SUBSTITUTE ORDINANCE NO. BL2026-1498

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws relative to the use of drones as first responder programs, unmanned aircraft systems and surveillance technology.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Subsection 13.08.080.A of the Metropolitan Code of Laws is amended by adding a new definitions as follows:

(13) "Unmanned Aircraft System" or "UAS" means an unmanned aircraft, commonly referred to as a drone, together with all associated equipment, communication links, control stations, payloads, cameras, sensors, thermal imaging devices, software, data storage, and other components necessary to operate the aircraft or collect, transmit, process, or retain surveillance information.

(14) “Drone as First Responder program” or “DFR program” means an organized and continuing program under which one or more piloted Unmanned Aircraft Systems are routinely maintained in operational readiness and remotely dispatched by an operator employed by the Metro Nashville Police Department and located at an MNPD facility in response to calls for service or reported incidents, typically before the arrival of personnel at the scene, for the purpose of providing live aerial information to responding personnel and does not mean the deployment of an Unmanned Aircraft System by personnel who are located at the scene of an incident, investigation, emergency, public event, search, rescue, fire, hazardous-material incident, traffic incident, or other operation, provided the Unmanned Aircraft System remains on the scene.

(15) "Facial recognition technology" means an electronic system or service for conducting an algorithmic comparison of images of a person's facial features for the purpose of identification. "Facial recognition technology" does not include the use of an automated or semi-automated process to redact a recording in order to protect the privacy of a subject depicted in the recording prior to release or disclosure of the recording outside of the law-enforcement agency if the process does not generate or result in the retention of any biometric data or surveillance information.

Section 2. That Subsection 13.08.080.E of the Metropolitan Code of Laws is deleted in its entirety and replaced as follows:

E. This section shall not apply to acquisition or use of surveillance technology by or on behalf of law enforcement that is used on a temporary basis for the purpose of a criminal investigation supported by reasonable suspicion, or pursuant to a lawfully issued search warrant, or under exigent circumstances as defined in case law. This subsection does not apply to such acquisition and use for a purpose that is ongoing and extends beyond a specific circumstance, including but not limited to a pilot program.

~~1. This section shall not apply to the temporary acquisition, deployment, or use of an Unmanned Aircraft System or other surveillance technology by any department, board, commission, agency, or instrumentality of the Metropolitan Government only during the following: an active shooter incident, a hostage situation, or a declared state of emergency or natural disaster that presents an immediate threat to life, public safety, or critical infrastructure.~~

~~2. Any UAS or other surveillance technology acquired, deployed, or used pursuant to this subsection shall be authorized only for the duration of the declared emergency and shall not remain in operation for more than thirty consecutive days, unless the Metropolitan Council approves its continued acquisition, deployment, or use by resolution adopted after a public hearing in accordance with subsection 13.08.080(C).~~

~~3. Nothing in this subsection shall authorize the permanent acquisition, routine deployment, expansion, replacement, or operation of any Unmanned Aircraft System without prior approval by the Metropolitan Council after a public hearing pursuant to subsection 13.08.080(C).~~

Section 3. That Subsection 13.08.080.F of the Metropolitan Code of Laws is deleted in its entirety and replaced as follows:

F. This section shall not apply to surveillance technology installed for the purpose of securing a building, or facility, or equipment from unlawful entry or unauthorized access.

Section 4. That Subsection 13.08.080.I of the Metropolitan Code of Laws is hereby amended by deleting it in its entirety and replacing it with the following:

I. 1. A DFR program may include the deployment of a UAS's in response to:

a. active shooter incidents,

b. hostage situations,

c. active searches for missing persons, and

d. for a period of up to ten days, a state of emergency declared by the mayor or natural disaster that presents an immediate threat to life or critical infrastructure.

2. Any surveillance equipment attached to a UAS deployed under a DFR program must be disabled unless it is on the scene of the call for service for which it has been deployed.

3. The Visual Line of Sight deployment, as defined by federal law, of UAS's is permitted.

Section 5. That Section 13.08.080 of the Metropolitan Code is hereby amended by adding a new Subsection L as follows:

L. 1. Unless otherwise permitted by this section, the acquisition, integration, use, or authorization of facial recognition technology is prohibited.

2. The use of autonomous UAVs or UAVs operated by individuals not employed by the metropolitan government is prohibited.

Section 6. That this Ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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