloted remotely.

3. *Prohibition.* No person or entity (other than authorized law enforcement agencies) may operate a drone within the airspace of the city.

4. *Exceptions.* This section does not prohibit the use or operation of a drone in the city's airspace if:

- a. it is operated by an authorized law enforcement agency;
- b. it is operated in compliance with the AMA guidelines for recreational use and the Federal Aviation Administration's rules or proposed rules and only within the boundaries of the individual operator's real property.
- c. the operator obtains written permission from the City or public safety to perform

demonstrations/operations under an appropriate flight plan or demonstration protocol provides proof of liability and property insurance covering use of said drone, and, to the extent any such drone is equipped or carries any image capturing/recording device, any image capture or recording of any third-person or another's property enjoying their own expectation of privacy is prohibited absent the express written permission of any such third person or property owner.

5. *Penalty.* Use or operation of a drone within the airspace of the city in violation of this section shall be a misdemeanor.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, state the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.



The Bill of Rights Defense Committee Model Legislation: Drones

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Model Drone Legislation: No Drones

WHEREAS, the premature deployment of unmanned aerial vehicles (“drones”) has outpaced public policy discourse throughout the United States, and poses a serious threat to the privacy and constitutional rights of the residents of [city/county.];

WHEREAS, as of _____, 2013, the Federal Aviation Administration has issued _____ licenses for drones in the United States, [including _____ in or within 500 miles of the Jurisdiction], and has pending another _____ applications for drone licenses in the United States, [including _____ in or within 500 miles of the Jurisdiction];

WHEREAS the Federal Aviation Administration’s guidance on the use of drones as of 2013 provides that drone flights may not be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, absent a convincing showing that such operations can be conducted safely;

WHEREAS, the Federal Aviation Administration Modernization and Reform Act of 2012 directs the FAA to create regulations that will enable drones to fly throughout U.S. airspace by September, 2015;

WHEREAS, military drones have been used overseas for unlawful and extrajudicial targeted killings of foreign nationals and US Citizens, have killed hundreds of civilians, including children, and have jeopardized US national security by furthering anti-American sentiment and destabilizing communities that are bombed;

WHEREAS the proliferation of drone technology is being driven not by necessity, but by corporate interests poised to profit from drone proliferation;

WHEREAS the lobby group the Association for Unmanned Vehicle Systems International, along with several drone manufacturers, spent at least \$21,960,500 on lobbying in 2011 alone;

WHEREAS drone proliferation threatens the risk of unmanned aerial vehicles becoming increasingly available to journalists, bloggers, news organizations, and others who gather and disseminate public and nonpublic information on the Internet for profit or for political or other reasons;

WHEREAS drone proliferation threatens the risk of unmanned aerial vehicles becoming increasingly available to violent criminal organizations such as “the Cartel” and gangs;

WHEREAS local police forces around the country have attempted to purchase military drone hardware for civilian use, reflecting a broader trend towards the militarization of local police agencies;

WHEREAS the blurring line between civilian police and the military, exemplified by the police deploying drone technology developed to fight the War on Terror, erodes ties and trust between police and community members and thereby damages public safety;

WHEREAS the argument that law enforcement requires drones, but will use them only for emergency response, is therefore unpersuasive;

WHEREAS drones, and the persistent or ambient surveillance of the sort enabled by drones enable serious abuses of police authority by conducting surveillance that could effectively circumvent the Fourth Amendment's longstanding requirements concerning warrants and due process;

WHEREAS drones can be outfitted with super-sensory technologies such as thermal imaging software and software that can "see through" walls;

WHEREAS drones are capable of hovering outside the windows of private dwellings to peer inside;

WHEREAS drones can be outfitted with technologies such as license plate readers and Internet packet sniffing technology that enable them to surveil all of us without particularity, circumventing the requirements of the Fourth Amendment;

WHEREAS drone technology has the potential to extend closed-circuit television surveillance to every square foot of public land;

WHEREAS most drones send the data they obtain in open and unencrypted broadcasts that can be, and have been, intercepted by unintended recipients using common and inexpensive technology;

WHEREAS drone control uplinks are vulnerable to both malicious and unintentional interference;

WHEREAS, drone technology has been developing so rapidly that it is difficult to predict what kinds of new drone technologies will be implemented and how they will impact privacy and Fourth Amendment rights;

WHEREAS local law enforcement agencies report over-inclusive 'suspicious behavior' to national intelligence agencies and fusion centers;

WHEREAS local law enforcement agencies' activities disproportionately focus on people of color, immigrants, poor people, and those challenging the status quo in no relation to the actual criminal threat they pose;

WHEREAS, expanded law enforcement capabilities often invite mission creep and grow pervasive and entrenched;

WHEREAS local law enforcement agencies have frequently violated constitutional limits by scrutinizing groups engaging in protected First Amendment activity, including anti-war groups, Second Amendment rallies, third-party voters and Muslim lobbyists, as potential national security threats;

