
Operation of Unmanned Aerial Vehicles and Model Aircraft within Saskatoon City Limits

Recommendation

That the Standing Policy Committee on Planning, Development, and Community Services recommend to City Council:

1. That the process for permission to fly unmanned aerial vehicles and model aircraft within Saskatoon city limits, as outlined in this report, be approved;
2. That the City Solicitor be requested to draft a bylaw or bylaw amendment to prohibit the operation of drones and model aircraft, except as permitted by the City, as outlined in this report.

Topic and Purpose

The purpose of this report is to recommend bylaw regulation to restrict the use of model aircraft and unmanned aerial vehicles (also known as UAVs or drones) for all city-controlled property, except as permitted by the City. The report also outlines the process to apply for permission and provides an overview of the communication plan to create a broader awareness about operating model aircraft and unmanned aerial vehicles within Saskatoon city limits.

Report Highlights

1. Transport Canada regulates and provides restrictions to safely and legally fly drones and model aircraft.
2. City Bylaws help regulate where and how drones can be operated in Saskatoon. Bylaw No.7767, The Recreation Facilities and Parks Usage Bylaw, 2016, already limits the use of drones and model aircraft in parks. New bylaw provisions are now proposed to restrict the use of drones and model aircraft from all public places owned, controlled, or occupied by the City.
3. To protect the privacy and safety of the residents of Saskatoon, the City has developed an on line formal application process for granting permission to fly drones within Saskatoon.

Strategic Goal(s)

This report is linked to the Strategic Goal of Quality of Life by identifying the risks to public health and safety and the privacy concerns that may be posed by drones and model aircraft, ensuring we work to mitigate these risks, and helping contribute to the public perceptions of safety and quality of life.

Background

The growth of drone use has not been without issue. Recent incidents and concerns have put increased pressure on various levels of governments to better and further regulate drone use. Notable issues and concerns have included:

- Operation in populated areas and commercial airspace;
- Operation in close proximity to airports and commercial aircraft; while there have been no associated aviation accidents to date, the risk of a collision between an aircraft and a drone remains;
- Reported incidents involving recreational and commercial drones crashing in populated areas, damaging property, and injuring people;
- Potential privacy concerns associated with video, imaging, and surveillance applications; and
- Ability to effectively monitor drone use, and enforce regulations.

At its meeting held on August 20, 2015, City Council reviewed a report that outlined an amendment to The Recreation Facilities and Parks Usage Bylaw, 1998, prohibiting the operation of drones in parks without the permission of the City; and requested that Administration report back on additional amendments to this Bylaw and/or other applicable Bylaws to address the use of drones on all City of Saskatoon properties.

At its meeting held on May 24, 2016, City Council considered Bylaw No. 9377, The Recreation Facilities and Parks Usage Amendment Bylaw, 2016, which was to implement City Council's decision to amend Bylaw No. 7767, The Recreation Facilities and Parks Usage Amendment Bylaw, 1998.

This report further addresses the regulations and public awareness initiatives related to the use of drones within Saskatoon city limits.

Report

Transport Canada Regulations for Flying Drones

The use of model aircraft and drones raises a number of issues for consideration, including safety and privacy implications. There currently exist various regulations at each of the federal, provincial, and municipal levels.

The federal government, through Transport Canada, has primary jurisdiction over the regulation of drones in Canada. The main federal legislation governing civil aviation in Canada is the *Aeronautics Act* and the *Canadian Aviation Regulations*.

While Transport Canada has developed specific regulations and guidelines governing the operation of drones, certain *Canadian Aviation Regulations* applicable to the operation of regular aircraft may also apply. In addition, drone operators must also comply with all other applicable laws and regulations, including the *Criminal Code* and provincial and municipal laws related to trespassing and privacy.

