

What Do I Do If...

I'm in my home or in my backyard and a drone keeps flying over my property?

Is someone spying on me?

Residents and drone operators should be conscious of how drone flights might be perceived. Though drones are a newly-popular technology, they are still subject to existing privacy laws. Unless someone has specific legal authority (e.g., a warrant), they cannot record your familial activities without your permission; this is more commonly known as a "Peeping Tom." It's not illegal to fly over someone's property, but if a drone is hovering near your window you might have reason for concern.



If you're a resident...

Anecdotal evidence tells us the majority of these drone incidents aren't malicious, but rather someone in the area who is learning how to fly. When assessing if someone is invading your privacy, ask yourself some questions:

- Do you believe the drone is being flown in an inappropriate or dangerous manner?
- Was the drone intentionally being directed to fly over you, or is it passing above you to get somewhere else?
- Was the drone flying or hovering?
- Are any laws being violated by the drone operator?
- What is my liability if I take down the drone?

After answering these questions, if you believe the drone is being used to invade your privacy, there are a few things you can do:

- Note the color and type of drone, as well as the registration number
- You can report unsafe operations to the FAA at <https://hotline.faa.gov/>
- Contact your local law enforcement agency. If you're in the City of San Diego, call the SDPD non-emergency line at (619) 531-2000 or (858) 484-3154.
- If you feel there is an immediate threat to life or property, call 911.

If you're the drone operator...

To avoid running into issues, ask yourself some questions before and during flights:

- Can this flight be perceived as an invasion of someone's privacy?
- What steps can you take to ensure you're not mistaken for a "Peeping Tom?"
- Is my flight compliant with all FAA rules?

What Do I Do If...

A drone is annoying me?

Can I shoot it down?

The short answer is NO, you can't take down a drone.

If you're a resident...



Taking down a drone falls under the same statute (and penalty) as taking down a manned aircraft – the Aircraft Sabotage Act. In addition to potential charges, you might be found liable for the drone itself and any property damaged in the crash. Some commercial drones can cost hundreds of thousands of dollars, and usually come with a high-resolution camera that's last transmission to the owner is a recording of you damaging it.

The drone might belong to someone in your neighborhood. Sometimes issues can best be resolved by talking through issues face-to-face. The operator may not be aware that they're making you uncomfortable. If you have the drone registration number, you can look up owner information on the FAA's website: https://registry.faa.gov/aircraftinquiry/AcftRef_Inquiry.aspx.

If you've tried everything else and you still think the drone is being used to invade your privacy, take these steps:

- Note the color and type of drone, as well as the registration number
- You can report unsafe operations to the FAA at <https://hotline.faa.gov/>
- Contact your local law enforcement agency. If you're in the City of San Diego, call the SDPD non-emergency line at (619) 531-2000 or (858) 484-3154.
- If you feel there is an immediate threat to life or property, call 911.

If you're the drone operator...

Before flying over someone's property, consider the potential impact on the resident's privacy. Use the "Golden Rule" – if you wouldn't want someone flying their drone around your backyard, don't do it to your neighbor. Remember: your drone information is searchable on the FAA website, so be nice!

What Do I Do If...

A drone is too loud?

“Buzzing” Drones

Drones are a recently-popular technology, but still fall under existing rules about noise.

If you're a resident...

Noises that might bother people can sometimes be permissible in public or private areas under local noise ordinances. The City of San Diego has a noise ordinance (Article 9.5 Noise Abatement and Control, Division 4: Limits), and has the following limits:

Land Use	Time of Day	One-Hour Average Sound Level (decibels)
Single Family Residential	7 a.m. to 7 p.m.	50
	7 p.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	40
Multi-Family Residential	7 a.m. to 7 p.m.	55
	7 p.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
All other Residential	7 a.m. to 7 p.m.	60
	7 p.m. to 10 p.m.	55
	10 p.m. to 7 a.m.	50
Commercial	7 a.m. to 7 p.m.	65
	7 p.m. to 7 a.m.	60
Industrial or Agricultural	Any time	75

For reference, the National Institute on Deafness and Other Communication Disorders, Environmental Protection Agency, and Noise Pollution Clearinghouse provide the following for reference:

Source	Decibels (approx., varies by source)
Bathroom exhaust fan	54-55
Hair dryer	59-90
Alarm clock	62-85
Normal conversation	55-65

If the drone isn't compliant with the City's noise ordinance, take the following steps:

- Note the color and type of drone, as well as the registration number.
- If the drone is violating the City of San Diego noise ordinance, you can report it here:
<https://www.sandiego.gov/development-services/code-enforcement/request-investigation>.

