



Steven S. Choi, Ph.D., Mayor

cityofirvine.org

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August 15, 2016

The Honorable Charles Margines
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to the Orange County Grand Jury Report, "Drones: Know Before You Fly"

Dear Judge Margines:

In accordance with Section 933.05 of the California Penal Code, this letter constitutes the response of the City of Irvine to the Orange County Grand Jury 2015-2016 Report released May 26, 2016, entitled: "Drones: Know Before You Fly." The enumerated items in this response correspond to the numbering of the Findings and Recommendations contained in the Grand Jury Report.

If you have any questions, please feel free to call Irvine Police Department Commander Mike Hallinan at 949-724-7110.

Sincerely,

Steven S. Choi, Ph.D.
Mayor

Attachment

cc: Irvine City Council
Sean Joyce, City Manager
Mike Hamel, Director of Public Safety

F.1. Recreational drones have greatly increased in number since December 2015 and it is probable their unregulated use will pose significant threats to public safety and privacy in Orange County.

Response: The City of Irvine agrees with this finding

F.2. With the exception of the recent Federal Aviation Administration registration rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior.

Response: Disagree partially with this finding. In addition to the registration requirement, Assembly Bill 856 prevents individuals from flying drones over private property with the intent to "...capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person." Also, existing penal codes state that the interference with emergency responders is a misdemeanor.

F.3. Most of the cities and unincorporated areas of the County of Orange do not have a drone ordinance, nor do they have any immediate plans to enact an ordinance in the near future.

Response: The City of Irvine partially agrees with this finding. This finding was based on a survey conducted last year by the Orange County Grand Jury. The City of Irvine is unaware of other Orange County cities that might be contemplating enacting a drone ordinance.

F.4. Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.

Response: The City of Irvine agrees with this finding

F.5. Some Orange County cities, despite recognizing potential issues with drones, are awaiting drone-related legislative action or other guidance by the State of California or FAA before enacting local ordinances.

Response: The City of Irvine agrees with this finding

F.6. The FAA-required registration of recreational drones provided a useful tool for local enforcement of drone ordinances.

Response: The City of Irvine partially disagrees with this finding. The City notes issues with the FAA's lack of ability to effectively enforce 14 C.F.R. 91.13/ 49 U.S.C. §46307 et al. There is no existing clear procedure in place for local law enforcement agencies to document and refer suspected violations to the FAA for handling. Furthermore, there

appears to be insufficient FAA resources to deal with reported violations.

- F.7. Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.

Response: The City of Irvine partially agrees with this finding. Although Orange County cities may not have an established procedure for reporting drone incidents, cities can still document safety and related concerns involving drones.

- R.1. Each City Council should direct its City Attorney to provide a report to the city's police department and City Council on existing laws that can be applied to the use of recreational drones in the city's jurisdiction by December 30, 2016. (F.2, F.3., F.5., F.6.)

Response: This recommendation will be implemented. On April 12, 2016, staff requested City Attorney to provide clarification to the Department of Public Safety on the City's existing municipal code related to recreational drones. The staff report that accompanied the presentation of this Grand Jury response to the City Council also provided an overview of regulations enacted by the Federal Aviation Administration as they apply to operating drones in the City of Irvine.

- R.2. Each City should adopt a recreational drone ownership and operational ordinance, with regulations similar to those found in Los Angeles City ordinance #183912, by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations. (F.1., F.2., F.3., F.5., F.6.).

Response: The recommendation requires further analysis. There are numerous proposed federal and state laws that would regulate the operation of drones. Therefore, adopting a "recreational drone ownership and operational ordinance" is premature and warrants further analysis. However, the City will be considering an amendment to its Municipal Code to prohibit flying drones in City parks.

- R.3. Each City should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, city-related web sites, social media sites and/or public forums by March 31, 2017. (F.4., F.6.)

Response: This recommendation will be implemented. The City will provide information about laws and ordinances that apply to recreational drone operators through print media, city-related web sites, social media sites and/or public forums by March 31, 2017.

- R.4. Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016. (F.7.)

Response: This recommendation will be implemented. The City will designate the Department of Public Safety and publish on its website the point of contact for drone-related citizen complaints by December 30, 2016.

R.5. Each City should post FAA drone ownership and operation education links on city-related websites, newsletters, and flyers by December 31, 2016. (F.4.)

Response: This recommendation will be implemented. The City will post FAA drone ownership and operation education links on city-related websites and social media links by December 31, 2016.

R.9. The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report the results publicly. The first analysis and publication should occur within 1 year of the publication of this report. (F.21, F.2., F.3., F.7.)

Response: This recommendation will be implemented. The first report will begin with data collection beginning July 1, 2016.