In Canada, all drones, including model aircraft, are subject to regulation under the jurisdiction of Transport Canada. In general, operators must refrain from using their drones in a manner that is, or is likely to be, hazardous to aviation safety, vehicle safety, and human safety. While commercially operated drones are highly regulated, until recently, there was little to no regulation of recreational drone operations. Recently, the Federal Government's "Interim Order No. 8 Respecting the Use of Model Aircraft" came into effect. It sets out offences for such things as operating too close to controlled or restricted airspace (see Attachment 1), too high, or too close to people or traffic and penalty limits. Penalty maximums are \$3,000 for individuals and \$15,000 for corporations. For a complete listing to fly drones safely and legally, refer to Transport Canada's "Rules for Recreational Drone Users" information guide (see Attachment 2). Under the *Canadian Aviation Regulations*, certain drones and certain operations are subject to additional regulation and require specific authorization before use is permitted. To determine if special permission is required, residents can refer to Transport Canada's "Do I Need Permission to Fly My Drone?" information guide (see Attachment 3).

Regulations for Flying Drones in or over City-Owned Outdoor Public Places

The Bylaw No.7767, The Recreation Facilities and Parks Usage Bylaw, 1998, has already been updated to prohibit the use of model aircraft or drones in any park or recreation facility except as permitted by the City.

Administration was subsequently requested to report back on additional amendments to this Bylaw and/or other applicable Bylaws to address the use of drones on all City properties. In this regard, the Administration is recommending further regulation to prohibit the use of model aircraft and drones in public places, owned, controlled or occupied by the City.

Process for Permission to Fly Drones in Outdoor Public Places

The current Recreation Facilities and Parks Usage Bylaw and proposed bylaw provisions, state a person cannot fly a drone without permission. Permission would be required anytime a person is requesting to take off, land, or fly over any outdoor public places which the City owns, occupies or controls. The Administration, in keeping with the federal government requirements, has developed a formal process for when, where, and how the City will grant permission. A copy of the application form (see Attachment 4) is available on line for easy access. This permission process is limited to the permission to fly drones for commercial purposes.

When an application requesting permission to fly a drone within Saskatoon is received, the Administration reviews the application for completeness, and undertakes the following:

1. Ensures flight plan and all insurance are in good standing, and that Transport Canada has approved the request and issued Special Flight Operators Certificate and/or an exemption; and
2. Internal reviews and applicable approvals from such internal stakeholders as Special Events Coordinator, Solicitors, Project Manager for civic projects, Transportation and Utilities if a road/street closure is involved, and Communications for film licensing agreements.

Options to the Recommendation

City Council could choose to not direct Solicitors to draft a Bylaw or an amendment to a Bylaw to prohibit the use of drones in outdoor public spaces which are owned, controlled or occupied by the City, in which case further direction would be required.

Public and/or Stakeholder Involvement

Saskatoon Police Services and the City Solicitor have been consulted on the recommended changes. Additional public or stakeholder involvement was not included as part of this process.

Communication Plan

Administration is focusing on voluntary bylaw compliance through education. Initial elements of a communication plan, including the launch of a new webpage focusing exclusively on drone use (saskatoon.ca/drones) and steps to obtain permission, are currently underway to clarify and create a broader public awareness about the regulations for operating drones within Saskatoon city limits. Future strategies will include integrating appropriate messaging into public service announcements, community association, and StarPhoenix City Page ads, and social media content.

Other Considerations/Implications

There are no financial, policy, environmental privacy or CPTED implications or considerations

Due Date for Follow-up and/or Project Completion

If the recommendations included in this report are approved, the appropriate bylaw(s) will be amended and the process for permission updated to be in effect for the 2018 summer season.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Attachment(s)

1. Transport Canada Controlled or Restricted Airspace in Saskatoon
2. Transport Canada's "Rules for Recreational Drone Users" information guide
3. Transport Canada's "Do I Need Permission to Fly My Drone?" information guide
4. Application Form to Fly Drones in Saskatoon

Report Approval

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