

**CITY OF GEORGETOWN**  
**ORDINANCE NO. 2019-020**

**AN ORDINANCE CREATING A NEW ARTICLE OF GEORGETOWN CODE OF ORDINANCES  
CHAPTER 10, REGARDING USE OF UNMANNED AIRCRAFT SYSTEMS WITHIN THE CITY OF  
GEORGETOWN.**

**SUMMARY**

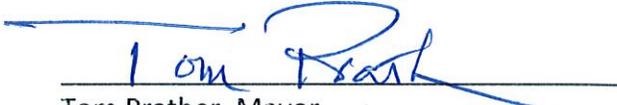
1. Creates a new article of Georgetown Code of Ordinances Chapter 10 to provide for prohibited areas of launching and landing of unmanned aircraft systems, regulations on the safe operation of unmanned aircraft systems, prohibitions on operating unmanned aircraft systems for the purpose of voyeurism or harassment, and other miscellaneous requirements; provides penalties for the violation of the various provisions.
2. Provides for repeal of inconsistent ordinances, severability of provisions and an effective date upon passage and publication.

The full text of this Ordinance is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at [www.georgetownky.gov](http://www.georgetownky.gov).

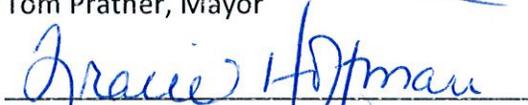
PUBLICLY INTRODUCED AND READ FIRST TIME:      July 8, 2019

PUBLICLY READ SECOND TIME AND PASSED:      July 22, 2019

APPROVED:

  
\_\_\_\_\_  
Tom Prather, Mayor

ATTEST:

  
\_\_\_\_\_  
Tracie Hoffman, City Clerk

i, Devon E. Golden, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 19-020 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9) and is a true and accurate summary of the contents of said Ordinance.

  
\_\_\_\_\_  
Devon E. Golden

**CITY OF GEORGETOWN, KENTUCKY**

**ORDINANCE NO. 19 -020**

**AN ORDINANCE CREATING A NEW ARTICLE OF GEORGETOWN CODE OF ORDINANCES  
CHAPTER 10, REGARDING USE OF UNMANNED AIRCRAFT SYSTEMS WITHIN THE CITY OF  
GEORGETOWN.**

SPONSORS: Polly Singer Eardley and David Lusby

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GEORGETOWN, KENTUCKY:

**WHEREAS**, new innovations in unmanned aircraft, commonly known as “drones,” have expanded a vibrant community of hobbyists and impacted commercial applications in a profound way that can positively stimulate growth and increase economic efficiency for a diverse and expanding array of businesses; and

**WHEREAS**, technological developments have made it possible for unmanned aircraft to travel at speeds over 100 miles per hour, carry payloads, and fly more than a mile away from the operator at heights of over 3000 feet, which has increased the potential for them to endanger the safety and well-being of the citizens of Georgetown and their property; and

**WHEREAS**, unmanned aircraft also have the ability to be equipped with video cameras and other recording devices, and while the vast majority of those devices will undoubtedly be used to further commercial activity, hobbyists’ passions and the arts, it is important to recognize that they can also be used to conduct unlawful or unwanted surveillance or voyeuristic activities contrary to the privacy interests of the citizens of Georgetown; and

**WHEREAS**, the City wishes to increase the ability of hobbyists and commercial users to operate unmanned aircraft within the City of Georgetown, while recognizing the need to protect the safety and privacy of the citizens and visitors to the city.

**SECTION ONE**

Chapter 10, Article III of the Code of Ordinances is created to read as follows:

**Definitions.**

- a. Aircraft: The term “aircraft” means any contrivance invented, used, or designed to navigate, or fly in, the air.

- b. Assist: The term “assist” means to substantially aid in the operation of an unmanned aircraft, including acting as a visual observer as described in this section.
- c. Model Aircraft: The term “model aircraft” means an unmanned aircraft that is:
  - i. Capable of sustained flight in the atmosphere;
  - ii. Flown within visual line of sight of the person operating the aircraft; and
  - iii. Flown for hobby or recreational purposes only.
- d. Operate: The term “operate” means to use, cause to use, or authorize to use, with or without the right of legal control.
- e. Operator: The term “operator” means any person who manipulates the flight controls of, or otherwise operates, an unmanned aircraft system.
- f. Parade: The term “parade” means any procession, march or assembly wherein the participants travel by foot, vehicle or otherwise in or upon any public street, public sidewalk, public right-of-way, bicycle path, public property, or public parking facility within the City; provided, however, that “parade” shall not include a peaceful procession or peaceful picketing that is conducted off the street or roadway in conformance with all traffic laws, city ordinances and state statutes and not in a manner as to obstruct vehicular or pedestrian traffic.
- g. Park: The term “park” means any area officially designated by Georgetown-Scott County Parks and Recreation as a park and posted as such.
- h. Public Aircraft: The term “public aircraft” means any of the following:
  - i. An aircraft used only for the United States government;
  - ii. An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments;
  - iii. An aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces.
- i. Outdoor Public Assembly: The term “outdoor public assembly” means any celebration, gathering, ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind, which is (a) calculated to attract at any one time the physical attendance or attention of over one hundred (100) persons, and (b) is held in or on any public street, sidewalk, or right-of-way, or is held on other property which impacts adjacent streets, sidewalks, or rights-of-way to the extent that closure is necessary in order to assure the safety of vehicular and/or pedestrian movement in the area. In addition, any parade defined herein shall be considered an outdoor public assembly.

- j. Unmanned Aircraft: The term “unmanned aircraft” means an aircraft, including model aircraft, operated without the possibility of direct human intervention from within or on the aircraft.
- k. Unmanned Aircraft System (UAS): The term “unmanned aircraft system” means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- l. Visual Observer: The term “visual observer” means a person who assists the unmanned aircraft operator to see and avoid other air traffic or objects aloft or on the ground.

**Operation of Unmanned Aircraft Systems; Prohibited Areas of Launch and Landing.**

- a. It is prohibited to cause an unmanned aircraft to launch or land within five hundred (500) feet of a park, as defined in this section. The director of Georgetown-Scott County Parks and Recreation (GSCRC), or the director’s designee, may, by posting, permit the operation of model aircraft in certain designated sections of a park. Operation must be limited to the type and manner indicated on the posting.
- b. It is prohibited to cause an unmanned aircraft to launch or land within five hundred (500) feet of any pre-school, elementary, middle or high school; whether public or private. The permission of the school’s administration or authorized faculty member constitutes an affirmative defense. Permission may be incorporated into a school policy or procedure.
- c. It is prohibited to cause an unmanned aircraft to launch or land within five hundred (500) feet of any enclosed building owned or operated by the City of Georgetown, including but not limited to City Hall, Georgetown Police Department, and Georgetown Fire Stations.
- d. Penalty. Any person who is determined to have violated any of the provisions of this paragraph shall be guilty of a criminal violation and shall be fined \$250.00.

**Affirmative Defenses.**

- a. Proof that the unmanned aircraft system was operated at the direction of a governmental agency, such that it should be considered a public aircraft, constitutes an affirmative defense to any action brought under the provisions of this section.
- b. Proof of authorization by the Federal Aviation Administration (FAA) to operate unmanned aircraft in city air space in accordance with the federal law constitutes an affirmative defense to any action brought under the provisions of this ordinance.

## **Operation of Unmanned Aircraft Systems in an Unsafe Manner; Duty to Give Information and Render Aid.**

- a. It is unlawful for any person to operate or assist in the operation of any unmanned aircraft system while under the influence of:
  - i. Alcoholic beverages;
  - ii. Any substance controlled under KRS 218A;
  - iii. Any chemical substance which has the ability to induce a condition of intoxication or which distorts or disturbs the auditory, visual, or mental processes.
- b. It is unlawful to operate any unmanned aircraft system that has been equipped with any firearm, tear gas gun or chemical weapon device, explosive, destructive device, shotgun, slingshot, dirk, billie, knife, electronic weapon device, dart firing stun gun, common pocket knife, or any other item designed, redesigned, or intended to be used as a weapon.
- c. It is unlawful for any person to operate or assist in the operation of any unmanned aircraft system in a careless or reckless manner so as to endanger the life or property of another.
- d. The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in injury to, or the death of, any person must remain at the scene of the crash until such person has provided his or her name, address and contract information, unmanned aircraft system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained, and must render to any person injured in the crash reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.
- e. The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in damage to the attended property of another must remain at the scene of the crash until such operator or any assistant operator has provided his or her name, address and contact information, unmanned aircraft system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained.
- f. The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in damage to the unattended property of another must remain at the scene of the crash until such operator or any assistant operator has attached securely in a conspicuous place in or on the property a written notice giving his or her name, address and contact information, unmanned aircraft system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained.

- g. Failure to comply with the requirements of subsections (d), (e), or (f) is unlawful.
- h. Penalties.
  - i. Any person found guilty of violating the provisions of subsections (a), (b), or (c) of this paragraph shall be guilty of a Class A Misdemeanor.
  - ii. Any person who is determined to have violated subsections (d), (e), or (f) of this paragraph shall be guilty of a criminal violation and shall be fined \$250.00.

#### **Use of Unmanned Aircraft for Voyeurism or Harassment Prohibited.**

- a. It is unlawful to operate or assist in the operation of an unmanned aircraft system to secretly observe another person when the other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy.
- b. It is unlawful to operate or assist in the operation of an unmanned aircraft system with the intent to offend, annoy, abuse, threaten, or harass any person.
- c. Penalty. Any person found guilty of violating the provisions of this paragraph shall be guilty of a Class A Misdemeanor.

#### **Miscellaneous Provisions.**

- a. Indemnification: All applicants for a UAS permit and any other persons, organizations, firms or corporation on whose behalf the application is made must agree to indemnify the City of Georgetown in the manner expressed on the permit application.
- b. Insurance: All applicants for a UAS permit shall furnish proof of insurance of the types and amounts set forth by City Policy and Procedure.
- c. Contraband: Any unmanned aircraft system(s) operated in violation of this ordinance is contraband and subject to seizure.
- d. Notice: Any person who operates or assists in the operation of an unmanned aircraft is responsible to ensure they are in compliance with all applicable federal, state, and local laws. Nothing in this section shall be construed as granting any person permission to operate or assist in the operation of an unmanned aircraft in violation of any other federal, state, or local law.

## **SECTION TWO**

If any portion of this Ordinance is for any reason held invalid or unlawful, such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION THREE**

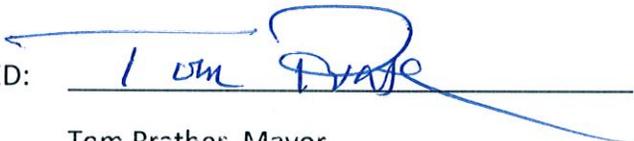
All prior ordinances and parts of ordinances in conflict with this Ordinance are repealed.

**SECTION FOUR**

This Ordinance shall become effective upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: July 8, 2019

PUBLICLY READ SECOND TIME AND PASSED: July 22, 2019

APPROVED:   
Tom Prather, Mayor

ATTEST:   
Tracie Hoffman, City Clerk