

CITY OF HERMOSA BEACH
UNMANNED AIRCRAFT AND AIRCRAFT SYSTEM (UAS) GUIDLINES
Commonly known as a Drone

Ordinance 16-1363 HBMC 9.38

Placement. The permit sticker and identification number shall be placed on the body of the Unmanned Aircraft or Unmanned Aircraft System in a conspicuous location on the earth-facing surface of the device and in a manner clearly visible from the ground. Placement of stickers shall be subject to approval of the City or performed by the City.

Issuance of permit. Permits will be issued for a period of one year and may be renewed annually upon filing of a renewal application and payment of a renewal fee as set forth in the City's master fee resolution. A permit shall not be issued if the applicant is found to have operated the UAS in violation of Section 9.38.040 or renewed if grounds exist for revocation.

Assignment. The permit is not assignable. No person other than the applicant may operate the UAS within the City.

Revocation. The permit may be suspended or revoked if the City Manager, or his/her designee finds based on a preponderance of the evidence, after the permittee is afforded notice and an opportunity to be heard, that the permittee has violated any provision of this chapter. A decision by the City Manager may be appealed to the City Council; the decision of the Council shall be final.

Requirements and Restrictions

- No Person shall operate any Model Aircraft or Civil UAS within the City in a manner that interferes with manned aircraft, and Model Aircraft shall always give way to any manned aircraft.
- No Person shall operate any Model Aircraft within the City beyond the visual line of sight of the person operating the Model Aircraft. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the Model Aircraft. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight. Visual line of sight means that the operator has an unobstructed view of the Model Aircraft. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a "first-person view" from the model, do not constitute the visual line of sight of the person operating the Model Aircraft.
- No Person shall operate any Model Aircraft or Civil UAS within the City other than during daylight hours defined as between official sunrise and official sunset for local time, unless proof of authorization to do so by the Federal Aviation Administration is provided to the City.
- No Person shall operate any Model Aircraft within the City more than 400 feet above the earth's surface, unless proof of authorization to do so by the Federal Aviation Administration is provided to the City.
- Excluding takeoff and landing, no Person shall operate any Model Aircraft or Civil UAS within the City closer than 25 feet to any individual, except the operator or the operator's helper(s).
- No Person shall operate any Model Aircraft or Civil UAS within the City in a manner that is prohibited by any federal or state statute or regulation governing aeronautics, including but not limited to Public Utilities Code Section 24107 and Federal Aviation Rule 91.13.
- No Person shall operate any Model Aircraft or Civil UAS within the City in violation of any temporary flight restriction or notice to airmen issued by the Federal Aviation Administration.

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- No Person shall operate any Model Aircraft or Civil UAS within the City to capture, 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 office and inside a hotel room). This provision is intended to supplement, rather than duplicate, the prohibition against trespassing into the air space above the land of another person in order to capture any type of visual image or sound recording of a person engaging in a private, personal, or familial activity in a manner that is offensive to a reasonable person, pursuant to California Civil Code Section 1708.8.
- Unless authorized by federal law, no person shall knowingly and intentionally operate any Model Aircraft or Civil UAS on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school in the City providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.
- Unless authorized by federal law, no person shall knowingly and intentionally use any Model Aircraft or Civil UAS to capture images of public school grounds in the City providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.
- No person shall operate any Model Aircraft or Civil UAS in a manner that interferes with firefighting, police activity or emergency response activity as detailed in California Penal Code Sections 148.2 and 402.
- No person shall operate any Model Aircraft or Civil UAS within the airspace overlaying the Civic Center complex or a City park or the beach during a scheduled special event unless authorized to do so in the special event permit.
- No person shall operate any Model Aircraft or Civil UAS within the City in a manner designed, intended or which serves to harass, stalk, vex, annoy, disturb, frighten, intimidate, injure, threaten, victimize or place in extreme mental or emotional distress any particular person, whether that person is located on public or private property. The conduct described in this paragraph includes, but is not limited to, using a Model Aircraft or Civil UAS to follow and film, video-record, live-stream or photograph a person who has not consented to such activity.

Violations

It shall be unlawful for any Person to violate or fail to comply with this chapter. Any Person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to the provisions of Chapter 1.04 of this Code. Any UAS or Model Aircraft found to be operated in violation of this chapter may be impounded and held as evidence in any enforcement proceeding brought under this chapter. An impounded UAS or Model Aircraft will be returned at the conclusion of any enforcement proceeding upon payment to the City of an impound fee as set forth in the City's master fee resolution.

Exemptions

- The permit requirement set forth in Section 9.38.030 of this chapter shall not apply to any Civil UAS operated pursuant to and in compliance with the terms and conditions of a valid City-issued film permit or special event permit with Federal Aviation Administration authorization or any Public UAS operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the Federal Aviation Administration.

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- This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.