



Policy Title:	DRONE POLICY
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Policy:

Unmanned aerial systems (UAS or drones) may be utilized to enhance the department’s mission of increasing public safety and the quality of life in partnership with communities when other means and resources are not available or are less effective. All UAS uses will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

Purpose and Scope:

The purpose of this policy is to establish guidelines and procedures for the use of UAS and for the storage, retrieval, and dissemination of images and data captured by the UAS during County operations. The operation, staffing, training, and deploying of UAS assets is managed by the Community Development Department (CDD).

Definitions:

Definitions related to this policy include:

Federal Aviation Administration (FAA) – A division of the Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic-control facilities.

Part 107 – When Part 107 is referenced in this policy, it shall refer to 14 Code of Federal Regulations (CFR) Part 107 “Small Unmanned Aircraft Systems.”

Person Manipulating the Controls (PMC) – The person who is piloting or is otherwise physically controlling the flight of the UAS through the remote controller. If this person is not the RPIC, then the PMC shall be under the direct supervision of the RPIC.

Remote Pilot Certification – The certification required to fly drones under the FAA’s Small UAS Rule (Part 107, Section 107.12), demonstrating the understanding of regulations, operating requirements, and procedures for safely flying UAS. Such criteria includes: obtaining a FAA Tracking Number by creating an Integrated Airman Certification and Rating Application profile prior to registering for the knowledge Test and passing the initial aeronautical knowledge test: “Unmanned Aircraft General – Small (UAG).” FAA Form 8710-13 shall be completed.

Remote Pilot in Command (RPIC) – The official term given by the FAA for the



individual who either (1) directly operates the UAS or (2) directly supervises another individual

operating the UAS (Part 107, Section 107.19). The RPIC is the person who is ultimately responsible for the overall UAS operation. The RPIC must obtain the proper FAA UAS Remote Pilot Certification, abide by all FAA regulations, and adhere to this policy during all County UAS operations. The RPIC shall ensure the flight is conducted safely, lawfully, and all necessary notifications have been made where applicable.

Unmanned Aerial System (UAS) – An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV) or drone), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

Visual Observer (VO) – Personnel involved in UAS operations who are assigned to keep a constant visual on the UAS during flight operations. VOs scan the area using the FAA’s “see and avoid” technique to ensure the UAS remains clear of any possible hazards such as approaching aircraft, obstacles, etc. The VO shall have uninterrupted communication with the RPIC/PMC either in person or via cell phone, radio, etc.

Fourth Amendment and Privacy Considerations:

The Fourth Amendment protects individuals from unreasonable searches and seizures, which generally means a search or seizure without consent, an emergency, or a warrant. An inspection by the County, its personnel, or agents acting on behalf of, or at the direction of, the County, constitutes a search. Specifically, a search occurs when there is a reasonable expectation of privacy; a reasonable expectation of privacy is an objective belief that a particular place or area is not open to the public to view without consent from the owner, or person in possession or control of the place or area, if not the owner. Generally, there is a reasonable expectation of privacy when a violation exists on a privately owned property.

As such, all CDD personnel engaging in drone operations must protect private individuals’ constitutional rights and reasonable expectations of privacy when conducting surveillance or collecting evidence for code enforcement use, including but not limited to, inspections and abatements. Operating personnel will be held accountable for ensuring that drone operations intrude to the minimal extent that is reasonable under the specific situation.

However, there are factors indicating that a reasonable expectation of privacy does not exist on a privately owned property, including when the observation is made in a non-physically intrusive manner, the vantage point is public navigable airspace, the drone technology is widely available for public use, and the surveillance does not intrude on intimate activities. As such, County personnel engaged in drone operations will make observations via drones in the least intrusive manner reasonably possible, from public navigable airspace, using widely available drone technology, and avoiding



intrusion on intimate activities unless consent or a warrant is obtained, or a legitimate emergency exists.