If you're the drone operator...

It's important to be courteous to your neighbors and remain aware of how close your drone might be to someone. When legal, try flying at higher altitudes to reduce the noise impact on those around you.

DISCLAIMER: The purpose of this publication is to be used as an informational aid and overview of certain laws that may apply to drone/UAS operation. This publication is not intended to provide legal advice or a comprehensive review of all federal and state laws relating to drone/UAS operation. Laws will almost certainly change, particularly in the rapidly developing areas of the law regarding drone/UAS operation. Before a person operates a drone/UAS, or pursues a legal claim related to drone/UAS operation, it is the sole responsibility of that person to review applicable laws, and seek legal advice if necessary, regarding the person's rights and liabilities. The publishers of this publication disclaim all liability and are not responsible for damages related to the contents of this publication.

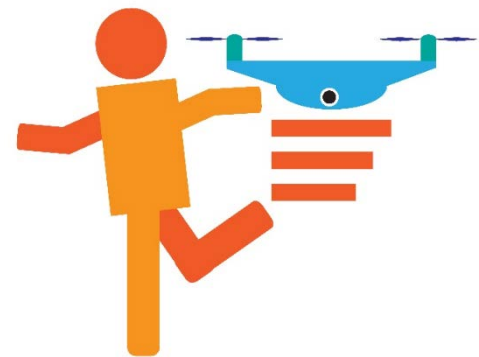
What Do I Do If...

A drone is following me around?

Is someone harassing me?

The State of California Penal Code Penal Code 646.9 states:

“harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.



If you're a resident...

If a drone is following you, it might be harassment. When assessing whether or not someone is using a drone to harass you, ask yourself some questions:

- How long has the drone been following me?
- Does the drone follow me every time I move, or is it just in my vicinity?
- Is the drone so close to me that I feel unsafe?

If the drone is harassing you, take the following steps:

- Note the color and type of drone, as well as the registration number
- You can report unsafe operations to the FAA at <https://hotline.faa.gov/>
- Contact your local law enforcement agency. If you're in the City of San Diego, call the SDPD non-emergency line at (619) 531-2000 or (858) 484-3154.
- If you feel there is an immediate threat to life or property, call 911.

If you're the drone operator...

Flying too close to people or following someone with your drone could easily be considered harassment.

According to the California Penal Code, harassment could be punishable by “imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.” Make sure you're being considerate of others' comfort when you're flying your drone.

What Do I Do If...

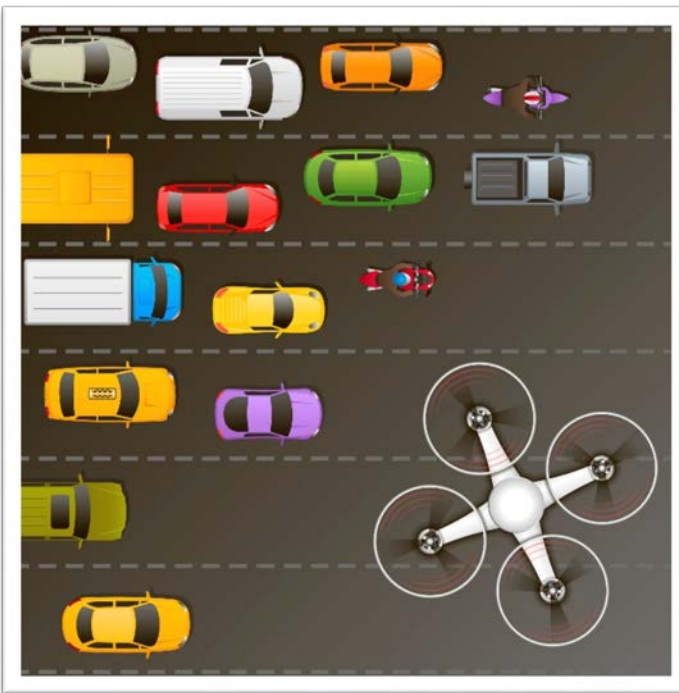
I see a drone flying near my car?

