

Resolution No. 2015-48

A Resolution Authorizing the City of New Castle to Establish a Moratorium on the Use of Unregulated Drone Technology

WHEREAS, the implementation of drone (unmanned aerial system) technology in the United States implicates the privacy and constitutional rights of United States residents, including the residents of the City of New Castle; and

WHEREAS, the federal government and the State of Delaware have yet to enact reasonable regulation on the use of drones within the United States; and

WHEREAS, police departments in the United States have begun to deploy drone technology absent any regulation on the appropriate use of such technology.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW CASTLE THAT:

SECTION 1: That the foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: The City of New Castle establishes a moratorium of indefinite duration on the use of drones in the City of New Castle in the absence of reasonable state and federal regulation of the use of drone technology; with the following exemptions:

1) for Hobby and Model Aircraft, defined as an unmanned aircraft that is—

- a) capable of sustained flight in the atmosphere;
- b) flown within visual line of sight of the person operating the aircraft; and
- c) flown for hobby or recreational purposes; and

2) the Research and Development of “Experimental Aircraft” for non-Department of Defense contracts.

SECTION 3: The City of New Castle establishes a moratorium on the use of drones in the City of New Castle in the absence of reasonable state and federal regulation of the use of drone technology; and

SECTION 4: The City of New Castle supports efforts in the Delaware General Assembly, the Delaware Senate, and the United States Congress to enact legislation (1) prohibiting information obtained from the domestic use of drones from being introduced into a federal or state court, and (2) precluding the domestic use of drones equipped with anti-personnel devices (meaning any projectile, chemical, electrical, directed-energy), or other device designed to harm, incapacitate, or otherwise negatively impact persons or property.

SECTION 5: Copies of this Resolution will be sent to Delaware Governor Jack Markel, Delaware Attorney General Matthew Denn, U.S. Senators Tom Carper and Chris Coons, U.S.

Congressman John Carney, Delaware Senators Nicole Poore and Margaret Rose Henry, and Delaware State Representatives Mike Mulrooney and James J. Johnson.

SECTION 7: This resolution shall be in full force and effect from and after the date of its passage and approval in the manner provided by law.

PASSED this 13th day of October, 2015.

Linda Ratchford, City Council President

John A. Di Mondì, Councilperson

Teel Petty, Councilperson

Theodore H. Megginson, Councilperson

Albert J. Vannucci, Jr., Councilperson

Attest:

Janet E. Wurtzel, City Clerk