WHEREAS persistent or ambient surveillance, coupled with currently expanding programs to monitor and criminalize nonviolent activism, threatens to chill First Amendment-protected association;

WHEREAS a potential chilling effect on First Amendment activity from the use of drones is compounded by the capability of some drone models to be armed with tear gas, rubber bullets, and other weapons;

WHEREAS many of the drone models currently available to law enforcement have limited flying time, cannot be flown in inclement weather, must be flown in sight of an operator, and can only be flown during the day, thus making them ill-suited to search and rescue missions and best suited for pervasive surveillance;

WHEREAS currently existing technology, including helicopters, has proven adequate to capable address emergency situations;

WHEREAS drones are largely unproven in American civilian airspace, and have only seen widespread use in combat theaters, where they are the least safe class of aircraft currently in operation;

WHEREAS an FAA official testified to Congress that Customs and Border Protection has reported 52.7 drone accidents per 100,000 hours of flight time, seven times the civil aviation rate of 7.11 accidents per 100,000 hours; AND

WHEREAS drones currently in production do not have the see-and-avoid capability of manned aircraft, and drone collision avoidance systems seeking to mitigate this problem have thus far proven ineffective;

NOW THEREFORE BE IT RESOLVED that [city/county] with this resolution and by proclamation, declares [city/county] to be free from drones, and enacts this ordinance to secure those aims.

I. DEFINITIONS

A. "Drones" means a powered aerial vehicle controlled autonomously or remotely that does not carry a human operator. Drones include, but are not limited to, powered aerial vehicles that store and/or transmit sensor data, such as photos, video, thermal images, and intercepted wireless communications; and unmanned aerial vehicles capable of firing lethal, less-lethal projectiles, or crowd control measures.

B. “[City/County] airspace” includes all airspace above the territorial boundaries of [city/county], to the extent to which such airspace can legally be regulated by [name of city or county]. This legislation does not seek to interfere with the authority of the Federal Aviation Administration.

C. “Law enforcement agency” means a lawfully established state or local public 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.

D. “Aggrieved party” means a person whose personal information has been captured by unlawful drone use.

E. “Personal information” means information about an individual including but not limited to their effects, papers, affiliation with religious or political ideologies or groups, biometric information, movements, address, or administrative information such as social security number or agency-issued identification.

II. DRONE FREE ZONE

A. [city/county] shall be known as a “drone-free zone” and;

1. Any person operating a drone within [city/county] airspace shall be guilty of a misdemeanor, to wit, Unlawful Drone Use, carrying a maximum penalty of up to one year in jail and a fine not to exceed \$1,000, and each day on which a drone is flown shall be considered a separate offense and will be considered to be an additional misdemeanor, with jail time and fines based on the number of violations.

2. No agency or department of [city/county] shall purchase, lease, borrow, or otherwise acquire a drone.

3. No officer or employee of [city/county] shall make any use of drones or the data they have collected in the discharge of their duties

4. No officer or employee of [city/county] shall request or accept, handle, analyze, or transmit any kind of data gathered by third parties using drones, including private parties, security contractors, or other government agencies.

5. Under no circumstances shall any officer or employee of [city/county] use drones to monitor or observe any person.

6. Under no circumstances shall any personally identifying information captured by drones, whether by agencies of [city/county] or otherwise, including images of identifiable individuals, be retained or shared with any agency.

7. Failure of a [city/county] officer or employee to comply with the provisions of this chapter shall constitute malfeasance in office under [state law].

B. No information gained through drone surveillance shall be used to support a declaration of probable cause or otherwise justify or further a criminal investigation.

C. Evidence obtained or collected in violation of this ordinance is not admissible as evidence in a criminal prosecution in any court of law [in this county] including use during trial, at sentencing, before a grand jury, as rebuttal evidence, or during administrative hearings in any court of law in the state.

1. No officer or employee of [city/county] shall present such evidence in any court of law, including state or federal courts, for use during trial, at sentencing, before a grand jury, as rebuttal evidence, or during administrative hearings.

D. All information or records of information where the direct or indirect source of such information is unlawful drone use shall be destroyed as soon as practicable and within no case later than twenty-four (24) hours from capture or receipt.

III. IMPLEMENTATION

A. This Ordinance shall not be enforced in a selective manner or otherwise be used to interfere with individual lawful investigations undertaken by law enforcement agencies within [city/county], but shall instead be rigorously and consistently enforced.

B. All violations of this Chapter, all investigations into violations of this Chapter, and all reports or complaints regarding Unlawful Drone Use made to any [city/county] office or department, shall be reported to the [appropriate public agency]. The [appropriate public agency] shall electronically compile all such reports, keep them in perpetuity, and make them available to any person who inquires.

C. [City/county] agencies, including, but not limited to the [city or county counsel], and the [the airport authority], shall work together to establish the scope of this law and ensure that members of the public can understand its particulars. This effort shall include, but not be limited to, a description of all [city/county] airspace not under exclusive Federal jurisdiction.