Drones and Cars

It's not safe to fly a drone over cars without an explicit waiver from the FAA. A drone can distract drivers and pedestrians and could cause accidents.

If you're a resident...

Drones flying around traffic can be dangerous. A drone might be legally authorized to be in the area; for example,



a drone might be used to check the condition of the road pavement or to take pictures of the house for sale next to the road. If you see one, continue to drive safely. If you're too distracted to drive, pull over until you feel comfortable getting back on the road.

If the drone is not conducting a specific activity and has become a dangerous distraction:

- Note the color and type of drone, as well as the registration number
- You can report unsafe operations to the FAA at <https://hotline.faa.gov/>
- Contact your local law enforcement agency. If you're in the City of San Diego, call the SDPD non-emergency line at (619) 531-2000 or (858) 484-3154.
- If you feel there is an immediate threat to life or property, call 911.

If you're the drone operator...

Unless you have a specific exemption or waiver, you may be in violation of federal rules or regulations. Be mindful of how your operations may be impacting those around you; drivers or pedestrians could be distracted by your drone instead of focusing on the road. If you're conducting a specific and authorized operation, complete your operation as quickly and safely as possible. This will keep our roads and our skies safe.

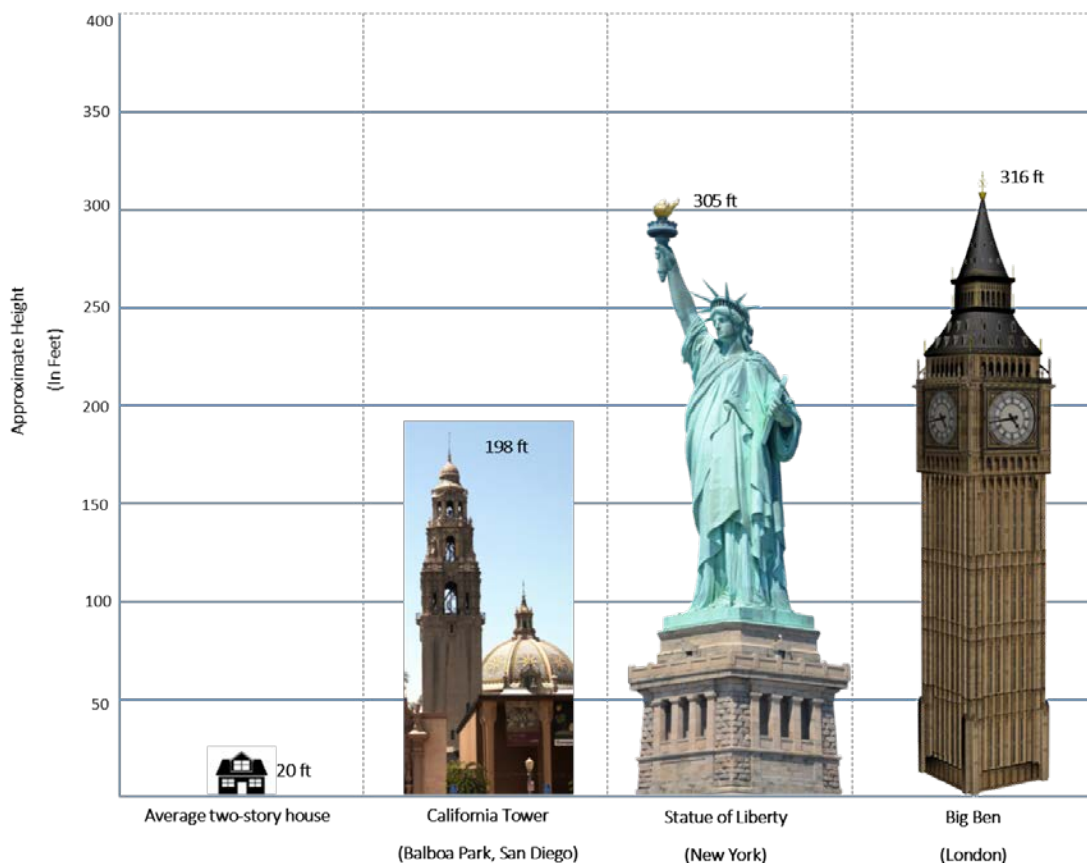
What Do I Do If...