Reasonable Expectation of Privacy - A reasonable expectation of privacy is an objective belief that a particular place or area is not open to the public to view without consent from the owner, or person in possession or control of the place or area, if not the owner. Generally, there is a reasonable expectation of privacy when a violation exists on a privately owned property. However, there are factors indicating that a reasonable expectation of privacy does not exist on a privately owned property including when the observation is made in a non-physically intrusive manner, the vantage point is public navigable airspace, the drone technology is widely available for public use, and the surveillance does not intrude on intimate activities. As such, UAS Program Coordinators, UAS Program Managers, RPICs, and VOs will make observations via drones in the least intrusive manner possible, from public navigable airspace, using widely available drone technology, and avoiding intrusion on intimate activities unless consent or a warrant is obtained, or a legitimate emergency exists.

Regarding aerial surveillance into a private backyard from a public vantage point, the United States Supreme Court has ruled that there is no expectation of privacy from aerial surveillance from an aircraft in navigable spaces. However, the Supreme Court has yet to address aerial surveillance from UAS. To adhere to this principle, all UAS Program Coordinators, UAS Program Managers, RPICs, and VOs are to comply with all FAA and Part 107 requirements to ensure that surveillance and evidence collection is obtained at the authorized altitude, in the least intrusive manner possible, and without the use of non-publicly available and generally used technology, for example, thermal imaging, extreme zoom and similar, unless consent or a warrant is obtained, or a legitimate emergency exists. County drone operations shall strictly adhere to these principles and personnel must obtain an inspection warrant if uncertainty arises

As privacy concerns relate to the collection of data in drone operations, all personnel shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions include deactivating or turning imaging devices away from such areas or persons during drone operations.

Drone Coordinator:

The CDD Director or their designee shall serve as the Drone Coordinator (DC) who will be responsible for the management of the UAS program. The DC will ensure that policies and procedures of the UAS program conform to current laws, regulations, and privacy concerns, and will be responsible for the following:

- A. Updating and amending this policy to ensure that the current specifications are up to date, including but not limited to: drone specification, training procedures, safety and privacy concerns, and operating procedures;



- B. Ensuring that all authorized operators and required observers are aware of all applicable laws, policies, and procedures regarding UAS use and have completed all required FAA certifications and on-going CDD-approved training on operations;
- C. Verifying certification, training, and program compliance; and,
- D. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the County of Lake Board of Supervisors.

All RPIC, PMC, and Operating Personnel:

RPIC, PMC, and any other operating personnel shall be responsible for the following:

- Maintaining a valid license, certification, and completing all required trainings;
- Carrying the Remote Pilot Certificate during all UAS operations;
- Receiving and maintaining all required reporting records for Part 107;
- Adhering to the permissible uses of UASs;
- Ensuring the use of VOs when necessary;
- Adhering to this policy's provisions regarding retention of UAS data;
- Ensuring that the UAS is operating within its limitations per Part 107 and specifically, Section 107.51 of Part 107;
- Ensuring that the UAS has programmed a pre-determined location/safe location for the UAS to Return to Home (RTH) in the event of an emergency;
- Ensuring all UAS operations are compliant with this policy and applicable amendments;
- Ensuring the safe operation, input of commands, and piloting of the UAS in accordance with all applicable Federal, State and local laws and regulations; and,
- Reporting all incidents, including equipment malfunctions, to the DC within the required reporting period. For incidents involving injuries to a person or damage to personal property, an incident report as approved by the County must be filled out.

All VOs:

VOs shall be responsible for the following:

- Maintaining constant communication with the RPIC or PMC throughout the entire flight operation to ensure instant relaying of information; and,
- Maintaining visual observation of the UAS while it is in flight and alerting the RPIC or PMC of any hazardous conditions (e.g., obstructions, terrain, powerlines, structures, air traffic, weather, etc.), which may affect the safety of the operation.



