
Sec. 1-3-44. Adoption of regulations on the launching and operation of unmanned aircraft systems.

Subject to any regulations of FAA, the Governing Authority of Augusta, Georgia hereby adopts regulations governing the launching and operation of certain unmanned aircraft systems and model aircraft within (and above) the geographical bounds of Richmond County, Georgia, excluding the cities of Hephzibah and Blythe.

- (a) *Definitions.* As used in this Article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:
- (1) **Commercial UAS flight.** A flight of a UAS for commercial purposes that has been authorized or approved by the FAA and the operator of such UAS has a FAA standard or special airworthiness certificate; or a Certificate of Waiver Authorization from the FAA; or an exemption under Section 333 of the FAA Modernization and Reform Act of 2012; or other verifiable authorization from the FAA granting permission for a UAS flight or flights.
 - (2) **Highly Populated area.** All sporting, recreation or entertainment events in Augusta, Georgia with a seating capacity of 100 or more persons; an open air assembly of 100 or more persons; and any area specifically designated by the Augusta, Georgia Commission as a highly populated area.
 - (3) **Law Enforcement UAS Flight.** A flight of a UAS conducted by (or on behalf of) a governmental law enforcement agency.
 - (4) **Model Aircraft.** Aircraft (to include helicopters and drones) that are:
 - (i) flown strictly for hobby or recreational use (non-commercial);
 - (ii) flown within visual line of sight of the person operating the aircraft;
 - (iii) operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
 - (iv) limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
 - (v) operated in a manner that does not interfere with and gives way to manned aircraft (up to 400 feet)
 - (5) **Unmanned Aircraft System; UAS; Drone.** An aircraft without a human pilot aboard, the flight of which is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle or aircraft. Includes Model Aircraft.
- (b) *Invasion of privacy prohibited.*
- (1) Except as provided in this sub-section, the use of Model Aircraft or UAS for the purpose of photographing or capturing an image of privately owned property or the owner, tenant, or occupant of such property without express consent is prohibited where a reasonable expectation of privacy exists.
 - (2) It shall be lawful to capture an image otherwise prohibited by sub-section (b)(1) using an unmanned aircraft system:
 - (i) If the image is captured by a nongovernmental operator, such as an electric, natural gas utility or telecommunications company as that term is defined in O.C.G.A. § 46-5-162 for purposes of maintaining system maintenance, reliability and integrity who is not acting as

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- an agent of this state, any political subdivision thereof, or any department, agency, or instrumentality thereof, who has a Section 333 Exemption and a Certificate of Waiver or Authorization (COA) issued by the Federal Aviation Administration;
- (ii) With the consent of the individual who owns or lawfully occupies the real property captured in the image;
 - (iii) For Law Enforcement UAS Flights;
 - (iv) If the image is captured by Augusta, Georgia or any political subdivision of this state, or by a person that is under contract with, or otherwise acting under the direction or on behalf of, Augusta, Georgia or any political subdivision of this state, for any purpose including:
 - (A) Surveying the scene of a catastrophe or other damage to determine whether a State of emergency should be declared;
 - (B) Preserving public safety, protecting property, or surveying damage or contamination during a lawfully declared state of emergency;
 - (C) Conducting routine air quality sampling and monitoring, as provided by state or local law; or
 - (D) Mapping and property value assessment;
 - (3) At the scene of a spill, or a suspected spill, of hazardous materials;
 - (4) For the purpose of fire suppression;
 - (5) For the purpose of rescuing an individual whose life or well-being is in imminent danger;
 - (6) If the image is captured by the owner or operator of a port authority, or by a person that is under contract with, or otherwise acting under the direction or on behalf of, such owner or operator, in connection with port authority surveillance and security; or
 - (7) If the image is captured by Augusta, Georgia or another local government agency, or by a person that is under contract with, or otherwise acting under the direction or on behalf of, Augusta, Georgia or such other agency, it shall only be used for lawful purposes.
- (c) *Weaponization of UAS prohibited.* Placing a weapon of any kind on a UAS and flying in Richmond County is expressly prohibited. This prohibition does not apply to Law Enforcement UAS Flights.
- (d) *UAS flights near airports restricted.* Flights of UAS within five (5) miles of airports are highly restricted by FAA regulations and anyone flying a UAS in Richmond County shall comply with such regulations as required by law.
- (e) *Highly populated area; restrictions.* Except for Commercial UAS Flights, Law Enforcement UAS Flights, and other flights expressly approved by FAA, no person shall launch or operate any Unmanned Aircraft System, including Model Aircraft, in a highly populated area within the limits of Richmond County, Georgia (excluding the cities of Hephzibah and Blythe), without prior written authorization from the Richmond County Sheriff. Exempted from the classification as a highly populated area is:
- (1) the existing model aircraft field located at the intersection of Mike Padgett Highway and Horseshoe Road, and the airspace immediately above that field; and
 - (2) other model aircraft fields (and the airspace immediately above such fields) approved for such purposes by the Augusta, Georgia Commission; and
 - (3) Daniel Field during Skyfest or Boshears Memorial Fly-in.

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- (f) *Violation; penalty.* Any person who violates the provisions of this Code Section is guilty of a misdemeanor, and upon conviction, shall be imprisoned for up to sixty (60) days and be subject to a fine of not more than \$1,000.00.
 - (g) *UAS impound authorized.* In addition to the penalty specified in Section (f) above, any UAS operated in violation of this Code Section may be impounded in accordance with the requirements of federal and state law.
 - (h) *Severability.* If any provision of this Code Section or its application to any person or circumstance is held invalid, the remainder of the Code Section or the application of the provision to other persons or circumstances shall not be affected.
 - (i) *Effective date.* This Ordinance shall be in full force and effect upon its approval.
- (Ord. No. 7481 , § 1(exh. A), 3-17-2015; Ord. No. 7531 , § 2(exh. B), 3-30-2016)