



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	17-3674	Version:	1	Name:	ORDINANCE ESTABLISHING LIMITATION OF UNMANNED AERIAL SYSTEM USAGE ON COUNTY PROPERTY
Type:	Ordinance	Status:			Approved
File created:	6/1/2017	In control:			Legislation and Intergovernmental Relations Committee
On agenda:	6/7/2017	Final action:			9/13/2017
Title:	PROPOSED ORDINANCE				

ESTABLISHING LIMITATION OF UNMANNED AERIAL SYSTEM USAGE ON COUNTY PROPERTY

WHEREAS, use of Unmanned Aerial Systems (UAS), including drones, has exponentially increased and is becoming more common in both commercial and private contexts; and

WHEREAS, increased UAS use has given rise to emerging conflicts and challenges requiring additional guidance as to responsible and lawful operation thereof; and

WHEREAS, given their ability to carry and smuggle drugs, weapons or other contraband, UAS usage is increasingly presenting safety concerns for the operations of jails and prisons nationally, including Cook County Jail; and

WHEREAS, UAS can also be used to surreptitiously take photographs and video footage, which can create a privacy, safety or security threat at other county property such as county courthouses and health system facilities;

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 58, Offenses and Miscellaneous Offenses, Article II, Offenses Involving Property Rights Sec. 58-48 of the Cook County Code, is hereby enacted as follows:

Sec. 58-48. Limitation of Unmanned Aerial System Usage on County Property.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency shall mean any County agency that is the authorized custodian of County property.

Unmanned Aerial System or UAS shall mean an unmanned aerial vehicle or drone that is operated without the possibility of direct human intervention from within the aircraft.

Property shall mean any land, building or facility owned or leased by Cook County.

(a) No person shall, at any time, fly any form of UAS on County property unless expressly authorized by the Agency that is the custodian of said property. Any person violating the provisions of this Section shall be subject to a fine of \$2,500.00 for each offense and shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

(b) Confiscation; seizure. Whenever an Agency or any of its duly authorized representatives shall discover any UAS used in violation of this section on County property, they are hereby authorized and empowered forthwith to confiscate; seize and take possession of such UAS and it shall thereupon be deemed to be forfeited to the County of Cook.

(c) Destruction; redemption. If it is determined at an administrative hearing, by a preponderance of evidence, that the seized UAS was not operated in violation of this section, such UAS may be claimed by its owner without charge within 7 days of such determination. In the event that the UAS remains unclaimed after such period, the Agency shall cause the seized UAS to be destroyed.

(d) 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 an unmanned aerial system (UAS) 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.

(e) If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as limited by such order or judgment.

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: JOHN A. FRITCHEY, LUIS ARROYO JR, GREGG GOSLIN, DEBORAH SIMS

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/13/2017	1	Board of Commissioners	approve	Pass
9/13/2017	1	Legislation and Intergovernmental Relations Committee	recommend for approval	Pass
7/19/2017	1	Legislation and Intergovernmental Relations Committee	recommend for deferral	
6/7/2017	1	Board of Commissioners	refer	Pass

PROPOSED ORDINANCE

ESTABLISHING LIMITATION OF UNMANNED AERIAL SYSTEM USAGE ON COUNTY PROPERTY

WHEREAS, use of Unmanned Aerial Systems (UAS), including drones, has exponentially increased and is becoming more common in both commercial and private contexts; and

WHEREAS, increased UAS use has given rise to emerging conflicts and challenges requiring additional guidance as to responsible and lawful operation thereof; and

WHEREAS, given their ability to carry and smuggle drugs, weapons or other contraband, UAS usage is increasingly presenting safety concerns for the operations of jails and prisons nationally, including Cook County Jail; and

WHEREAS, UAS can also be used to surreptitiously take photographs and video footage, which can create a privacy, safety or security threat at other county property such as county courthouses and health system facilities;

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 58, Offenses and Miscellaneous Offenses, Article II, Offenses Involving Property Rights Sec. 58-48 of the Cook County Code, is hereby enacted as follows:

Sec. 58-48. Limitation of Unmanned Aerial System Usage on County Property.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in

this section, except where the context clearly indicates a different meaning:

Agency shall mean any County agency that is the authorized custodian of County property.

Unmanned Aerial System or *UAS* shall mean an unmanned aerial vehicle or drone that is operated without the possibility of direct human intervention from within the aircraft.

Property shall mean any land, building or facility owned or leased by Cook County.

(a) No person shall, at any time, fly any form of UAS on County property unless expressly authorized by the Agency that is the custodian of said property. Any person violating the provisions of this Section shall be subject to a fine of \$2,500.00 for each offense and shall be adjudicated pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

(b) Confiscation; seizure. Whenever an Agency or any of its duly authorized representatives shall discover any UAS used in violation of this section on County property, they are hereby authorized and empowered forthwith to confiscate; seize and take possession of such UAS and it shall thereupon be deemed to be forfeited to the County of Cook.

(c) Destruction; redemption. If it is determined at an administrative hearing, by a preponderance of evidence, that the seized UAS was not operated in violation of this section, such UAS may be claimed by its owner without charge within 7 days of such determination. In the event that the UAS remains unclaimed after such period, the Agency shall cause the seized UAS to be destroyed.

(d) 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 an unmanned aerial system (UAS) 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.

(e) If any clause, sentence, paragraph, section, subdivision or other part of this ordinance or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this ordinance which shall remain in full force and effect except as limited by such order or judgment.

Effective date: This ordinance shall be in effect immediately upon adoption.