

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 19, MISCELLANEOUS OFFENSES, AND ADDING A NEW ARTICLE V - UNLAWFUL OPERATION OF SMALL UNMANNED AIRCRAFT WHICH INTERFERE WITH GOVERNMENT OPERATIONS AND RESPONSE DURING EMERGENCIES AND/OR PUBLIC SAFETY EVENTS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. – Article V. – Unlawful Operation of Small Unmanned Aircraft, is hereby added to Chapter 19 of the Sonoma County Code as follows:

Article V. – Unlawful Operation of Small Unmanned Aircraft

Sec. 19-61. – Purpose

This Article is intended to reasonably regulate the use of small unmanned aircraft and small unmanned aircraft systems, including aircraft commonly known as “drones”, to prevent interference with government operations and response during an emergencies and/or public safety events including firefighting, search and rescue, law enforcement, detention, or other government operations related to public safety events.

Sec. 19-62. - Definitions

Whenever used in this Article, the following words and phrases shall be defined as set forth in this section:

- (a) “Public Safety Event” means an event, condition or situation that has caused, or may cause, injury to persons or damage to property, or endanger persons, property or public agency operations, and relates to any of the following, including but not limited to: emergencies; law enforcement operations; crime scenes; search and rescue operations; detention facility operations; fires; explosions; aircraft, rail or vehicle accidents; flooding; storms; earthquakes; chemical or biological spills; acts of terrorism; utility or infrastructure operations related to water, sewer, gas, telecommunications, broadband, or electrical power.
- (b) “Public or Government Owned and/or Operated Small Unmanned Aircraft” means a Small Unmanned Aircraft or Small Unmanned Aircraft System that is operated by a public agency or its authorized officers, employees, contractors, or agents for a governmental purpose, including public safety events, fire suppression, emergency response, law enforcement and detention operations, surveying and mapping property, inspecting infrastructure, monitoring traffic and recording local events.

- (c) “Small Unmanned Aircraft” means an aircraft that can fly autonomously or be piloted remotely and is operated without the possibility of direct human intervention from within or on the aircraft. “Small Unmanned Aircraft” includes an aircraft commonly known as a drone.
- (d) “Small Unmanned Aircraft System” means a Small Unmanned Aircraft and associated support equipment, including any communication and data links, navigation equipment, and other component that control the Small Unmanned Aircraft.

Sec. 19-63. - Unlawful Operation of Small Unmanned Aircraft And/Or Small Unmanned Aircraft Systems

- (a) It is unlawful for a person to operate a Small Unmanned Aircraft or Small Unmanned Aircraft System in a manner that impedes, obstructs and/or interferes with firefighting, emergency, search and rescue, law enforcement, detention, or other government operations related to a Public Safety Event.
- (b) Any violation of this Article is declared a public nuisance.
- (c) Violations of this Section may be prosecuted as a misdemeanor, a public nuisance, or as an administrative citation for fines and penalties pursuant Chapter 1, Sections 1.-7 through 1.-7.6 of the Sonoma County Code of Ordinances.
- (d) Any administrative citation issued for a violation of this Section shall be administered pursuant to the County of Sonoma’s administrative citation program in Chapter 1, Section 1.-7.6 of the Sonoma County Code of Ordinances.
- (e) This section shall not supersede or limit the remedies provided elsewhere in local, state or federal laws or regulations, including other administrative citation remedies or criminal prosecution. Issuance of an administrative citation may be exercised in place of, but shall not be deemed a waiver of, the use of any other available enforcement remedy. Enforcement remedies under this section are nonexclusive. The use of the remedies under this section is at the sole discretion of the County. However, the Sonoma County District Attorney shall have sole discretion to determine whether a violation will be prosecuted criminally.

Sec. 19-64. – Public or Government Owned and/or Operated Small Unmanned Aircrafts And/Or Small Unmanned Aircraft Systems

Public or Government Owned and/or Operated Small Unmanned Aircraft and Aircraft Systems are exempt from the provisions of this Sec. 19-63.

Section II. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be

published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 20th day of July, 2021, and finally passed and adopted this day of, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors