

AN ORDINANCE AMENDING TITLE 5, CHAPTER 4 OFFENSES CODE TO ADD A NEW SECTION (“UNMANNED AIRCRAFT”) TO PROTECT THE SAFETY AND PRIVACY OF ADA COUNTY RESIDENTS REGARDING THE USE OF UNMANNED AIRCRAFT WITHIN ADA COUNTY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO THAT THE ADA COUNTY CODE BE AMENDED AS FOLLOWS:

5-4-10 UNMANNED AIRCRAFT:

- A. The purpose of this ordinance is not to preempt the Federal Aviation Administration regulations (FARs), but to operate in conjunction with those rules to promote public safety and welfare of Ada County and its residents while recognizing the FAA’s enforcement capabilities.
- B. Unmanned aircraft, also known as an “Unmanned aircraft system” (UAS) means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable. [See Idaho Code § 21-213.]
- C. Every individual operating a UAS must register the same, excluding model aircraft, with the FAA and must obtain a remote pilot certificate from the FAA as required by 14 C.F.R. Part 107 Rule or the FAA Modernization and Reform Act of 2012 § 333 (the “Section 333 Rule”). The individual is required to have the pilot certificate readily available while operating the UAS.
- D. No person shall operate an unmanned aircraft
 - 1. in a manner that harasses, startles, or annoys pedestrians or vehicles, threatens their safety and welfare, or creates or causes a public nuisance, or
 - 2. in a reckless or careless manner so as to endanger the life or property of another, or
 - 3. for the purpose of capturing a person’s visual image, audio recording or other physical impression in any place where the person would have a reasonable expectation of privacy, or
 - 4. in a manner that interferes with the lawful efforts of a firefighter or other public safety officer to extinguish a fire or respond to a medical or other emergency.

E. EXCEPTIONS:

1. Notwithstanding the prohibitions set forth in this section, nothing in this section shall be construed to prohibit, limit or otherwise restrict any person who is authorized by the Federal Aviation Administration (FAA) to operate a UAS in county airspace, pursuant to Section 333 of the FAA Modernization and Reform Act of 2012, the Part 107 Rule, or a certificate of waiver, certificate of authorization (COA) or other Federal Aviation Administration grant of authority to specific flight operation(s), from conducting such operation(s) in accordance with the authority granted by the FAA.
2. Notwithstanding the prohibitions set forth in this chapter, nothing in this section shall be construed to prohibit the use of a UAS by a law enforcement agency with a warrant or for emergency response for safety search and rescue or controlled substance investigations, as set forth in Idaho Code § 21-213(2)(a).

F. VIOLATION – PENALTY: It shall be unlawful for any person to violate or fail to comply with this section. Any person violating the provisions of this section shall be guilty of an infraction and shall be subject to a One Hundred dollar (\$100.00) fine.

G. SEVERABILITY: If any provision of this section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

APPROVED AND ADOPTED this 15th day of May, 2018.

Board of Ada County Commissioners

By: _____
David L. Case, Commissioner

By: _____
Jim Tibbs, Commissioner

By: _____
Rick Visser, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk