

**ALLEN COUNTY CODE TITLE 8
PUBLIC SAFETY**

**ARTICLE 37
ALLEN COUNTY UNMANNED AIRCRAFT SYSTEMS**

8-37-1 Regulation of Unmanned Aircraft Systems

Purpose. The regulations set forth in this section seek to promote the ability of noncommercial and commercial users to operate Unmanned Aircraft Systems safely within the unincorporated Allen County and the towns of _____ (the “County”) while recognizing the need to protect citizens and public safety personnel in designated areas and circumstances where heightened safety concerns are present.

8-37-2 Definitions.

8-37-2-1 Commercial use.

The flying of an unmanned aircraft system for work, business, or commercial purposes.

8-37-2-2 Fort Wayne International Airport (FWA) Aerial District.

A circular area with a radius of 13,200 feet (2.5 miles) out from a center point located at the ATC tower with GPS coordinates of 40.972124, -85.187764, commonly known as 3817 Winters Road, Fort Wayne, Indiana and located outside of the City of Fort Wayne’s city limits.

8-37-2-3 Parkview Regional Medical Center District.

A circular area with a radius of 2,500 feet out from a center point of GPS coordinates of _____, _____ commonly known as 11109 Parkview Plaza Drive, Fort Wayne, Indiana and located outside of the City of Fort Wayne’s city limits.

8-37-2-4 Dupont Hospital Aerial District.

A circular area with a radius of 2,500 feet out from a center point with GPS coordinates of 41.038972, -85.249764, commonly known as 2520 East Dupont Road, Fort Wayne, Indiana and located outside of the City of Fort Wayne’s city limits.

8-37-2-5 Lutheran Hospital Aerial District.

A circular area with a radius of 2,500 feet out from a center point with GPS coordinates of 41.038972, -85.249764, commonly known as 7950 West Jefferson, Fort Wayne, Indiana and located outside of the City of Fort Wayne's city limits.

8-37-2-6 Private Space.

Any indoor property owned or controlled by a private individual or entity.

8-37-2-7 Public Event.

Any event, game, practice, contest, parade, rally, celebration, or other gathering in either private space or public space, to which the public is invited or attends and for which a permit has been issued by an Allen County entity and located outside of the City of Fort Wayne's city limits.

8-37-2-8 Public Space.

Any indoor or outdoor property (including streets and sidewalks) owned or controlled by federal, state, or local government, or an instrumentality of federal, state, or local government and located outside of the City of Fort Wayne's city limits.

8-37-2-9 Noncommercial use.

The flying of an Unmanned Aircraft System for enjoyment, recreation, hobby, and not work, business purposes, or for compensation of hire.

8-37-2-10 Unmanned Aircraft System ("UAS").

An aircraft without a human pilot onboard which is controlled from an operator on the ground, often referred to as a "drone."

8-37-3 Applicability.

This sub-chapter shall not interfere with the authority of the Federal Aviation Administration ("FAA"). All UAS operators within the County must obey FAA and Indiana laws, rules, and regulations as may be amended from time to time.

8-37-4 Prohibited unmanned aircraft system activities.

8-37-4-1 For UAS takeoff and landing within the County, it shall be unlawful without prior notification to the County for a person to use or operate an UAS within five hundred (500) yard horizontal radius of, or anywhere above, a public event.

- 8-37-4-2** For UAS takeoff and landing within the County, it shall be unlawful without prior notification to the County for a person to use or operate an UAS anywhere above an aerial district.
- 8-37-4-3** No person shall operate any UAS within the County in a manner that prohibited by any federal statute or regulation governing aeronautics.
- 8-37-4-4** For UAS takeoff and landing within the County, it shall be unlawful for a person to operate an UAS in a careless or reckless manner so as to endanger the life or property of another. The standard for what constitutes careless or reckless operation under this section shall be the same as the standard set forth in any federal statutes or regulations governing aeronautics including but not limiting to Federal Aviation Rule 91.13. If the Enforcement Authority has a reasonable suspicion to believe there is unsafe UAS operation occurring, the County may immediately prohibit any UAS use. Within twenty-four (24) hours of prohibiting such use, law enforcement shall document the basis for the reasonable suspicion and actions taken.

8-37-5 Non-applicability. Subsections (a) and (b) do not apply to:

- 8-37-5-1** Employees of the City of Fort Wayne or authorized employees of the County operating an UAS in the regular course of their duties.
- 8-37-5-2** Individuals under contract with the City of Fort Wayne or the County operating an UAS for the purpose of promotion, resource management, development, mapping, or utility management and repair.
- 8-37-5-3** Any local, state, or federal government agency lawfully operating UAS for a government purpose or function.

8-37-6 Notification process.

Persons wishing to operate a UAS 2.5 miles of FWA or 2500 feet of Parkview Regional Medical Center/Lutheran/Dupont Hospital(s), and/or within a five-hundred (500) yard radius of, or anywhere above, a public event, shall provide the following information to the Allen County Department of Homeland Security before the operation:

- 8-37-6-1** Name, address, and telephone number of the UAS operator, any assisting persons during the flight, and any affiliated company name, if applicable;
- 8-37-6-2** Purpose of the UAS operation as either noncommercial recreational or commercial use;
- 8-37-6-3** FAA-issued Registration Certificate Number(s) of any UAS to be operated;

- 8-37-6-4** UAS operator's FAA-issued Remote Pilot Certificate Number(s) and date(s) of issue authorized under 14 CFR 5107, if applicable;
- 8-37-6-5** Document numbers and dates of issue and expiration for FAA-issued certificate(s), waiver(s), or authorization, or Section 333 Exemption, applicable to the operation of the UAS;
- 8-37-6-6** Policy information with dates and issue and expiry of any certificate(s) of liability insurance, if applicable;
- 8-37-6-7** proposed area and time of UAS operation;
- 8-37-6-8** Location where the UAS will be operated from; and
- 8-37-6-9** Name, address, and telephone number of any owner(s) granting permission for UAS operation over any private space.

(Ord. G-10-19, passed 5/14/19) Penalty, see § 96.99

8-37-7 96.31 Enforcement Authority.

The Allen County Department of Homeland Security and the Allen County Sheriff's Department shall be charged with enforcing all provisions of this chapter.

8-37-8 Penalty.

- 8-37-8-1** Whoever violates any provisions of this chapter, upon conviction thereof, shall be fined not less than \$150 or more than \$500 for each offense. Each day any violation shall continue shall constitute a separate offense.
- 8-37-8-2** Any person who violates any of the provisions of § 8-37-1 et. sec. may be subject to a fine that shall not exceed \$500 for each such violation. ?
- 8-37-8-3** In addition to the penalty specified above for violation of § 8-37-1, and UAS and control box operated in violation of § 8-37-1 may be impounded for a period of time not to exceed three business days in the interests of public safety.