

AN ORDINANCE AMENDING CHAPTER 38, "ENVIRONMENT"

WHEREAS, the City of Rolling Meadows is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Rolling Meadows may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the growing prevalence of small unmanned aircraft has created public safety concerns; and

WHEREAS, the unregulated use of drones throughout the City of Rolling Meadows poses a threat to the public health and safety.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois, as follows:

SECTION ONE: Chapter 38, "Environment", is hereby amended by adding the following:

Article IV – Small Unmanned Aircraft
Sec. 38-350 Definitions.

For purposes of this Article.

"Aircraft" means any contrivance invented, used, or designed to navigate or fly in the air.

"City airspace" means the airspace above the land, water and waterways within the jurisdiction of the City.

"Director" means the Community Development Director.

"Department" means the Community Development Department.

"Operate" means to pilot, steer, direct, fly or manage a small unmanned aircraft through the air whether from within the aircraft or remotely. The term operate includes managing or

initiating a computer system that pilots, steers, directs, flies or manages a small unmanned aircraft.

“Public aircraft” has the meaning ascribed to the term in Section 40102 of Title 49, United States Code.

“Small unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. Small unmanned aircraft does not include toy aircraft and public aircraft.

“Surveillance” means the gathering of images, sounds, data, or other information in a manner that intrudes upon the solitude or seclusion of a person or his private affairs or concerns.

“Toy aircraft” means (a) a glider or hand-tossed small unmanned aircraft that is not designed for and is incapable of sustained flight; and (b) a small unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire.

Sec. 38-351 Registration required.

(a) It shall be unlawful for any person to operate a small unmanned aircraft in the City airspace unless such small unmanned aircraft is registered with the department.

(b) Prior to operating a small unmanned aircraft in City airspace, each owner of a small unmanned aircraft shall register such small unmanned aircraft with the department. The registration shall be in a form and manner prescribed by the director. Each registration shall contain, at a minimum, the following information:

1. the name, address and telephone number of the owner and, if applicable, the lessee of the small unmanned aircraft;
2. the make, model and serial number of the small unmanned aircraft; and
3. proof of insurance as required pursuant to Section 38-353.

(c) Where an owner is unable to provide the serial number of a small unmanned aircraft, the director shall specify alternative identifying information that the owner shall provide to satisfy the requirements of this section.

Sec. 38-352 Registration term and fee.

(a) Each registration required pursuant to this chapter shall be valid for one year and the annual fee for each small unmanned aircraft registration and renewal shall be \$50.00.

(b) Within fourteen (14) days of any change in the information provided to the department pursuant to Subsection 38-351(b), the owner of the small unmanned aircraft

for which such information has changed shall report such change to the department in a manner prescribed by the director.

(c) Each owner seeking to renew a registration pursuant to this article shall submit a new registration form and shall meet all other requirements for a new small unmanned aircraft registration.

Sec. 38-353 Insurance required.

(a) It shall be unlawful for any person to operate a small unmanned aircraft in City airspace unless such person maintains a liability insurance policy that insures the owner, lessee and operator of the small unmanned aircraft and provides, at minimum, the following limits:

1. \$100,000 for personal injury or death of one person;
2. \$300,000 for personal injury or death to more than one person in one accident, with a maximum of \$100,000 for each person; and
3. \$50,000 for property damage.

(b) Each policy of liability of insurance required under this section shall (a) be issued by an insurer authorized to do business in the State of Illinois; and (2) name the City of Rolling Meadows as an additional insured.

Sec. 38-354 Identification tag required.

(a) It shall be unlawful for any person to operate a small unmanned aircraft in City airspace unless a valid identification tag issued by the department is duly affixed to such small unmanned aircraft.

1. Within 15 days after receiving a completed small unmanned aircraft registration form, the director shall issue an identification tag containing a unique number or other identifier for the registered small unmanned aircraft, which the director shall record on such small unmanned aircraft's registration form. Each tag shall be made of a lightweight, tamper-proof and weatherproof material and shall be proportional in size to the small unmanned aircraft for which it is issued.
2. The identification tag shall be affixed securely to a conspicuous and permanent part of the small unmanned aircraft.
3. A person may not transfer an identification tag to another person unless:

- i. The identification tag is transferred with the corresponding small unmanned aircraft as part of a transfer of ownership or lease of the small unmanned aircraft;
- ii. The subsequent owner or lessee duly updates the small unmanned aircraft registration; and
- iii. The director approves the use of the same identification tag for the small unmanned aircraft.

