

1 **AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,**
2 **RELATING TO THE OPERATION OF UNMANNED**
3 **AIRCRAFT SYSTEMS; AMENDING CHAPTER 5,**
4 **SECTION 5.19(2); CHAPTER 43, SECTION 43.02, OF THE**
5 **CODE OF THE CITY OF ORLANDO, FLORIDA;**
6 **PROVIDING FOR SEVERABILITY, CODIFICATION,**
7 **CORRECTION OF SCRIVENER'S ERRORS, AND AN**
8 **EFFECTIVE DATE.**
9

10 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,**
11 **FLORIDA:**
12

13 **WHEREAS**, new innovations in unmanned aircraft, also known as drones, have
14 expanded a vibrant community of hobbyists and impacted commercial applications in a profound
15 way that can positively stimulate growth and increase economic efficiency for a diverse and
16 expanding array of businesses; and
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18 **WHEREAS**, the current iteration of section 43.02 of the City Code is over fifty-eight
19 years old and its broad scope has hindered hobbyist and commercial uses of unmanned aircraft
20 that were not anticipated when it was enacted; and
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22 **WHEREAS**, the City wishes to increase the ability of hobbyists and commercial users to
23 operate unmanned aircraft within the City of Orlando, while recognizing the need to protect the
24 safety and privacy of the citizens and visitors to the city; and
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26 **WHEREAS**, technological developments now make it possible for unmanned aircraft to
27 travel at speeds over 100 miles per hour, carry payloads, and fly more than a mile away from the
28 operator at heights of over 3000 feet, which has increased the potential for them to endanger the
29 safety and well being of the citizens of Orlando and their property; and
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31 **WHEREAS**, unmanned aircraft also have the ability to be equipped with video cameras
32 and other recording devices, and while the vast majority of those devices will undoubtedly be
33 used to further commercial activity, hobbyists' passions and the arts, it is important to recognize
34 that they can also be used to conduct unlawful or unwanted surveillance or voyeuristic activities
35 contrary to the privacy interests of the citizens of Orlando; and
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37 **WHEREAS**, while the proliferation and continued reduction in size of unmanned aircraft
38 has made them more available and adaptable, it has also made them capable of being flown into
39 stadiums, schools, and over large gatherings, potentially bypassing security checkpoints and
40 other public safety measures designed to protect the citizens of Orlando; and
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42 **WHEREAS**, the City Council of the City of Orlando, Florida wishes to promote
43 hobbyist and commercial use of unmanned aircraft while balancing the paramount need to
44 protect the well-being, tranquility, and privacy of its citizens.
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46 **SECTION ONE: AMENDING CHAPTER 5, SECTION 5.19(2).** Section 5.19(2),
 47 **Code of the City of Orlando, Florida, is hereby amended as follows:**
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49 **Sec. 5.19(2). Violations of City codes and ordinances which constitute civil infractions for**
 50 **which citations may be issued are as follows:**
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Code/Ordinance Chapter of Section	Description	Class
****	****	****
Sec. 43.02	<u>Operation of Unmanned Aircraft Systems - Restrictions on Operation</u> Operation of model airplanes/cars on public property	<u>IV F</u>
****	****	****

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 54 **SECTION TWO: AMENDING CHAPTER 43, SECTION 43.02.** Section 43.02, Code
 55 of the City of Orlando, Florida, is hereby amended as follows:
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57 **Sec. 43.02. - Operation of Unmanned Aircraft Systems - Restrictions on Operation**
 58 **~~Airplanes, etc., Operated by Use of Control Line, Radio or Other Electrical Device in~~**
 59 **~~Parks, Streets, etc.~~**

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 61 No person shall operate, control, cause to be operated or controlled, fly, assist in the
 62 operation or control, or permit operation, flying or controlling of any model airplane, rocket,
 63 auto, or other similar object, either operated or controlled by the use of control line connection
 64 with such object or by remote control by radio or other electrical device, or in free flight, in any
 65 public park or public street or on public property within the City limits of the City, except at such
 66 locations as shall be designated by the City Council of the City and on such days and within such
 67 hours as shall be permitted by the City Council, either at temporary or permanent locations for
 68 such purposes.
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70 **1) Definitions**

- 71 a) Aircraft: The term “aircraft” means any contrivance invented, used, or designed to
 72 navigate, or fly in, the air.
 73 b) Assist: The term “assist” means to substantially aid in the operation of an
 74 unmanned aircraft, including acting as a visual observer as described in this
 75 section.
 76 c) Model Aircraft: The term “model aircraft” means an unmanned aircraft that is
 77 i) capable of sustained flight in the atmosphere; and
 78 ii) flown within visual line of sight of the person operating the aircraft; and
 79 iii) flown for hobby or recreational purposes only.
 80 d) Operate: The term “operate” means to use, cause to use, or authorize to use, with
 81 or without the right of legal control.

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- 82 e) Operator: The term “operator” means any person who manipulates the flight
83 controls of, or otherwise operates, an unmanned aircraft system.
- 84 f) Parade: The term “parade” means any procession, march or assembly wherein the
85 participants travel by foot, vehicle or otherwise in or upon any public street,
86 public sidewalk, public right-of-way, bicycle path, public property, or public
87 parking facility within the City; provided, however, that "parade" shall not
88 include a peaceful procession or peaceful picketing that is conducted off the street
89 or roadway in conformance with all traffic laws, city ordinances and state statutes
90 and not in a manner as to obstruct vehicular or pedestrian traffic.
- 91 g) Park: The term “park” means any area listed in section 18A.02 and 18A.07 of the
92 City Code, and any other area officially designated by the City Council as a park
93 and posted as such.
- 94 h) Public Aircraft: The term “public aircraft” means any of the following:
95 i) an aircraft used only for the United States Government;
96 ii) an aircraft owned and operated by the government of a State, the District of
97 Columbia, or a territory or possession of the United States or a political
98 subdivision of one of these governments;
99 iii) an aircraft owned or operated by the armed forces or chartered to provide
100 transportation or other commercial air service to the armed forces.
- 101 i) Outdoor Public Assembly: The term “outdoor public assembly” means any
102 celebration, gathering, ceremony, show, exhibition, concert, pageant, rally,
103 demonstration, or assembly of any kind, which is, (a) calculated to attract at any
104 one time the physical attendance or attention of over one hundred (100) persons,
105 and (b) is held in or on any public street, sidewalk, or right-of-way, or is held on
106 other property which impacts adjacent streets, sidewalks, or rights-of-way to the
107 extent that closure is necessary in order to assure the safety of vehicular and/or
108 pedestrian movement in the area. In addition, any parade as defined herein shall
109 be considered an outdoor public assembly.
- 110 j) Unmanned Aircraft: The term “unmanned aircraft” means an aircraft, including
111 model aircraft, operated without the possibility of direct human intervention from
112 within or on the aircraft.
- 113 k) Unmanned Aircraft System (UAS): The term “unmanned aircraft system” means
114 an unmanned aircraft and its associated elements (including communication links
115 and the components that control the unmanned aircraft) that are required for the
116 safe and efficient operation of the unmanned aircraft in the national airspace
117 system.
- 118 l) Venue: The term “Venue” means collectively or individually:
119 i) The Amway Center, located at or about 400 West Church Street, Orlando,
120 FL 32801;
121 ii) Camping World Stadium, located at or about 1 Citrus Bowl Place, Orlando,
122 FL, 32805;
123 iii) Harry P. Leu Gardens, located at or about 1920 North Forest Avenue,
124 Orlando, FL 32803;
125 iv) The Mennello Museum of American Art, located at or about 900 East
126 Princeton Street, Orlando, FL 32803;

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- 127 v) The Dr. Phillips Center for the Performing Arts, located at or about 445
128 South Magnolia Avenue, Orlando, FL 32801; and
129 vi) Any other building or structure officially designated as a Venue by the
130 Executive Director of Orlando Venues or the City Council.
131 m) Visual Observer: The term “visual observer” means a person who assists the
132 unmanned aircraft operator to see and avoid other air traffic or objects aloft or on
133 the ground.
134 2) **Operation of Unmanned Aircraft Systems; Prohibited Areas of Launch,**
135 **Operation, and Landing**
136 a) It is prohibited to cause an unmanned aircraft to launch or land, or for any person
137 to operate or assist in the operation of any unmanned aircraft system out of doors
138 unless permitted to do so by the City of Orlando, when that person is on city
139 property:
140 i) At or within 500 feet of any Venue; and
141 ii) At or within 500 feet of any outdoor public assembly;
142 iii) At or within 500 feet of an event with more than 1000 people in attendance;
143 and
144 iv) At or within 500 feet of any county or municipal detention facility.
145 b) It is prohibited to cause an unmanned aircraft to launch or land, or for any person
146 to operate or assist in the operation of any unmanned aircraft system when that
147 person is on city property at or within 500 feet of a park, as defined in this
148 section. The director of Families, Parks, and Recreation, or the director’s
149 designee, may, by posting, permit the operation of model aircraft in certain
150 designated sections of a park. Operation must be limited to the type and manner
151 indicated on the posting.
152 c) It is prohibited to cause an unmanned aircraft to launch or land, or for any person
153 to operate or assist in the operation of any unmanned aircraft system when that
154 person is on city property at or within 500 feet of any pre-school, elementary,
155 middle or high school; whether public or private. The permission of the schools
156 administration or faculty member constitutes an affirmative defense. Permission
157 may be incorporated into a school policy or procedure.
158 d) It is prohibited to cause an unmanned aircraft to launch or land, or for any person
159 to operate or assist in the operation of any unmanned aircraft system when that
160 person is on city property at or within 500 feet of any enclosed building owned or
161 operated by the City of Orlando, including but not limited to City Hall, the City of
162 Orlando Police Headquarters, City of Orlando Police substations, and City of
163 Orlando Fire stations.
164 e) Penalty. Any person who is determined by a police officer or code enforcement
165 officer to have violated any of the provisions of this paragraph may be issued an
166 Orange County Uniform Code Citation and, upon a finding of guilty, shall be
167 punished as provided in Chapter 5 of the Orlando City Code.
168 3) **Affirmative Defenses**
169 a) Proof of a permit, issued pursuant to paragraph 6, below, to operate in the area
170 prohibited by paragraph 2, above, constitutes an affirmative defense to any
171 criminal or civil action brought under the provisions of paragraph 2, above.

