

**ORDINANCE NO. NS-643**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
AMENDING SECTION A20-52.1, ADDING SECTION A27-18.1, AND ADDING  
CHAPTER X TO DIVISION B13 OF THE COUNTY OF SANTA CLARA  
ORDINANCE CODE RELATING TO UNMANNED AIRCRAFT OPERATION  
AT EMERGENCY RESPONSE SITES, COUNTY CORRECTIONAL  
FACILITIES, AND COUNTY JUVENILE FACILITIES**

**Summary**

This Ordinance is intended to reasonably regulate the use of unmanned aircraft, including aircraft commonly known as drones, to prevent any damage or injury caused by their interference with emergency response efforts and their disruption of custody operations and potential use in illicit activities at County correctional facilities and juvenile facilities.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:**

SECTION 1. Section A20-52.1 of the Ordinance Code of the County of Santa Clara relating to throwing items over the perimeter of a County correctional facility is hereby amended to read as follows:

**Sec. A20-52.1. Unauthorized delivery of items within a County correctional facility.**

- (a) No person shall throw, or attempt to throw, any item over the fence or perimeter of a County correctional facility administered by the County Department of Correction.
- (b) No person shall land, or attempt to land, any aircraft, including Unmanned Aircraft, within the fence or perimeter of a County correctional facility. No person shall drop or deliver, or attempt to drop or deliver, any item within the fence or perimeter of a County correctional facility. "Unmanned Aircraft" shall have the meaning provided in Section B13-125 of this Code.
- (c) Subsection (b) shall not apply to Public Unmanned Aircraft as defined in Section B13-125 of this Code.

- (d) Violation of Subsection (a) or (b) shall constitute a misdemeanor and shall also be subject to civil and administrative fines and penalties. Any violation of this section is declared a public nuisance.

SECTION 2. Chapter II of Division A27 of the Ordinance Code of the County of Santa Clara relating to the Probation Department is hereby amended by adding a new section to be numbered and titled and to read as follows:

**Sec. A27-18.1. Unauthorized delivery of items within a County juvenile facility.**

- (a) No person shall throw, or attempt to throw, any item over the fence or perimeter of a County juvenile facility established pursuant to Section A27-18 of this Code.
- (b) No person shall land, or attempt to land, any aircraft, including Unmanned Aircraft, within the fence or perimeter of a County juvenile facility. No person shall drop or deliver, or attempt to drop or deliver, any item within the fence or perimeter of a County juvenile facility. "Unmanned Aircraft" shall have the meaning provided in Section B13-125 of this Code.
- (c) Subsection (b) shall not apply to Public Unmanned Aircraft as defined in Section B13-125 of this Code.
- (d) Violation of Subsection (a) or (b) shall constitute a misdemeanor and shall also be subject to civil and administrative fines and penalties. Any violation of this section is declared a public nuisance.

SECTION 3. Division B13 of the Ordinance Code of the County of Santa Clara relating to Offenses - Miscellaneous is hereby amended by adding a new chapter to be numbered and titled and to read as follows:

**Chapter X. Unmanned Aircraft**

**Sec. B13-125. Definitions.**

Whenever used in this Chapter, the following words and phrases shall be defined as set forth in this section:

- (a) "Emergency" means a condition or situation that has caused injury to persons or damage to property, or endangers persons or property, and results from a fire; explosion; aircraft, rail, or vehicle accident; flooding; storms; earthquake; toxic chemical or biological spill or accidental release; act of terrorism; utility failure; or similar natural or human-caused event.

- (b) “Public Unmanned Aircraft” means an Unmanned Aircraft or Unmanned Aircraft System that is operated by a public agency or its authorized officers, employees, contractors, or agents for a governmental purpose, including fire suppression, Emergency response, law enforcement and custody operations, surveying and mapping property, inspecting infrastructure, monitoring traffic, and recording local events.
- (c) “Unmanned Aircraft” means an aircraft that can fly autonomously or be piloted remotely and is operated without the possibility of direct human intervention from within or on the aircraft. “Unmanned Aircraft” includes an aircraft commonly known as a drone.
- (d) “Unmanned Aircraft System” means an Unmanned Aircraft and associated support equipment, including any communication and data links, navigation equipment, and other components that control the Unmanned Aircraft.

**Sec. B13-126. Unlawful Operation of Unmanned Aircraft in Law Enforcement, Firefighting, or Emergency Service Operations.**

- (a) It is unlawful for a person to operate an Unmanned Aircraft System in a manner that interferes with firefighting, emergency services, law enforcement, or a military operation in response to an Emergency.
- (b) A violation of this Section is not a misdemeanor. Any person in violation of this Section may be subject to civil and administrative fines and penalties. Any violation of this Chapter is declared a public nuisance.
- (c) Any person who experiences loss or injury as a direct result of an Unmanned Aircraft System’s interference with firefighting, emergency services, law enforcement, or a military operation in response to an Emergency shall have a private right of action in any court of competent jurisdiction against any person who caused the interference in violation of this Section and shall be entitled to recover damages, costs including reasonable attorney fees, and other relief as determined by the court.
- (d) Public Unmanned Aircraft are exempt from the provisions of this Section.

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Sec. B13-127—B13-129. Reserved

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
S. JOSEPH SIMITIAN, President  
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

\_\_\_\_\_  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
LESLEY PAK  
Deputy County Counsel

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