D. An aggrieved party may initiate a civil action against a law enforcement agency or agent to obtain all appropriate relief in order to prevent or remedy a violation of this act and such aggrieved party shall be entitled to reasonable attorneys' fees and costs of suit plus the greater of actual damages or an amount equal to \$1,000 per violation.

1. Such relief shall include the ability to request expungement of all information or records of information where the direct or indirect source of such information is unlawful drone use.

E. Individuals who have reason to believe they have been subject to drone surveillance shall be entitled to request a record of such surveillance, including but not limited to any personally identifying information obtained by such surveillance.

IV. SEVERABILITY

A. The provisions of this Ordinance shall be severable. If any phrase, clause, sentence or provision of this Ordinance is declared by a court of competent jurisdiction to violate the Constitution of the United States or the Constitution of the State of [State], or if its applicability to any agency, person or circumstance is held invalid, the validity of the remainder of the Ordinance and its applicability to any other agency, person or circumstances shall not be affected.

V. DISTRIBUTION AND POLICY STATEMENT

A. [City/county government] calls on the United States Congress and the [city or county's representatives to Congress], to adopt legislation prohibiting the use of drones domestically, and prohibiting information obtained from any domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices, meaning any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

B. The [city executive official] shall send copies of this ordinance to our US Congressional and Senate representatives, the US Senate Committee on the Judiciary, the US Senate Select Committee on Intelligence, the US House of Representatives Committee on the Judiciary, the US House of Representatives Permanent Select Committee on Intelligence, the US Attorney General, and the President of the United States.



Model Drone Legislation: Regulated Use of Drones

WHEREAS (same whereases)

Now, therefore, **BE IT RESOLVED** that, the [the city/county of] enacts the following ordinance to restrict the use of drones in [city/county] airspace.

I. DEFINITIONS

A. “Drones” means a powered aerial vehicle controlled autonomously or remotely that does not carry a human operator. Drones include, but are not limited to, powered aerial vehicles that store and/or transmit sensor data, such as photos, video, thermal images, and intercepted wireless communications; and unmanned aerial vehicles capable of firing lethal, less-lethal projectiles, crowd control measures, or any other anti-personnel weapon.

B. “[City/County] airspace” includes all airspace above the territorial boundaries of [city/county], to the extent to which such airspace can legally be regulated by [name of city or county]. This legislation does not seek to interfere with the authority of the Federal Aviation Administration.

C. “Law enforcement agency” means a lawfully established state or local public 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.

D. “Aggrieved party” means a person whose personal information has been captured by unlawful drone use.

E. “Personal information” means information about an individual including but not limited to their effects, papers, affiliation with religious or political ideologies or groups, biometric information, movements, address, or administrative information such as social security number or agency-issued identification.

F. “Surveillance” means the monitoring or close observation of an individual or group for the purpose of gathering information related to possible or suspected criminal activity by that person or by someone else.

G. “Anti-personnel weapon” means any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

II. DRONE USE PROHIBITED; EXCEPTIONS

The use of drones in [city/county] is prohibited except as follows:

A. It shall be lawful under this section to operate a drone for non law-enforcement purposes, including search and rescue missions, fire response, hazardous material spills, and natural disaster response, under the following situations:

1. A non-law enforcement mission exception shall apply for response to an emergency situation that:

- (i) does not involve criminal activity or the possibility of criminal charges;
- (ii) presents immediate danger of death or serious physical injury to any person;
- (iii) use of a drone would significantly reduce the danger of death or serious physical injury; AND
- (iv) use of alternative response technology such as helicopters is either not as effective or prohibitively expensive.

2. A non law-enforcement mission exception shall apply for specific:

- (i) fire prevention or response in cooperation with local, state, or federal fire authorities;
- (ii) hazardous material spill response in cooperation with relevant local, state, or federal authorities; AND
- (iii) natural disaster response in cooperation with relevant local, state, or federal authorities.

3. In no case shall any non law-enforcement mission exception apply to a mission that:

- (i) intends to collect personal information; OR
- (ii) is likely to incidentally collect personal information.

4. All missions conducted under a non law-enforcement exception must include:

- (i) post-flight, removal and deletion process by non law-enforcement employees of any information unrelated to the specific emergency situation; AND
- (ii) certification in writing from the highest ranking official in charge of such mission that affirms that the drone use will not be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, or,

alternatively, that makes a convincing showing that such operations can be conducted safely.

