



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
CANNABIS COMPLIANCE DIVISION**

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**NEVADA COUNTY
CANNABIS COMPLIANCE PROCEDURES**

Subject:	Unmanned Aircraft System (UAS) Operating Procedures	Policy #:	TBD
Original Policy:	n/a	Last Revised:	n/a

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1. Purpose:

The purpose of this policy is to establish guidelines for the operation of small Unmanned Aircraft Systems (UAS) and for the retention of records related to the operation of a UAS by employees of the Cannabis Compliance Division (“County staff”). This policy shall apply to UAS operated by the Cannabis Compliance Division for the purpose of investigating violations of the County Code.

2. Policy:

Small Unmanned Aircraft Systems (UAS) may be utilized for inspections of private property to investigate violations of the Nevada County Code specific to and/or caused by unpermitted cannabis cultivation. County staff shall make every attempt to respect and observe existing privacy rights on a property, including limiting UAS take-offs and landings to public property, public rights-of-way and/or publicly travelled private roads, unless a private property owner has given County staff their consent, orally or in writing, to use their property for the purpose of conducting surveillance with a UAS.

Operators shall comply with FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure). Operators and visual observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Example of reasonable precautions include deactivating or turning imaging devices away from such areas or persons during UAS operations.

County staff’s use of UAS shall focus primarily on expanses of land (e.g. “open fields”) in which private property owners have knowingly exposed land-use violations and uses to aerial vantage points. While County staff is operating a UAS they will take steps necessary to protect privacy and private property rights by (1) turning on photographic equipment only when the UAS is positioned close to the suspected violation or unpermitted use; (2) launch UAS as close to the suspected unpermitted property and/or property use as possible to limit potential exposure to other properties;

(3) ensure all UAS recording devices are focused on the areas necessary to support the mission and to minimize the inadvertent collection of data about persons or uninvolved places. Any inadvertently collected data will be immediately destroyed upon review by the Cannabis Compliance Program Manager or Building Director.

County staff shall only operate a UAS when acting on articulable, reasonable suspicion during an investigation, surveillance, or monitoring of any property to obtain evidence of suspected code violations. Reasonable suspicion will be based on citizen complaints and/or staff observations coupled with any other facts that suggest violation of the Nevada County Codes. Additionally, the UAS will not be utilized to take photographic images or video recordings of any persons.

All UAS flights must be pre-approved by the Cannabis Compliance Program Manager, who will review a proposed flight to ensure it is conducted in accordance with this policy, FAA regulations, and state and federal law. The UAS should be utilized only when there is reasonable suspicion to believe a violation exists, and all other measures to verify violations from the right-of-way have failed.

2.2 Operating Procedures

- A. The UAS operation shall only be performed by an FAA licensed pilot, in accordance with part 107 of Title 14 of the Code of Federal Regulations (14 CFR part 107).
- B. The UAS system and all related equipment shall be in the possession of County staff at all times and shall not be left in a vehicle unattended.
- C. Prior to the operation of the UAS, the operator shall review the planned usage and receive pre-flight authorization from the Cannabis Compliance Program Manager.
- D. It is the responsibility of the UAS operator to assess weather conditions, airspace restrictions, flight path, and any other considerations deemed necessary to ensure the safety of persons and property in the immediate vicinity of the planned flight.
- E. Prior to flight, the operator shall perform a pre-flight check of the equipment in accordance with 14 CFR 107.49. This pre-flight check shall be documented and maintained in the UAS logbook.
- F. UAS launching and retrieval shall only be conducted from the public right-of-way, publicly traveled private roads, publicly owned land, or anywhere specific permission has been granted. Such permission shall be documented.
- G. UAS shall be operated in such a way as to reasonably avoid causing a nuisance.
- H. UAS line of sight shall be maintained at all times by the operator or in conjunction with a visual observer designated by the operator to assist the operator to see and avoid other air traffic or objects aloft or on the ground.
- I. Following flight, the flight path shall be documented and maintained in the logbook in accordance with FAA CFR Part 107.

- J. Data collected shall be retained in compliance with division record retention policies. All UAS recorded data shall be reviewed and evaluated for evidentiary value by the Cannabis Compliance Program Manager. Data of identifiable individuals not intended to be used as evidence shall not be retained. All retained data shall be maintained or destroyed pursuant to County retention policies

2.3 Accidents

- A. If an accident occurs, the Cannabis Compliance Program Manager shall be notified immediately, and an incident report submitted with Nevada County Risk Management within one business day. Additionally, the FAA shall be notified within 10 days, in accordance with 14 CFR Part 107.9.
- B. If the UAS is lost or damaged, the Cannabis Compliance Program Manager shall be notified immediately and use of the UAS ceased.

3. **Policy Interpretation:**

The Cannabis Compliance Program Manager and/or approved designee shall have the authority for the interpretation of this policy.

Approved: _____ Date: _____

Jeff Merriman
Cannabis Compliance Program Manager