

ARTICLE IV. SMALL UNMANNED AIRCRAFT (10-36-400 et seq.)

10-36-400 Small unmanned aircraft.

(a) Definitions. As used in this section:

"Aircraft" means any contrivance invented, used or designed to navigate or fly in the air.

"City airspace" means the airspace above the land, water and waterways within the jurisdiction of the city.

"Firearm" has the meaning ascribed to the term in Section 8-20-010.

"Hobby or recreational purposes" means a pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.

"Open air assembly unit" means any structure, enclosed area or other demarcated space used for the assembly of persons in the open air, including, but not limited to, amusement parks, stadiums, athletic fields, automotive speedways, aviation fields, bandstands, beach enclosures, grandstands, observation platforms, outdoor public swimming pools, outdoor theaters, race tracks, reviewing stands, street festivals or parade routes.

"Operate" means to pilot, steer, direct, fly or manage a small unmanned aircraft through the air whether from within the aircraft or remotely. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies or manages a small unmanned aircraft.

"Public aircraft" has the meaning ascribed to the term in Section 40102 of Title 49 of the United States Code.

"Small unmanned aircraft" means an aircraft that (1) is operated without the possibility of direct human intervention from within or on the aircraft, and (2) weighs less than 55 pounds at the time of the operation, including the weight of any payload or fuel. The term "small unmanned aircraft" does not include "toy aircraft" or "public aircraft" as defined herein.

"Surveillance" means the gathering, without permission and in a manner that is offensive to a reasonable person, of visual images, physical impressions, sound recordings, data or other information involving the private, personal, business or familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude or seclusion of another person, business or entity, regardless of whether a physical trespass onto real property owned, leased or otherwise lawfully occupied by such other person, business or other entity, or into the airspace above real property owned, leased or otherwise lawfully occupied by such other person, business or other entity, occurs in connection with such surveillance.

"Toy aircraft" means (1) a glider or hand-tossed small unmanned aircraft that is not designed for and is incapable of sustained flight; or (2) a small unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment, such as a string or wire.

"Weapon" means any instrument, article or substance that, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

(b) Operating Regulations. Except as otherwise provided in subsection (c) of this section, no person shall operate any small unmanned aircraft in city airspace:

- (1) except for hobby or recreational purposes only and in conformity with this section;
- (2) directly over any person who is not involved in the operation of the small unmanned aircraft, without such person's consent;
- (3) over property that the operator does not own, without the property owner's consent, and subject to any restrictions that the property owner may place on such operation;
- (4) at an altitude higher than 400 feet above ground level;
- (5) outside the visual line of sight of the operator. The operator shall use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to maintain at all times an unobstructed view of the small unmanned aircraft, without the use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, goggles designed to provide a "first person view" from the model or similar devices;
- (6) within five miles of any airport;

- (7) in a manner that interferes with, or fails to give way to, any manned aircraft;
- (8) between dusk and dawn;
- (9) whenever weather conditions impair the operator's ability to operate the small unmanned aircraft safely;
- (10) over any open air assembly unit, school, school yard, hospital, place of worship, prison or police station, without the property owner's consent, and subject to any restrictions that the property owner may place on such operation;
- (11) within 500 feet of any water intake facility or any electric generating facility, substation or control center, or within 100 feet of any electric transmission facility, or within 25 feet of any electric distribution facility or of any overhead wire, cable, conveyor or similar equipment for the transmission of sounds or signal, or of heat, light or power, or data, 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;
- (12) for the purpose of conducting surveillance, unless expressly permitted by law;
- (13) while under the influence of alcohol, or other drug or drugs, intoxicating compound or compounds or any combination thereof, as those terms are defined in 625 ILCS 5/11-501, as amended;
- (14) that is equipped with a firearm or other weapon;
- (15) with intent to use such small unmanned aircraft or anything attached to it to cause harm to persons or property;
- (16) in a reckless or careless manner; or
- (17) in violation of any Federal or State law.

(c) Construction of Section.

(1) 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 a small unmanned aircraft 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.

(2) Operations Prohibited by the FAA - Clarification. Nothing in this section shall be construed to authorize the operation of any small unmanned aircraft in city airspace in violation of any Federal statute or rules promulgated thereunder, including, but not limited to, any temporary flight restrictions or notices to airmen issued by the Federal Aviation Administration.

(3) Operations Authorized by the State of Illinois - Exception. Notwithstanding the prohibitions set forth in this section, nothing in this section shall be construed to prohibit the use of a drone by a law enforcement agency in accordance with Section 15 of the Freedom from Drone Surveillance Act, codified at 725 ILCS 167/1, et seq., or its successor provision.

(d) Violation - Penalty. Any person who violates this section or any rule promulgated thereunder shall be fined not less than \$500.00 nor more than \$5,000.00 for each offense, or may be incarcerated for a term not to exceed 180 days, or both. Each day that a violation continues shall constitute a separate and distinct offense.

(e) Seizure for Unlawful Use. If the mayor, superintendent of police, commissioner of aviation, fire commissioner or their duly authorized enforcement officers or designees have a reasonable basis to believe that any small unmanned aircraft is or has been operating in violation of this section, said small unmanned aircraft may be seized by such duly authorized enforcement official, followed by an opportunity for an administrative hearing, with notice to the owner within seven calendar days of such seizure, for the purpose of reviewing the appropriateness of the seizure, and shall be held by the city until such time that the owner of such small unmanned aircraft reimburses the city for the actual cartage costs incurred in connection with the seizure and pays to the city \$20.00 for each day, or part of a day, that the small unmanned aircraft is in storage. If criminal charges involving the use, condition or operation of the small unmanned aircraft are pending, the small unmanned aircraft shall be held until disposition of the criminal charges. If it is determined at an administrative hearing, by a preponderance of evidence, that the seized small unmanned aircraft was not operated in violation of this section, such small unmanned aircraft shall be returned to its owner without charge.

(f) Rules. The commissioner of aviation, in consultation with the corporation counsel, is authorized to promulgate rules necessary or appropriate to implement this section. Such rules shall be posted by the commissioner on the City of Chicago's rule web portal.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-400, which pertained to heliport license fees.

10-36-410 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-410, which pertained to a heliport license exemption.

10-36-420 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-420, which pertained to a heliport license application.

10-36-430 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-430, which pertained to heliport license application approval.

10-36-440 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-440, which pertained to heliport construction.

10-36-450 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-450, which pertained to heliport location.

10-36-460 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-460, which pertained to heliport insurance protection against all liabilities

10-36-470 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-470, which pertained to heliport operation.

10-36-480 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-480, which pertained to heliport inspection.

10-36-490 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-490, which pertained to heliport rules and regulations.

10-36-500 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-500, which pertained to heliport license revocation.

10-36-510 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-510, which pertained to emergency landings at heliports.

10-36-520 Reserved.

Editor's note - Coun. J. 1-18-12, p. 19185, § 3, repealed § 10-36-520, which pertained to penalty for violation of article.

10-36-530 Reserved.

Editor's note - Coun. J. 3-31-04, p. 20916, § 1.1, repealed § 10-36-530, which pertained to helicopter moving external object - operation requirement.

10-36-540 Reserved.

Editor's note - Coun. J. 3-31-04, p. 20916, § 1.1, repealed § 10-36-540, which pertained to violation -penalty for § 10-36-530.