B. It shall be lawful under this section for a law enforcement agency to operate a drone for surveillance provided that:

1. the law enforcement agency is in compliance with all applicable privacy laws and the Fourth Amendment;

2. the law enforcement agency is in possession of a warrant issued by a judge that is based upon probable cause and is in compliance with the constitutional requirements of [appropriate sections of the state constitution] and the federal constitution;

3. the law enforcement agent seeking the warrant shall certify in writing in the warrant application that to the best of his or her knowledge:

(i) there exist specific and articulable reasons that justify the use of the drone compared to other alternatives available to the law enforcement agency;

(ii) the proposed drone use is in lieu of using a helicopter or plane under the same circumstances in order to achieve a legitimate government purpose named in such warrant; AND

(iii) specific measures have been taken to minimize danger to the public from the use of the drone. In the case that the drone use will be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, the agent must further articulate specific measures that have been taken demonstrating that such operations can be conducted safely;

4. The person who signed the warrant certified that he or she has made a finding of fact that:

(i) use of alternative response technology such as helicopters is either not as effective or prohibitively expensive; AND

(ii) the drone use will not be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, or, that the law enforcement agent applying for the warrant made a convincing showing demonstrating that such operations can be conducted safely;

5. in no case may a warrant under the law-enforcement exception be granted for a period longer than 48 hours; AND

6. Within ten days of the execution of a search warrant, the officer executing the warrant must serve a copy of the warrant upon the person or persons about whom personal information was collected except that notice may be delayed by request of the officer

applying for the warrant for up to 30 days pursuant to approval by the authority issuing the warrant. Such requests shall be included in the application for the warrant and must include a showing that exigent circumstances exist requiring the delay. Such requests are not renewable.

C. No individual or entity shall use a drone unless authorized by Subsection A (non law-enforcement activities), Subsection B (law enforcement use per a warrant), or this Subsection C (private use of drones). A private individual or entity that is not authorized by Subsection A (non law-enforcement activities) or Subsection B (law enforcement use per a warrant) may be authorized by the state or the Jurisdiction under a drone license issued by the Jurisdiction's governing body (e.g., Board of Supervisors) or a duly designated agency of the Jurisdiction, only as follows:

1. No drone license shall be issued for surveillance other than of the persons, papers, effects, or property of persons listed as lawful operators under said license;
2. The person seeking the drone license shall apply in writing on such form of application as is adopted by the Jurisdiction and shall certify in writing with his or her own signature that to the best of his or her knowledge that the drone use:

(i) is proposed in lieu of using a helicopter or plane under the same circumstances in order to achieve a legitimate and lawful purpose named in such application;
AND

(ii) shall not conflict with the privacy rights of any private person or entity;

3. Each application for a drone license shall:

(i) certify that use of alternative response technology such as helicopters is either not as effective or prohibitively expensive;

(ii) articulate the specific measures that have been taken to minimize danger to the public from the use of the drone. In the case that the drone use will be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, the application for license shall further articulate specific reasons demonstrating that such operations can be conducted safely; AND

(iii) be accompanied by a bond or deposit of at least \$100,000 to secure any potential claims that may arise from drone use under the license including privacy violation claim, damage claims and personal injury and wrongful death claims. Any claims against any such bond shall be in addition to any other remedies that may be available at law or in equity;

4. The person issuing the license or approval thereof shall certify that he or she has made a finding of fact that:

(i) the drone use will either not be conducted over urban or populated areas, heavily trafficked roads, or open-air assemblies of people, or, alternatively, that a convincing showing has been made that such operations can be conducted safely;

5. All such licenses shall be:

(i) limited to a time period of one (1) year;

(ii) issued conditionally and shall be suspended upon any accident or any claim of a violation of a privacy right that has occurred as a result of the licensed drone use; AND

(iii) subject to termination upon an administrative finding that there more likely than not has been an actionable privacy violation, personal injury, damage to personal or real property and/or wrongful death;

6. Any personal information collected on individuals other than the applicant for the private use license shall be destroyed as soon as practicable and in no case later than twenty-four (24) hours from capture; AND

7. No person or entity may transmit personal information captured under a private use license to any party not enumerated as a lawful operator under said license.

D. Under absolutely no circumstances shall a drone be affixed with any anti-personnel weapons.

III. LIMITATION OF POWERS AND AUDIT REQUIREMENT—AERIAL SURVEILLANCE

A. No law enforcement agency shall:

1. conduct any aerial surveillance of any person or property within [city or county], except as authorized by a warrant issued in compliance with Section II(B) of this Ordinance.

2. use data obtained via aerial surveillance to support a declaration of probable cause or otherwise justify or further an investigation;

B. Any law enforcement agency which applies for or conducts aerial surveillance pursuant to a warrant shall compile and make available to the public on an annual basis the following information:

1. The fact that a warrant or extension was sought;

2. The kind of warrant or extension sought;

3. Whether each warrant or extension was granted as sought, was modified, or was denied;
4. The period of interceptions authorized by the order, and the number and duration of any extensions of the order;
5. The offense or purpose specified in the petition, and the probable cause giving rise to such warrant or extension of such warrant;
6. The general description of the information gathered under such search warrant or extension including:
 - a) the approximate nature and frequency of incriminating conduct gathered;
 - b) the approximate number of persons upon whom information was gathered;
 - c) the approximate nature, amount, and cost of the staff hours and other resources used in the collection;
 - d) the number of arrests resulting from information gathered under such search warrant or extension and the offenses for which arrests were made;
 - e) the number of trials resulting from such information;
 - f) the number of motions to suppress made with respect to such information and the number granted or denied; AND
 - g) the number of convictions resulting from such information and the offenses for which the convictions were obtained and a general assessment of the importance of the information; AND

C. Any law enforcement agency within this jurisdiction that did not apply for or conduct drone surveillance shall make a certification available to the public on an annual basis to that effect.

IV. PROCESS FOR ACQUISITION OF A DRONE

A. No agency or department of [city/county] shall purchase, lease, borrow, or otherwise acquire the use of a drone without engaging in the following process:

1. The agency or department shall inform [the local legislative body] of their intention purchase, lease, borrow, or otherwise acquire the use of a drone;
2. The agency or department shall provide a full accounting of the amount and source of funds required for the acquisition, including but not limited to cost of purchase or lease, staff hours devoted to the acquisition and use of the drone and training the operator of the drone;

3.[The local legislative body] shall place the acquisition on the next meeting of the full [local legislative body] or shall move the item to the appropriate committee;

4. The full [local legislative body] or the appropriate committee shall provide no less than one week notice to the public of the intended acquisition and shall provide opportunity for public comment in an open and public meeting; AND

5. The full [local legislative body] shall vote on the intended acquisition in an open and public meeting; AND

B. Any use of a drone by personnel of a department or agency that has not engaged in the above process shall be considered Unlawful Drone Use under Section VI(B) of this Ordinance.

V. LIMITS ON USE OF INFORMATION OBTAINED BY DRONES; DATA RETENTION

A. Any imaging or other forms of observational data where the source of such information is Unlawful Drone Use as specified in Section VI(B) of this Ordinance:

1. may not be preserved by law enforcement or government agencies for any purpose and must be destroyed as soon as practicable and in no case later than twenty-four (24) hours from capture or receipt.

2. is not admissible as evidence in a criminal prosecution in any court of law in this state, including use during trial, at sentencing, before a grand jury, as rebuttal evidence, or during administrative hearings in any court of law in the state.

3. may not be used to support a declaration of probable cause or otherwise justify or further an investigation; AND

4. shall not be shared with any federal, state, or local law enforcement or intelligence agencies;

B. No officer or employee of [city/county] shall present such evidence in any court of law, including state or federal courts, for use during trial, at sentencing, before a grand jury, as rebuttal evidence, or during administrative hearings;

C. Any imaging or any other forms of data lawfully obtained under this Ordinance for which there is not a reasonable and articulable suspicion that those images or data contain evidence of a crime, or are relevant to an ongoing investigation or trial, may not be retained for more than thirty days, and shall be retained only in accordance with [state laws regarding criminal intelligence]; AND

D. Any evidence of criminal activity that is observed during a duly warranted flight that is not related to the specific purpose for which a warrant was issued shall not be used for any purpose, or shared with any federal, state, or local law enforcement or intelligence agencies and shall be

destroyed as soon as practicable and in no case later than twenty-four (24) hours from capture or receipt.

VI. UNPERMITTED USE OF DRONES; PENALTIES

A. Drones shall only be flown as permitted above and:

1. Under no circumstances shall any officer or employee of [city or county] use drones to monitor or observe any person without a warrant;
2. Under no circumstances shall a private individual or entity operate a drone except as authorized by a valid private drone use license as described in Section II(C);
3. No officer or employee of [city or county] shall make any use of drones in the discharge of their duties, nor shall officer or employee request or accept any kind of data gathered by third parties using drones unless such drone use is in strict compliance with Section II(B) of this Ordinance; AND
4. Under no circumstances shall any personal information captured by drones, whether by agencies of [city/county] or otherwise, including images of identifiable individuals, be retained or shared with any agency except in strict compliance with all applicable laws including this Ordinance;

B. Any person or entity using a drone within [city or county] airspace outside of the permissible uses outlined in any section of this Ordinance shall be guilty of a misdemeanor, to wit, Unlawful Drone Use, carrying a maximum penalty of up to one year in jail and a fine not to exceed \$1,000, and each day on which a drone is flown. Each separate violation of any section or subsection of this Ordinance shall be considered a separate offense and will be considered to be an additional misdemeanor, with jail time and fines based on the number of violations;

C. Failure of a county officer or employee to comply with the provisions of this chapter shall constitute malfeasance in office under [state law]; AND

D. An aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy a violation of this act and such aggrieved party shall be entitled to the greater of actual damages or an amount equal to \$1,000 per violation plus recovery of reasonable attorneys' fees and costs of suit. Such relief shall include the ability to request expungement of all information or records of information where the source of such information is unlawful drone use.

VII. PUBLIC INFORMATION

A. All information required to be compiled under this ordinance shall be made available to the public within the requirements of [state public records act law]; AND

B. Individuals who have reason to believe they have been the subject of drone surveillance shall be entitled to request a record of such surveillance, including personal information captured or received.

