

UNMANNED AIRCRAFT SYSTEMS (DRONE) OPERATIONS POLICY

ADMINISTRATION PROCEDURE NO. 1

- SUBJECT:** Unmanned Aircraft Systems (Drone) Operations
- PURPOSES:** The City of Happy Valley seeks to provide guidelines for the use of Unmanned Aircraft Systems by city employees for city purposes.
- To provide policies and procedures for the use, storage, accessing, sharing and retention of data, including but not limited to video and audio recordings, resulting from the operation of the unmanned aircraft system (collectively referred to as a “UAS data use”). [ORS 837.362]
- POLICY:** Unmanned Aircraft System equipment may only be used by approved City of Happy Valley personnel as provided in this policy. The UAS data use shall be as stated in this policy.
- AUTHORITY & RESPONSIBILITY:** The City Manager shall have primary responsibility for interpreting and administering this policy. The City Manager may delegate the administration of this policy to other City employees who are more closely involved with drone operations and/or supervision.
- All UAS data use by employees shall be in accordance with these policies and procedures. The City Manager or designate(s) shall review this policy with employees prior to UAS data use.

I. Definitions

- A. Unmanned Aircraft: An aircraft operated without the possibility of direct human intervention from within or on the aircraft.
- B. Unmanned Aircraft System (UAS): An unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.
- C. Small Unmanned Aircraft System (sUAS): A UAS in which the aircraft weighs less than 55 pounds on takeoff, including everything on board and attached to the aircraft.
- D. Media: A broad spectrum of media, including but not limited to, photos, video and audio. Electronic media shall be media obtained or stored in digital or another electronic format.

- E. Image Capturing Device: A device that can record video, audio and still images.
- F. UAS Pilot: A city employee exercising control over the UAS during flight. The City Manager, in consultation with the City Recorder/Management Analyst shall designate city employees to be UAS Pilots, upon completion of such training as deemed appropriate by the City Manager and City Recorder/Management Analyst, for the operation of sUAS pursuant to this policy. Such designated employees may be collectively referred to as the “Happy Valley Aerial Imaging Team”.
- G. UAS Activity: The operation of a UAS to observe from an aerial perspective and includes obtaining media from aerial operation of the UAS.
- H. UAS Data Use Person: A city employee responsible for or engaged in the use, storage, accessing, sharing and retention of data, including but not limited to video and audio recordings, resulting from the operation of the UAS. The UAS Pilot shall also be the UAS Data Use Person until the UAS Pilot transfers the data to another UAS Data Use Person.

II. Permitted Uses

- A. A UAS may be used when necessary or convenient to the conduct of city business within the scope of activities of any city department. The city shall comply with the restrictions set forth in ORS 837 and may not use a UAS for law or code enforcement purposes.
- B. Possible UAS use includes the following:
 - 1. Live “birds-eye” and high-resolution imaging (e.g. scene mapping, damage assessment)
 - 2. Access and perspective (e.g. 360° circuit around a structure, view from an otherwise inaccessible location)
 - 3. Nonemergency operations such as:
 - i. Training and Exercises
 - ii. Structural Inspections
 - iii. GIS Mapping
 - iv. Construction Tracking
 - v. Natural Resource Observation
 - vi. Public Information or Education
 - vii. Special Events, however, the UAS Pilot must comply with all rules and regulations, and may not do any of the following unless a Public Use Certificate Waiver or Authorization has been applied for and granted by the Federal Aviation Administration (FAA):
 - A. Flights beyond the visual line of sight.
 - B. Flights over people.
 - C. Night flights.
 - D. Flights in controlled airspace (near airports)
- C. Planned UAS Activity - Prior to the initiating a UAS activity:

1. The employee requesting the UAS activity shall set forth in writing (including email or online ticket-creation system) to the UAS Pilot:
 - i. Date(s) and time(s) of requested UAS activity
 - ii. Description of UAS activity, including the purpose and what observations or images are desired.
 - iii. Describe the format of image capturing, if requested, e.g. video only, photo only, infrared.
2. The UAS Pilot shall acknowledge receipt the UAS Activity request to the requestor and inform them of any limitations the UAS Pilot believes to be necessary and prudent for safe and/or legal operation of the UAS. The supervisor of the UAS Pilot will be copied on requests and acknowledgements prior to commencing the UAS activity.
3. Following the completion of the UAS activity, the UAS Pilot will report completion to the requestor and note any exceptions made to the planned limitations of the UAS activity, state any unusual or unexpected events that occurred, notable observations by the UAS Pilot, and name the UAS Data Use Person to whom the media has been or will be transferred. If the requestor is the UAS Data Use Person, the report may state that the media is transferred with the report, or a link provided so media may be transferred.

D. UAS Data Use

1. All media obtained from UAS activities shall be transferred by the UAS Pilot to the UAS Data Use Person. Until transferred, the UAS Pilot shall exercise reasonable and customary means to preserve the media.
2. The UAS Pilot or UAS Data Use Person shall store the media in the city systems as soon as reasonably convenient following completion of the UAS activity. The media shall be stored in the same manner as if obtained by conventional means, e.g. uploaded to the appropriate UAS Data Use Person's designated file directory. The data will be backed up as a part of the normal computer data backup process.
3. Any employee may access the UAS data as necessary or convenient to perform their duties.
4. All media is a public record until Oregon Public Records Law, ORS 192.311 et seq., and is subject to disclosure and exemptions in accordance with Oregon Public Records Law or applicable state or federal law.
5. The media will be retained in compliance with the Cities Record Retention Schedule, based upon the type and nature of the media. The schedule is available at [OAR 166-200](#).
6. The City Recorder, IT Manager and any department head may access UAS data to assure that media from UAS activity is obtained, transferred and retained in accordance to this policy.

7. No third-party storage of UAS data may occur without written approval from the IT Manager, City Recorder and City Attorney.
 8. Disclosure of data (images, sounds, etc.) to other governmental entities shall be in accordance with an intergovernmental agreement per ORS Chapter 190 approved by the City Attorney and shall require the governmental entity to comply with state and federal law for the use, disclosure and distribution of data.
- E. All UAS flights must comply with FAA rules and regulations and Oregon law and regulations.

III. Aircraft and Operation

- A. A sUAS is the only UAS that this policy authorizes UAS Pilots to operate.
- B. The IT Manager or designee shall ensure that all UAS in service are airworthy per FAA standards, and establish a documented maintenance program. UAS Pilots shall only operate UAS that are accepted for operation, current on any required maintenance inspections and appear to be in good working order.
- C. The IT Manager or designee(s) shall create and maintain a maintenance log for each UAS that is accepted for operation under this policy. Maintenance information must be entered into the maintenance log as required by the FAA or other regulatory bodies.

IV. Oregon Department of Aviation

The IT Manager will ensure that all UAS owned by the city will be registered with the Oregon Department of Aviation as required by ORS 837.360(1) and complete any annual filings required as outlined in ORS 837.360(6).

V. Information to be Posted Online

- A. This policy will be made available online. Flight Logs available upon request.
- B. The address for online postings required under this policy shall be www.happyvalleyor.gov/drone

Attachment 1 – ORS 837.310 – 837.345 [See ORS Ch. 837 link (https://www.oregonlegislature.gov/bills_laws/ors/ors837.html) for any changes to the text following the adoption of this policy; the City Recorder may update Attachment 2 when the text is revised.]

Attachment 2: ORS 192.345 [See ORS Ch. 192 link (https://www.oregonlegislature.gov/bills_laws/ors/ors192.html) for any changes to the text following the adoption of this policy; the City Recorder may update Attachment 2 when the text is revised.]