CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 10-20

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, ADDING A SECTION 10.32.200 TO PROHIBIT USING AN UNMANNED AIRCRAFT TO RECORD OR TRANSMIT VISUAL OR AUDIO RECORDINGS; SETTING A CRIMINAL PENALTY, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council has reported complaints from citizens regarding "drones" flying over properties; and

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

WHEREAS, the City Council desires to add BMC 10.32.200 to prohibit against using unmanned aircraft to record or transmit visual or audio recordings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 10.32.200 of the Buckley Municipal Code is hereby added to read as follows:

BMC 10.32.200 Unmanned Aircraft Systems.

A. Definitions.

For purposes of this Chapter:

1. "**Unmanned Aircraft"** shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

2. **"Unmanned Aircraft Systems"** shall mean an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned aircraft.

3. **"Person"** shall have the same meaning as set forth in Section 1.12.020 of this Code.

4. **"Model Aircraft"** shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person strictly for hobby or recreational purposes.

B. Use of Unmanned Aircraft is prohibited as follows:

1. No person shall use an Unmanned Aircraft to record or transmit any visual image or audio recording of any person or private real property located in the City under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, inside a private residence or office, and inside an enclosed yard).

2. This Section shall not prohibit the use of any Model Aircraft, which is flown in compliance with section 336 of the FAA Modernization and Reform Act of 2012 and which does not transmit or record visual images or audio recordings of any person or real property located in the City.

3. This Section shall not prohibit the use of any Unmanned Aircraft by law enforcement or public safety agencies:

   (a) If a warrant is issued authorizing the use of an Unmanned Aircraft; or

   (b) For the purpose of providing emergency management, fire, or police protection services in response to a life threatening emergency, or for surveying the condition of person or property during a duly declared state of emergency

   (c) Under circumstances where a warrant would not otherwise be required by law.

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

Section 2. If any sentence, clause, or phrase of the Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentence, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 3. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

Section 4. Effective date. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city , and shall take effect and be in full force five (5) days after publication.

Introduced, passed and approved this 28th day of July 2020.

Pat Johnson, Mayor

ATTEST:

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts, City Attorney

PUBLISHED: August 5, 2020
EFFECTIVE: August 10, 2020