I think a drone is flying too high?

FAA Limits

In uncontrolled airspace (Class G), drones are allowed to fly at or below 400 feet. When in restricted airspace, the height limits could be lower or flying could be prohibited completely (unless the operator has an exemption or waiver from the FAA).

How high is 400 feet?



*Chart is for representative purposes; sites are not pictured to scale

Who do I report this to?

If you believe a drone is flying over 400ft, or flying in violation of FAA restrictions, you can report unsafe operations to the FAA at <https://hotline.faa.gov/>.

The Rules of the Sky

What are the laws around drones and who has authority to enforce them?

Enforcing the Rules

When it comes to unsafe drone operations, the FAA has exclusive authority over aviation. The FAA is responsible for civil aviation standards and enforcement by developing, issuing, and enforcing regulations that cover manufacturing, operating, and maintaining aircraft. Currently, the FAA has sole enforcement authority of federal rules, regulations, and laws.

California Laws

Drone activity can also be subject to state and local criminal offense laws if the activity falls within an existing code. If a drone is being used to invade privacy, harass someone, or to violate existing state or local laws, your local law enforcement may have authority to enforce the violation. The California constitution states, “All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.” California laws that can be applied to drone operations include, but may not be limited to:

Civil Laws

- Civil Code Section 1708.8 – Trespass
- Civil Code Section 3481 - Private Nuisance
- Code of Civil Procedure Section 525-526 – Injunction
- Code of Civil Procedure Section 527.6 - Temporary Restraining Order Prohibiting Harassment

Criminal Laws

- Penal Code Section 632 – Eavesdropping (Invasion of Privacy)
- Penal Code Section 634 – Trespass (Invasion of Privacy)
- Penal Code Section 647 – Disorderly Conduct (Concealed Recording)
- Penal Code Section 646.9 – Stalking

City Law

In 2017, the City of San Diego passed legislation to encourage the same operation of unmanned aircraft systems (52.5403). It is unlawful for any person to operate a drone in the air, on the ground, or on the water under the following circumstances:

- In a reckless manner so as to endanger the life or property of another; or
- In a manner that interferes with law enforcement, firefighting, or any government emergency operations.

Drone Resources

How do I keep up with drone rules?

This Guide

Thank you for reviewing this UAS guide. It's important that both operators and onlookers understand their rights and responsibilities in accordance with all applicable laws. While this guide is a good start, laws that impact drone operations are constantly changing, and this guide should not be used as the sole source of information about compliance with laws.

FAA Resources

The FAA has sole jurisdiction over aviation laws and rules and maintains a thorough and informative website to help operators stay compliant with the law, regardless of the type of operation. For the latest information, visit the FAA's UAS site at www.faa.gov/uas or visit the following:

- Flying for fun: https://www.faa.gov/uas/recreational_fliers/
- Flying for business: https://www.faa.gov/uas/commercial_operators/
- Flying for educational purposes: https://www.faa.gov/uas/educational_users/
- For information about the FAA's Know Before You Fly (B4UFLY) app:
https://www.faa.gov/uas/recreational_fliers/where_can_i_fly/b4ufly/

City Resources

Although the FAA has exclusive jurisdiction over aviation law, the City of San Diego is participating in the FAA's UAS Integration Pilot Program. As part of the program, the City has the opportunity to relay any comments received about the program to the FAA on a regular basis in order to influence future federal policies. We strongly encourage all feedback on drone integration and activity in the region. You can email your feedback to unmannedsystems@sandiego.gov or visit <https://www.sandiego.gov/uas>.