

ORDINANCE NO. 2015-84

INTRODUCED BY: BIRO BLOAM CONTIPELLI DUSZYNSKI HARRIS HENLEY

AN ORDINANCE CREATING A NEW CHAPTER 650 OF THE CODIFIED ORDINANCES  
OF THE VILLAGE TO REGULATE THE USE OF UNMANNED AIRCRAFT SYSTEMS IN  
THE VILLAGE OF CUYAHOGA HEIGHTS

WHEREAS, this Council recognizes that unmanned aircraft systems, colloquially referred to as “Drones,” can be operated in a manner that invades the privacy of the Village and its citizens, and potentially exposes the Village and its citizens to property damage and injuries; and

WHEREAS, this Council recognizes that federal law seeks to regulate certain uses of unmanned aircraft systems; and

WHEREAS, this Council recognizes that said laws do not regulate all uses of unmanned aircraft systems; and

WHEREAS, this Council desires to establish regulations to prohibit the use of unmanned aircraft systems in the Village of Cuyahoga Heights, Ohio, in any manner not already regulated by federal law, that Council believes improperly invades upon the privacy of the Village and its citizens, or unnecessarily exposes the Village and its citizens to potential property damage and injuries.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Cuyahoga Heights, State of Ohio:

SECTION 1. That a new Chapter 650 “Unmanned Aircraft Systems,” be added to the Codified Ordinances of the Village of Cuyahoga Heights, Ohio, to read as follows:

**“CHAPTER 650  
UNMANNED AIRCRAFT SYSTEMS**

**650.01 DEFINITIONS**

- (a) “Unmanned Aircraft System” or “Drone” means any powered aerial vehicle that:
  - (1) Does not carry a human operator;
  - (2) Uses aerodynamic forces to provide vehicle lift;
  - (3) Can fly autonomously or be piloted remotely;
  - (4) Can be expendable or recoverable; and
  - (5) Can carry a lethal or nonlethal payload.
- (b) “Image” means a record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which captures conditions existing on or about real property or an individual located on that property.
- (c) “Imaging device” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other

instrument, equipment, or format capable of recording, storing, or transmitting an image.

- (d) “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.

#### **650.02 PROHIBITED USES**

- (a) Unless authorized by the Village Safety Director, a person or entity shall not operate an Unmanned Aircraft System in the airspace above or adjacent to any public park, school, municipal building, or any other property owned or used by the Village, the Cuyahoga Heights School District, the City of Cleveland, any provider of public utilities, or any other public entity.
- (b) A person or entity shall not use an Unmanned Aircraft System to record an image of any Village owned property or any privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person’s reasonable expectation of privacy without his or her written consent. For the purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of an Unmanned Aircraft System.
  - (1) This section does not apply to the use of an Unmanned Aircraft System if:
    - (A) A law enforcement agency first obtains a search warrant authorizing the use of an Unmanned Aircraft System.
    - (B) A law enforcement agency possesses a reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including but not limited to the location of a missing person.

#### **650.99 PENALTY**

- (a) Whoever violates any provision of this chapter shall be guilty of a minor misdemeanor.”

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with legal requirements, including section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect immediately provided it receives the unanimous vote of all members elected to Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed:           October 29, 2015

Effective:       October 29, 2015

ATTEST:

Approved \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor and President of Council

On October 29, 2015

\_\_\_\_\_  
Clerk of Council

I, the undersigned, Clerk of Council, Village of Cuyahoga Heights, do hereby certify that there is no newspaper published of having the office of Publications in said Village and that I published the foregoing Ordinance or Resolution by posting the same in four places, Village Hall, Police Department, Fire Department, and Service Department in the said Village as defined by ordinance of the Council for a period of ten (10) days beginning October 30, 2015.

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Robert Unger, Clerk of Council