Sec. 38-355 Operation regulations.

(a) No person shall operate a small unmanned aircraft in City airspace:

1. for the purpose of conducting surveillance, unless expressly permitted by law; or
2. with intent to use such small unmanned aircraft or anything attached to such small unmanned aircraft to cause harm to persons or property; or
3. within one-quarter mile of any school, government building, National Defense contractor, or place of worship; or
4. at any altitude higher than four-hundred feet above ground level; or
5. outside the line of sight of the operator; or
6. while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as those terms are defined in 625 ILCS 5/11-501, as amended; or
7. whenever weather conditions would impair the operator's ability to do so safely; or
8. between the hours of 8:00 p.m. and 8:00 a.m.

(b) Notwithstanding the prohibitions set forth in this section, a person may operate a registered small unmanned aircraft in any location designated for such operation by the Rolling Meadows Park District.

(c) Notwithstanding the prohibitions set forth in this section, any person authorized to operate a small unmanned aircraft pursuant to a certificate of waiver, certificate of authorization or airworthiness certification under Section 44704 of Title 49, United States Code shall be authorized to operate a small unmanned aircraft in City airspace in accordance with the terms of such certificate of waiver, certificate of authorization or airworthiness certification.

Sec. 38-356 Violation – penalty.

Any person who violates any of the provisions of this chapter, shall be fined not less than \$500.00 nor more than \$750.00 for each offense, or may be incarcerated for a term not to exceed 180 days, or both fined and incarcerated. A separate and distinct offense shall be held to have been committed each day any person continues to violate any of the provisions hereof.

Sec. 38-357 Seizure of unlawful use.

If the Chief of Police, or his duly authorized enforcement officers shall have a reasonable basis for believing any small unmanned aircraft has been operated in violation of this Article, said small unmanned aircraft or any part or contents thereof may be seized by any duly authorized enforcement official, followed by an administrative hearing with notice to the owner within seven (7) days of such seizure for the purpose of reviewing the appropriateness of the seizure, and held until such time as the owner of such small unmanned aircraft reimburses the City for actual cartage cost incurred in the seizure and pays to the City \$20.00 for each day or part of the day said small unmanned aircraft has been storage. If criminal charges involving the use or condition of the small unmanned aircraft are pending, the small unmanned aircraft shall be held until disposition of the criminal charges. If it is determined at the hearing by a preponderance of the evidence that the seized small unmanned aircraft has not been operated in violation of this Article, it shall be returned to the owner without charge.

SECTION TWO: Chapter 3 “Code Hearing Unit Adjudication” is hereby amended by adding the following to section 3-37:

Violations of Chapter 38, Article IV- Small Unmanned Aircraft

SECTION THREE: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

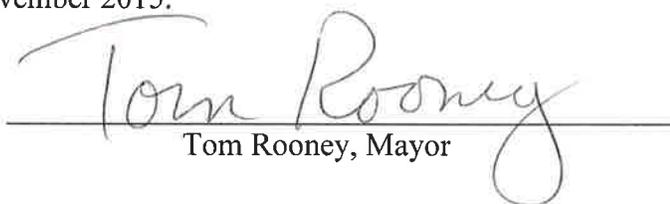
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NAYS: 0

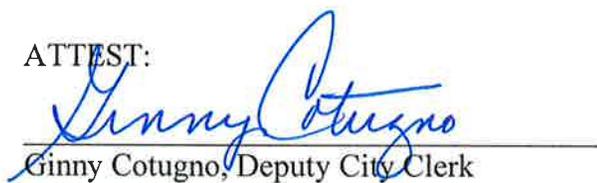
ABSENT: 0

Passed this 10th day of November 2015.

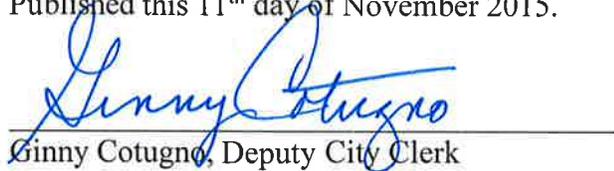
Approved this 10th day of November 2015.


Tom Rooney, Mayor

ATTEST:


Ginny Cotugno, Deputy City Clerk

Published this 11th day of November 2015.


Ginny Cotugno, Deputy City Clerk