Procedures:

CDD procedures must be consistent with this policy and must comply with all County, State, Federal laws and regulations, and with all Constitutional guarantees. To review FAA requirements for the registration and use of UAS by the County, please refer to: <https://www.faa.gov/uas/>

I. Specifications and Registration

- A. Each RPIC must hold a valid and current FAA Part 107 Remote Pilot Certificate and complete CDD and FAA approved training on UAS operations, applicable laws, policies, and procedures.
- B. All UAS operating and conducting flights under Part 107 must be identifiable to the County and must be registered through FAADroneZone. Once the UAS is properly registered, the FAA will issue a registration certificate (either a paper copy or digital copy) to be kept in the possession of the RPIC at all times during any UAS operation. Additionally, once registered, the registration number must be placed onto a visible area of the UAS. The registration number may be engraved, attached via a permanent label, or inscribed by permanent marker. Failure to register a UAS requiring registration may result in regulatory and criminal penalties.
- C. Each UAS must have a global positioning system. The software and/or firmware used to operate the UAS must be up to date and maintained.
- D. Any UAS that loses GPS signal should be preprogrammed to hover in place. When any UAS loses signal to their remote operator or when low power is detected should be preprogrammed to return to home/origin.

II. Trainings

- A. Drone operators must obtain a Remote Pilot Certification from the FAA and must strictly comply with all FAA operating requirements. The certificate will demonstrate that the operator understands the regulations, operating requirements, and procedures for safely conducting UAS flight operations.
- B. County staff members must be approved by the CDD before obtaining a Remote Pilot Certification from the FAA.
- C. In addition to observing the regulations set forth in this policy, all applicable Federal, State, and local laws, and regulations shall be observed during all UAS operations.

III. Field Use and Deployment of UAS

- A. All requests to deploy the UAS shall be approved by the DC or their designee prior to performing any UAS operation.



- B. The CDD shall have an authorized purpose to collect information using an UAS. If private or personally identifiable information is inadvertently collected, staff shall remove all personal identifiable information from raw data footage.
- C. Only authorized staff with FAA approval shall check-out and/or operate a County UAS.
- D. UAS shall be operated in a safe manner. UAS shall not be operated in a way that causes personal injury or property damage. UAS shall not have features (e.g., lights, coloring) or be used in a way that distracts drivers or other aircraft.
- E. Except in instances where County personnel's safety could be jeopardized, or time is of the essence, County personnel shall alert any visible people in the area of the CDD's UAS operation.

IV. Prohibited Uses

NO UAS shall be used:

- A. To conduct random or casual surveillance activities;
- B. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation;
- C. To harass, intimidate or discriminate against any individual or group;
- D. To conduct personal business of any type;
- E. To injure or attempt to injure an individual; or,
- F. As a weapon.

V. Reporting

- A. By the 5th day of every month, every CDD member acting as RPIC in the prior month shall report their UAS flight operations to the DC. (This can be electronically downloaded from the UAS flight controller.) Minimum reportable information shall include: name and I.D. number of the RPIC; location, time, and flight duration (electronically captured); reasons for the UAS flight operations; and, approving supervisor's name.
- B. Staff is required to immediately report all officer/staff issues to a supervisor or the DC. After a verbal notification, a supervisor or the DC shall require staff to submit a written report of the situation.
- C. Any incident requiring FAA reporting shall be completed within the given timeframe.
- D. If a collision occurs during any UAS operation and results in serious injury to



any person, any loss of consciousness, or if it causes damage to any property (other than the UAS) in excess of \$500 to repair or replace the property, notification shall be made to:

- the FAA Flight Standards District within ten days per FAA guidelines.
 - Flight Standards District Sacramento:
https://www.faa.gov/about/office_org/field_offices/fsdo/sac
 - Sacramento Flight Standards District Office: (916)42-0272,
1102 Corporate Wat, Suite 200, Sacramento, CA 95831
- The DC or their designee shall document any incident per CDD policies and conduct a review of the collision for maintenance, training issues, or operator negligence.
- The DC or their designee shall contact the County Counsel's Office Risk Management.

VI. Retention of UAS Data

Data collected by the UAS and any associated reporting shall be retained for a minimum of two years, or in accordance with County retention policies and FAA regulations (Part 107, Section 107.165).