

**ORDINANCE NO. 6121**

**AN ORDINANCE TO AMEND FGC CHAPTER 62, BY ADDING  
ARTICLE III REGARDING REGULATION OF UNMANNED  
AIRCRAFT SYSTEMS**

**WHEREAS**, Unmanned Aircraft Systems (UAS), commonly referred to as drones, have become widely used, and have proven to have specific useful law enforcement and other applications in the fields of criminal investigation and search and rescue; and

**WHEREAS**, Fairbanks Police Department (FPD) officers have received training as certified UAS operators, with the ability to train and certify other FPD operators; and

**WHEREAS**, FPD has recently acquired a UAS for training and operational purposes and expects to acquire more; and

**WHEREAS**, FPD has applied to the Federal Aviation Administration (FAA) for a Certificate of Authorization (COA) to allow them to operate the UAS within the City of Fairbanks; and

**WHEREAS**, the Alaska State Legislature in A.S. 18.65.900 - .909 Law Enforcement Use of Unmanned Aircraft Systems, provided authority for local law enforcement use of UAS vehicles, including limitations on their use, and requiring law enforcement agencies to have a policy and procedures with certain minimum provisions regarding the operation of a UAS; and

**WHEREAS**, FPD has drafted a policy and procedures on UAS use which comports with the provisions of A.S. 18.65.900 - .909 Law Enforcement Use of Unmanned Aircraft Systems; and

**WHEREAS**, to address concerns about the potential for a UAS program to violate the privacy rights of Fairbanks citizens guaranteed under the Alaska Constitution and the U.S. Constitution, the council hereby codifies certain restrictions on the use of UAS by FPD.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code Chapter 62, is hereby amended by adding a new Article III, Unmanned Aircraft Systems, as follows:

## CHAPTER 62. PUBLIC SAFETY

### ARTICLE III. UNMANNED AIRCRAFT SYSTEMS

#### Sec. 62-40. Definitions.

(a) *Unmanned Aircraft Systems (UAS)* means a system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

(b) *Unmanned Aircraft (UA)* means an aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called a Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.

#### Sec. 62-41. Restrictions on the Use of Unmanned Aircraft.

(a) In order to protect the constitutional right to privacy, as set forth in the Alaska State and U.S. Constitutions, of persons in the City of Fairbanks and to ensure their safety, the following uses of UAS by departments, agencies, and contractors of the city are restricted as follows:

1. A UAS shall not be used in violation of Alaska Statutes 18.65.900 - .909, Law Enforcement Use of Unmanned Aircraft Systems;
2. A UAS shall not be used for routine patrol activities;
3. A UAS shall not be used for warrantless searches that are specifically seeking evidence as part of a criminal investigation;
4. A UAS shall not be used in a manner that violates a person's reasonable expectation of privacy unless supported by a warrant, or in accordance with a judicially recognized exception to the warrant requirement;
5. A UAS shall not be weaponized, nor shall it be used as a weapon;
6. A UAS shall not be used for any surveillance of persons or groups involved in constitutionally protected activities;
7. A UAS shall not be used for traffic enforcement activities, except to the extent that such use relates to an accident investigation; and
8. A city owned UAS shall not be permitted to be used by any non-city agency including, but not limited to, agencies of the State of Alaska or agencies of the United States of America.

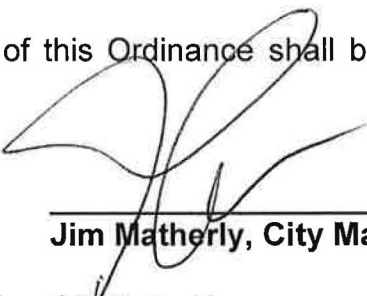
(b) No later than June 1 of each year, the mayor, or a designee, shall transmit to the council and cause to be publicly posted on the city's website a report with the all following information:

1. For each city department and agency that used a UAS in the preceding calendar year:
  - A. The number of instances in which a UAS was used;
  - B. A general description of the type and purpose of each use that sufficiently explains how the use was not prohibited by this section, and, if applicable, whether the use was pursuant to a search warrant, a court order, or a judicially recognized exception to the warrant requirement; and
  - C. Any new policy or change in department or agency policy related to the use of UAS.
2. The annual report shall also include:

The number of arrests made where UAS was used in a related incident response or investigation, regardless of whether the information gathered from the UAS was used to establish probable cause.

(c) Anytime FPD or other city agency considers a change to its UAS operational policy and procedures, such change shall be brought before the council for its review.


**Section 2.** That the effective date of this Ordinance shall be the 14th day of December 2019.

  
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**Jim Matherly, City Mayor**

AYES: Rogers, Gibson, Therrien, Pruhs, Cleworth, Kun  
NAYS: None  
ABSENT: None  
ADOPTED: December 9, 2019

ATTEST:

APPROVED AS TO FORM:

  
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D. Danyielle Snider, City Clerk  
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Paul J. Ewers, City Attorney