

## **DRONES / UAS**

The use of drones, or unmanned aircraft systems (UAS), at the scenes of emergencies can present a risk of interference with police, fire, or other emergency operations. UAS can pose a particular risk to flight operations by police and fire aircraft. Although the day-to-day use of UAS is regulated by the FAA, the California Penal Code and Burbank Municipal Code do provide enforceable statutes regarding the use of UAS in a manner which impedes personnel in the course of their duties during an emergency.

**BMC 5-3-1602.A** and **5-3-1602.B** make it unlawful to operate a UAS in a manner which interferes with fire or police operations respectively.

**PC 402(a)(2)** makes it unlawful to operate a UAS at the scene of an emergency in a manner which interferes with emergency personnel in the course of their duties.

The entire text of the related sections is listed below for reference:

### **BURBANK MUNICIPAL CODE**

#### **5-3-1601: DEFINITIONS:**

As used in this Article:

**UNMANNED AIRCRAFT (UA):** an aircraft, including, but not limited to, an aircraft commonly known as a Drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

**UNMANNED AIRCRAFT SYSTEM (UAS):** an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft.

**CIVIL UAS:** an Unmanned Aircraft or Unmanned Aircraft System operated by any person for any purposes other than strictly hobby or recreational purposes, including, but not limited to, commercial purposes or in furtherance of, or incidental to, any business or media service or agency.

**MODEL AIRCRAFT:** an Unmanned Aircraft or Unmanned Aircraft System operated by any person strictly for hobby or recreational purposes.

**OPERATE:** to pilot, steer, direct, fly, guide or manage an Unmanned Aircraft or Unmanned Aircraft System through the air remotely. The term "operate" includes, without limitation, managing or initiating a computer system that pilots, steers, directs, flies or manages an Unmanned Aircraft or Unmanned Aircraft System.

PUBLIC UAS: an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency for government related purposes. [Added by Ord. No. 16-3,878, eff. 6/10/16]

### **5-3-1602: OPERATION OF UNMANNED AIRCRAFT AND UNMANNED AIRCRAFT SYSTEMS**

Unless otherwise authorized by federal law, the following shall apply to the operation of any Model Aircraft or Civil UAS within the City of Burbank:

- A. It is unlawful to operate in a manner that prevents or delays the extinguishment of a fire including, but not limited to, efforts to control, contain, or extinguish the fire from the air.
- B. It is unlawful to operate in a manner that interferes with police operations or activity.
- C. It is unlawful to operate within the airspace above or within 50 feet of a film studio or closed production set or other private production area without permission from the studio, producer, or director.
- D. It is unlawful to operate within 100 feet of or into a fireworks production.
- E. It is unlawful to operate within 500 feet measured horizontally of or in the airspace above any water delivery system, reservoir, treatment or intake facility or any electric generating facility, substation or control center, or any electric transmission facility, or within 60 feet of any overhead wire, cable, conveyor or similar equipment for the distribution of electricity or power, upon or along any public way within the city, without the facility or equipment owner's consent, and subject to any restrictions that the facility or equipment owner may place on such operation.
- F. It is unlawful to operate higher than 400 feet above ground level.
- G. Model Aircraft and Civil UAS, when operating outdoors, shall only fly during daylight hours, which are defined as between official sunrise and official sunset for local time.
- H. It is unlawful to operate any Model Aircraft or Civil UAS carrying or equipped with anything other than a camera, video camera, or related equipment.
- I. It is unlawful to operate over moving vehicles or unprotected persons, and it is unlawful to operate less than 25 feet away from any individual other than the operator or the operator's helper(s).
- J. It is unlawful to operate under the influence of alcohol or drugs.

K. It is unlawful to operate beyond the visual line of sight of the operator. The operator must use his or her own natural vision without enhancement other than by corrective lenses prescribed for the operator. Individuals other than the operator may not be used in lieu of the operator for maintaining visual line of sight. Visual line of sight means the operator has an unobstructed view of the Model Aircraft or Civil UAS. The use of vision-enhancing devices, such as binoculars, night vision goggles, infra-red or low-light cameras, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the Model Aircraft or Civil UAS, do not constitute the visual line of sight of the operator.

L. It is unlawful to hover in place over private property without first obtaining permission from the property owner and/or the property tenant.

M. It is unlawful to take pictures or videos or record sounds of individuals, homes, businesses, or property that are in an enclosed area from public view such as fenced backyards or the interior of any structure unless written expressed permission is obtained from the individual property owner(s) or manager(s).

N. Operations authorized by the FAA – Exception. 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 to operate in City air space, pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 or a certificate of waiver, certificate of authorization or airworthiness certificate under Section [44704](#) of Title [49](#) of the United States Code or other Federal Aviation Administration grant of authority for a specific flight operation(s), from conducting such operation(s) in accordance with the authority granted by the Federal Aviation Administration. [Added by Ord. No. 16-3,878, eff. 6/10/16]

State law reference: Authorized by Penal Code Section [326.5\(a\)](#).

## **PENAL CODE**

402.

(a) (1) Every person who goes to the scene of an emergency, or stops at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person’s employment to view that scene or those activities, and thereby impedes police officers, firefighters, emergency medical, or

other emergency personnel or military personnel, in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.

(2) For purposes of this subdivision, a person shall include a person, regardless of his or her location, who operates or uses an unmanned aerial vehicle, remote piloted aircraft, or drone that is at the scene of an emergency.

(b) Every person who knowingly resists or interferes with the lawful efforts of a lifeguard in the discharge or attempted discharge of an official duty in an emergency situation, when the person knows or reasonably should know that the lifeguard is engaged in the performance of his or her official duty, is guilty of a misdemeanor.

(c) For the purposes of this section, an emergency includes a condition or situation involving injury to persons, damage to property, or peril to the safety of persons or property, which results from a fire, an explosion, an airplane crash, flooding, windstorm damage, a railroad accident, a traffic accident, a powerplant accident, a toxic chemical or biological spill, or any other natural or human-caused event.

*(Amended by Stats. 2016, Ch. 817, Sec. 1. Effective January 1, 2017.)*