



City of Chicago



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Office of the City Clerk

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Meeting Date: 11/13/2013
Sponsor(s): Waguespack (32)
Type: Ordinance
Title: Amendment of Title 1 of Municipal Code by adding new Section 1-24 regarding drone regulation
Committee(s) Assignment: Committee on Public Safety

**CHAPTER 1-24
DRONE REGULATION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressively incorporated herein and made part hereof.

SECTION 2. Chapter 1 of the Municipal Code of the City of Chicago is hereby amended by adding a new section 1-24, as follows:

1-24-010. Definitions

A. "Drones" refers to any powered aerial vehicle controlled autonomously or remotely that does not carry a human operator. Drones include, but are not limited to, powered aerial vehicles that store and/or transmit sensor data, such as photos, video, thermal images, and intercepted wireless communications; and unmanned aerial vehicles capable of firing lethal, less-lethal projectiles, crowd control measures, or any other anti-personnel weapon.

B. "Chicago city limits" includes any airspace above the territorial boundaries of Chicago, Illinois, to the extent to which such airspace can legally be regulated by the city. This legislation does not seek to interfere with the authority of the Federal Aviation Administration.

C. "Law enforcement agency" means a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

D. "Personal information" means information about an individual including but not limited to their effects, papers, affiliation with religious or political ideologies or groups, biometric information, movements, address, or administrative information such as social security number or agency-issued identification.

E. "Surveillance" means the monitoring or close observation of an individual or group for the purpose of gathering information related to possible or suspected criminal activity by that person or by someone else.

F. "Anti-personnel weapon" means any projectile, chemical, electrical, directed-energy (visible or invisible), or other device designed to harm, incapacitate, or otherwise negatively impact a human being.

1-24-020. DRONE USE PROHIBITED; EXCEPTIONS

The use of drones in Chicago is prohibited except as follows:

Non law-enforcement use exception

A. It shall be lawful under this section to operate a drone for non law-enforcement purposes,

including search and rescue missions, fire response, hazardous material spills, and natural disaster response, under the following situations:

1. A non-law enforcement mission exception shall apply for response to an emergency situation that:

- (a) does not involve criminal activity or the possibility of criminal investigation;
- (b) presents immediate danger of death or serious physical injury to any person;
- (c) would entail significantly reduced risks of danger of death or serious physical injury through use of a drone; AND
- (d) cannot be resolved through the use of alternative response technology such as helicopters because alternative technology is either not as effective or prohibitively expensive.

2. A non law-enforcement mission exception shall apply for specific:

- (a) fire prevention or response in cooperation with local, state, or federal fire authorities;
- (b) hazardous material spill response in cooperation with relevant local, state, or federal authorities; AND
- (c) natural disaster response in cooperation with relevant local, state, or federal authorities.

3. In no case shall any non law-enforcement mission exception apply to a mission that:

- (a) intends to collect personal information; OR
- (b) is likely to incidentally collect personal information.

4. All missions conducted under a non law-enforcement exception must include:

- (a) post-flight, removal and deletion process of any information unrelated to the specific emergency situation

Law enforcement use; exception

B. It shall be lawful under this section to operate a drone for law-enforcement purposes;

- 1. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is a risk and a proper search warrant is obtained.

Ban on weaponization

C. Under absolutely no circumstances shall a drone be affixed with any anti-personnel weapons or any other crowd control instruments

1-24-030. LIMITATIONS OF POWER

A. No law enforcement agency shall:

1. conduct any aerial surveillance of any person or property within Chicago city limits except as authorized by a warrant issued in compliance with section B of Chapter 1-24-020.
2. Use data obtained via drone use to support a declaration of probable cause or otherwise justify or further an investigation except as authorized by a warrant issued in compliance with section B of Chapter 1-24-020.

1-24-040. PROCESS FOR ACQUISITION OF A DRONE

A. No agency or department of Chicago shall purchase, lease, borrow, or otherwise acquire the use of a drone without engaging in the following process:

1. The agency or department shall inform the City Council of their intention to purchase, lease, borrow, or otherwise acquire the use of a drone;
2. The agency or department shall provide a full accounting of the amount and source of funds required for the acquisition, including but not limited to cost of purchase or lease, staff hours devoted to the acquisition and use of the drone and training the operator(s) of the drone;
3. The Chicago City Council shall place the acquisition on the next meeting of the full City Council or shall move the item to the appropriate committee;
4. The full City Council or the appropriate committee shall provide no less than one week notice to the public of the intended acquisition and shall provide opportunity for public comment in an open and public meeting; AND
5. The full City Council shall vote on the intended acquisition in an open and public meeting; AND

B. Any use of a drone by personnel of a department or agency that has not engaged in the above process shall be considered Unlawful Drone Use.

1-24-050. Severability

A. If any section, subsection, paragraph, sentence or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences or words of this ordinance, and the applications thereof; and to that end the sections, subsection, paragraphs, sentences or words of this ordinance shall be deemed to be severable.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and publication.

Scott Waguespack

Scott Waguespack
Alderman 32nd Ward