VIII. SEVERABILITY

The provisions of this Ordinance shall be severable. If any phrase, clause, sentence or provision of this Ordinance is declared by a court of competent jurisdiction to violate the Constitution of the United States or the Constitution of the State of [State], or if its applicability to any agency, person or circumstance is held invalid, the validity of the remainder of the Ordinance and its applicability to any other agency, person or circumstances shall not be affected.

IX. POLICY STATEMENT

A. [city/county government] calls on the United States Congress and the [city or county's representatives to Congress], to adopt legislation limiting the use of drones domestically, and prohibiting information obtained from any unregulated domestic use of drones from being introduced into a Federal or State court, and precluding the domestic use of drones equipped with anti-personnel devices, meaning any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

B. The [city executive official] shall send copies of this ordinance to our US Congressional and Senate representatives, the US Senate Committee on the Judiciary, the US Senate Select Committee on Intelligence, the US House of Representatives Committee on the Judiciary, the US House of Representatives Permanent Select Committee on Intelligence, the US Attorney General, and the President of the United States.

Sources:

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FL drone bill: <http://www.flsenate.gov/Session/Bill/2013/0092/BillText/c1/HTML>

WA drone bill: <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/House%20Bills/1771-S.pdf>

ND drone bill: <http://www.legis.nd.gov/assembly/63-2013/documents/13-0664-01004m.pdf?20130304142428>

CA Drone Bill: SB 15

MD drone bill: <http://mgaleg.maryland.gov/2013RS/bills/hb/hb1233f.pdf>

SC drone bill: http://www.schouse.gov/sess120_2013-2014/bills/3514.htm

<http://nomby.wordpress.com/legislation/>

Ferndale drops a proposal to ground drones

A crime to fly them? Nope, council decides

By John Wisely
and Bill Laitner
Detroit Free Press

Ferndale officials passed up the chance Monday night to keep hobbyists, professional photographers and at least one chimney sweep from flying drones in the city.

After hearing from nearly two dozen polite but incensed users of the small plastic unmanned flying machines at a City Council meeting, Ferndale officials made it clear: Their plan to make a misdemeanor out of flying a drone anywhere but in your own backyard wasn't getting off the ground.

Deriding the proposed ordi-

nance as "dronegate," Councilman Mike Lennon said the city should wait for federal authorities to decide on regulations nationwide.

"This isn't for local communities to decide," he said.

That triggered applause from the crowd of drone fans, several of whom brought with them the flying machines that for hobbyists typically cost \$50 to \$500.

"I use mine to inspect chimneys where you'd need a 60-foot ladder," said 66-year-old Gary Vasilnek, owner of Santa's Chimney Sweeps.

"To ban all drones, it's like a witch hunt," Vasilnek told the council.

The proposal up for discus-



The Inspire 1, a drone manufactured by DJI, is flown in Davenport, Calif. ASSOCIATED PRESS

sion would have made it a misdemeanor under nuisance ordinances to fly drones over someone else's property, except for police purposes. But after media reports about the proposal surfaced Monday, city officials backed off their plan to vote on drones. And af-

ter the minor storm of disapproval from owners, including representatives of two area drone clubs, they said they'd drop the issue entirely.

That was a relief to Keith Dalton, 56, of Ferndale, who owns a \$4,000 model, he said.

"To think that every person

who owns a drone has some nefarious purpose is an insult," Dalton told the council.

"We don't think that way about guns or cars that go 200 m.p.h.," he said.

Michigan State Police recently received approval from the Federal Aviation Administration to use its drone statewide and the Oakland County Sheriff's Office is seeking approval.

But hobbyists, businesses, educators and others would face restrictions under the plan, said Harry Arnold, owner of a 6-year-old business called Detroit Drone. Arnold, 53, of Detroit is a longtime professional photographer and video producer who, for business purposes, had a dozen drones that carry cameras aloft, he said.

He spoke at the meeting on behalf of the 400-member Detroit Drone User Group.

Ferndale's ordinance would've eliminated most of his business opportunities in Ferndale, he said.

"I'm not doing anything wrong," Arnold said. Drones can save his photo clients a lot of money and can help them market products or raise money for nonprofit causes, he said.

"I have a lot of people come to me to shoot (aerial) photos of their property, if they're trying to sell it. And I just did a marsh-mallow drop for Clinton Township," he said. Two years ago, he sent a drone up to film the wind-damaged steeple of St. Josephat Catholic Church in Detroit, producing a video that

See FERNDALÉ, Page 10A

FERNDALÉ: Council drops a proposal on drones

FROM PAGE 4A

was used for fund-raisers that led to restoration of the century-old landmark, he said.

To Arnold, drones are "just another way to move a camera around" and they have the potential to get young people "interested in science and math." He said graduating to piloting drones was a natural shift after years that Arnold flew radio-controlled airplanes without a complaint.

But the momentum has begun for community's to impose local controls on drones. According to Ferndale's city attorney, Bonifacius, Minn.; Evanston, Ill.; Conoy Township, Pa.; Charlottesville, Va.; Northampton, Mass.; and the states

of Oregon and Tennessee have passed regulations on drones.

