

**ORDINANCE 2017-306**

**AN ORDINANCE PROHIBITING RECREATIONAL OPERATION OF SMALL UNMANNED AIRCRAFT ON OR ABOVE DUPAGE AIRPORT AUTHORITY PROPERTY**

**WHEREAS**, the DuPage Airport Authority (“DAA”) is an Illinois airport authority organized and existing under 70 ILCS 5/0.01 *et seq.*;

**WHEREAS**, pursuant to its statutory powers, DAA may police its property and exercise police powers in respect therein and in respect to the enforcement or any rule or regulation provided by the ordinances of the DAA and to protect the safety of the airport and the public;

**WHEREAS**, the Federal Aviation Administration does not regulate the recreational operation of small unmanned aircraft (aka “drones”);

**WHEREAS**, pilots across the nation have reported dozens of cases in which small unmanned aircraft flew too close to their aircraft;

**WHEREAS**, the use of drones on or above DAA property poses a threat to the public health, safety and welfare including, but not limited to, danger to manned aircraft taking off, landing or operating at or near the airport, and privacy, nuisance and trespass concerns; and

**WHEREAS**, the Board of Commissioners of the DuPage Airport Authority deems it to be in the Authority's best interests to prohibit the operation of small unmanned aircraft on or above DAA property.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the DuPage Airport Authority as follows:

**Section 1.** The Rules and Regulations of the DuPage Airport Authority shall be amended to add new section 3-5-21 as follows:

**3-5-21 Small Unmanned Aircraft.**

a) Definitions. As used in this section:

"DAA airspace" means the airspace above the land, water and waterways within the boundaries of the property owned by the DuPage Airport Authority.

"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.

"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.

(b) Operating Regulations. Except as otherwise provided in subsection (c) of this section, no person may operate any small unmanned aircraft in DAA airspace without the prior written permission of the DAA's Executive Director.

(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 DAA air space, pursuant to 14 C.F.R. Part 107, 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 DAA 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.

**Section 2.** "No Drone Zone" signs shall be erected at each entrance to DAA property and in any other location(s) determined appropriate by the Executive Director. A sample of the sign to be erected is attached hereto as Exhibit 1.


This Ordinance shall be in full force and effective immediately upon its adoption and approval.

Juan E. Chavez	<u>Yes</u>	Michael V. Ledonne	<u>Yes</u>
Stephen L. Davis	<u>Yes</u>	Gregory J. Posch	<u>Yes</u>
Charles E. Donnelly	<u>Yes</u>	Donald C. Sharp	<u>Yes</u>
Peter H. Huizenga	<u>Yes</u>	Daniel J. Wagner	<u>Yes</u>
Gina R. LaMantia	<u>Yes</u>		

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 18th day of January, 2017.

  
CHAIRMAN

(ATTEST)

  
SECRETARY