Drones, officially known as unmanned aerial vehicles, have exploded in popularity as technology has made them cheaper and as lightweight cameras made them ideal for shooting photos and videos from the air.

In various parts of the country, farmers use them to inspect crops, Realtors use them to showcase properties, and movie makers use them shoot feature films.

Privacy advocates have argued that the devices could be used to spy on private citizens. A bill in the Michigan legislature last year to regulate drone

use — sponsored by former state Rep. Tom McMillin, a Libertarian-leaning Republican from Rochester Hills — died before it could be enacted.

The FAA considers commercial use of drones to be illegal without expressed permission, though enforcement is spotty and many companies now offer services.

The FAA is working on rules and regulations for drone use, but has not yet completed them. Gacioch said Ferndale could wait until the FAA regulations are in place before moving forward with the ordinance.

Contact John Wisely: 313-2226825 or
jwisely@freepress.com

'A TROUBLING TREND'

Close calls with drones spur registration

Concerned about rising reports of close calls and safety risks involving drones, the U.S. government announced Monday it will require many of the increasingly popular unmanned aircraft to be registered.

Pilot sightings of drones have doubled since last year, including near manned airplanes and at major sporting events, and there are reports of interference with wild-fire-fighting operations, Transportation Secretary Anthony Foxx said at a news conference.

"These reports signal a troubling trend," said Federal Aviation Administration chief Michael Huerta. Registration will increase pressure on drone operators to fly responsibly, he said.

The FAA now receives about 100 reports a month from pilots who say they've seen drones flying near planes and airports, compared with only a few sightings per month last year. So far there have been no accidents, but agency officials have said they're concerned that a drone weighing only a few pounds might cause serious damage if it is sucked into an engine or smashes into an airliner's windshield.

Free Press news services

GROWING MARKET FOR DRONES



Dustin Beck of Ypsilanti is a commercial pilot by day and drone operator for his photography/video business. He has permission from the FAA to fly his drone as he is doing at Rolling Hills Park in Ypsilanti on Tuesday.

REGINA H. BOONE/DETROIT FREE PRESS

Sky's the limit for aircraft use

FAA's new policy lets more firms try them

By John Wisely
Detroit Free Press

Jason Manderbach sells hunting properties in Northern Michigan while his wife, Lauren, runs a wedding photography business.

Both of them plan to use a new tool to help grow their businesses: a DJI Phantom 3 drone with a built-in camera.

"I think it's eye-catching," said Manderbach, 31, of Clare. "When you have a listing with a really good photo or some video, people are going to gravitate toward that. I think it's a real dynamic marketing tool."

The Manderbachs are among the first business people in Michigan to receive approval from the Federal Aviation Administration to use a drone for commercial purposes. The FAA is still writing rules to govern drone use, but it has accelerated the approval of exemptions to allow flights of drones under 200 feet pretty much anywhere that isn't restricted airspace, such as the area around airports.

The new policy has cleared the

GETTING FAA APPROVAL

Among the things the Federal Aviation Administration requires commercial drone operators to explain are:

- The safety procedures that will be followed, such as pre-flight inspections.
- The radio frequencies that will be used to control the drone.
- The pilot's qualifications, including medical certifications.
- The purposes for which the drone will be flown.

For more information, visit: faa.gov.

anticipated that this activity will result in significant economic benefits."

While the vision of drones home delivering everything from medicines to pizzas remains a way off, plenty of companies are using them to shoot photos and videos, inspect crops, power lines, buildings and more.

"Pardon the pun, but the sky is the limit," Manderbach said.

Tracking pigs and icebergs

Aerial photography is the most common use for drones, but new applications are developed almost daily, said Jon Rimanelli, CEO of Detroit Aircraft Corp., a business based at the Coleman A. Young Municipal Airport that sells military grade drones designed by Lockheed Martin.

The company recently sold one to the U.S. Department of Agriculture to track feral pigs, which can damage crops, and it is completing a deal to sell one in Tanzania, where it will be used to track hunters who poach lions and elephants.

A recent sale was to a Houston-based energy company that has oil and natural gas facilities in the Arctic Ocean. The company wants to

See DRONES, Page 28

Stro sale pres supp

Parts make
keep up di

By Alisa Pridd
Detroit Free Press

Good times
industry.

They are strong car sal supply base to parts needed t working arou chain is holdin the challenge develop more te line and work with automake

U.S. auto s. cceed 17 millio could break th sold in 2000. T selling rate in At a recent in Traverse City, economist Mu the record cov year and GM l forecast for th by 500,000 uni million to 17.5

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Michael Rob tor of IHS Au cautioned that ing volume, tod ket is forcing at their vehicles launch them i faster. That me designed, engi faster which r ment in tooling.

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 up businesses.

GY
-fired plant slated to
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 y to replace the coal used
 duce electricity at the
 rt plant. It's known for its
 enormous smokestacks.
 uid Price says it's too ex-
 ive to maintain the power
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 nterim general manager
 k Peffley says maintaining
 ert is like taking care of a
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 & Light.

FROM PAGE 1B

use the drones to place sensors on ice-
 bergs that will allow the company to
 track their movements, including
 when they are drifting to platforms.
 The company can then dispatch boats
 to push the icebergs away.

"They are Garmin dog collars that
 are equipped with a GPS signal," Ri-
 manelli said. "It's literally iceberg
 traffic control. That's probably the
 most unique application I've come
 across to date."

Now that some businesses have
 the exemptions to operate, others will
 face competitive pressures to follow
 suit, said Steve Tupper, a lawyer with
 Dykema who chairs the Michigan
 Bar Association's aviation section.

"There is that initial commercial
 advantage for maybe a year or so be-
 cause you're one of the only guys or
 gals who has a certificate," Tupper
 said. "That's got be right up front in
 their advertising and what they tell
 their potential clients."

Approvals getting faster

Dustin Beck, 41, of Ypsilanti, is a
 commercial airline pilot who began
 flying remote control aircraft as a
 hobby about 10 years ago. He recently
 received his authorization to use his
 Inspire 1 drone to photograph real es-
 tate and other things in the Ann Arbor
 area.

"The goal is to turn it into a busi-
 ness," Beck said. "I want to at least
 break even on my investment. Now
 that I've got the exemption, I can be
 much broader with what I do. I can
 start to advertise."

Beck said when he first looked at
 getting FAA approval, the process ap-
 peared daunting with some lawyers
 asking \$5,000 to \$10,000 to shepherd
 through the paperwork. That was
 more than Beck wanted to spend, so
 he kept flying recreationally and con-
 tinued to build a portfolio of video
 work that way.

When he read earlier this year that
 the FAA was streamlining the ap-
 proval process, he started research-
 ing it again.

"The more I read of it, the less
 daunting it became," Beck said. "I
 found maybe a dozen exemptions that



Dustin Beck, 41, of Ypsilanti, is a commercial airline pilot who began flying remote control aircraft as a hobby about 10 years ago. He recently received his authorization to use his Inspire 1 drone to photograph real estate and other things in the Ann Arbor area.

fit into what I wanted to do and the
 equipment I'm using."

Beck submitted his application
 May 20 and received his approval
 Aug. 3.

Beck feared flying his drone com-
 mercially until he got FAA approval
 because he didn't want to risk an in-
 vestigation that could jeopardize his
 pilot's license. With the exception of a
 few high-profile cases, the FAA has
 been very slow to go after businesses
 that operate without exemptions.

But the FAA is stepping up efforts
 to identify operators who fly near oth-

er aircraft.

"The FAA wants to send out a clear
 message that operating drones
 around airplanes and helicopters is
 dangerous and illegal," the FAA said
 in a news release Wednesday. "Unau-
 thorized operators may be subject to
 stiff fines and criminal charges, in-
 cluding possible jail time."

Harry Arnold has run his Detroit
 Drone business for years without any
 authorization from the FAA, insisting
 the agency has no authority to stop
 him.

Still he follows guidelines, carries

insurance and plans to follow the for-
 mal rules the FAA is expected to re-
 lease sometime next year. He doesn't
 fear competition from new compa-
 nies entering the drone business.

"It involves two disciplines that
 are very different," Arnold said. "Fly-
 ing a remote controlled aircraft and
 taking photos and videos. You don't
 become a good photographer because
 you have a drone."

Contact John Wisely: 313-222-6825 or
 jwisely@freepress.com.

REGINA H. BOONE/DETROIT FREE PRESS

7A

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LOYALL G. WATSON
(1917-2003)
SAID M. TOUMA
(1906-1978)
RUDOLPH J. INMAN
(1901-1974)

October 30, 2015

RECEIVED
NOV - 4 2015
CITY OF GROSSE POINTE WOODS

Mr. Don R. Berschback
Attorney for City of Grosse Pointe Woods
24053 Jefferson Avenue
Saint Clair Shores, Michigan 48080


Re: Emergency Rescue on October 21, 2014
Invoice #141229

Dear Mr. Berschback:

We previously corresponded and had communication with the City of Grosse Pointe Woods regarding the outstanding balance to Ric-Man Construction. While we do appreciate the partial payment that was made, this does not negate the fact that services were provided by Ric-Man in excess of one (1) year ago and Ric Man has still not been paid in full for its services. As you recall Ric-Man, due to the unfortunate circumstances surrounding this work, agreed to provide its assistance to the City on an emergency basis. The City of Grosse Pointe Woods has subsequently denied any obligation to pay interest on the amounts outstanding and has not made payment in full for over one (1) year. We hereby demand immediate payment in full with interest at six (6%) percent and will take appropriate legal action if payment is not immediately forthcoming. If this is how the City treats its vendors that provide emergency services, Ric-Man will not be willing to provide such emergency services in the future.

Very truly yours,

TOUMA, WATSON, WHALING,
COURY & STREMER, PC



S Douglas Touma

SDT/rjd

CC: Ric-Man Construction