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- b) Proof that the unmanned aircraft system was operated at the direction of a governmental agency, such that it should be considered a public aircraft, constitutes an affirmative defense to any action brought under the provisions of this section.
- c) Proof of authorization by the Federal Aviation Administration (FAA) to operate unmanned aircraft in city air space in accordance with federal law constitutes an affirmative defense to any action brought under the provisions of paragraph 2, above.
- 4) **Operation of Unmanned Aircraft Systems in an Unsafe Manner; Duty to Give Information and Render Aid**
 - a) It is unlawful for any person to operate or assist in the operation of any unmanned aircraft system while under the influence of:
 - i) Alcoholic beverages;
 - ii) Any substance controlled under chapter 893, Fla. Stat.;
 - iii) Any chemical substance set forth in section 877.111, Fla. Stat.
 - b) It is unlawful to operate any unmanned aircraft system that has been equipped with any firearm, tear gas gun or chemical weapon device, explosive, destructive device, shotgun, slungshot, dirk, billie, knife, electronic weapon device, dart firing stun gun, common pocket knife, or any other item designed, redesigned, or intended to be used as a weapon.
 - c) It is unlawful for any person to operate or assist in the operation of any unmanned aircraft system in a careless or reckless manner so as to endanger the life or property of another.
 - d) The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in injury to, or the death of any person must remain at the scene of the crash until such person has provided his or her name, address and contact information, unmanned aircraft system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained, and must render to any person injured in the crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.
 - e) The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in damage to the attended property of another must remain at the scene of the crash until such operator or any assistant operator has provided his or her name, address and contact information, unmanned aircraft system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained.
 - f) The operator and any assistant operator of an unmanned aircraft system that is involved in a crash resulting in damage to unattended property of another must remain at the scene of the crash until such operator or assistant operator has attached securely in a conspicuous place in or on the property a written notice giving his or her name, address and contact information, unmanned aircraft

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- 216 system registration number from the FAA, and permit number for unmanned
217 aircraft flight, if such permit was previously obtained.
- 218 g) Failure to comply with the requirements of subsections (d), (e), or (f) is unlawful.
219 h) Penalties.
- 220 i) Any person violating the provisions of subsections (a), (b), or (c) of this
221 paragraph is subject to arrest and punishment as provided in section 1.08 of
222 the Orlando City Code.
- 223 ii) Any person who is determined by a police officer or code enforcement officer
224 to have violated subsections (d), (e), or (f) of this paragraph may be issued an
225 Orange County Uniform Code Citation and, upon a finding of guilt, shall be
226 punished as provided in Chapter 5 of the Orlando City Code.
- 227 5) **Use of Unmanned Aircraft for Voyeurism or Harassment Prohibited**
- 228 a) It is unlawful to operate or assist in the operation of an unmanned aircraft system
229 to secretly observe another person when the other person is located in a dwelling,
230 structure, or conveyance and such location provides a reasonable expectation of
231 privacy.
- 232 b) It is unlawful to operate or assist in the operation of an unmanned aircraft system
233 with the intent to offend, annoy, abuse, threaten, or harass any person.
- 234 c) Penalty. Any person violating the provisions of this paragraph is subject to arrest
235 and punishment as provided in section 1.08 of the Orlando City Code.
- 236 6) **Permitting for Unmanned Aircraft Flights:**
- 237 a) Standards for Issuing Permit. The City shall set standards for the issuance of
238 permits by written Policy and Procedure, and may amend such standards by
239 subsequent Policy and Procedure.
- 240 b) Fees. All application processing fees are non-refundable. The City will set an
241 application processing fee by written Policy and Procedure, and may change such
242 fee by subsequent Policy and Procedure.
- 243 c) Any unmanned aircraft system that is being operated lawfully under this section is
244 exempt from the permitting requirements of section 8.32 of the City Code.
- 245 7) **Revocation and Denial of Permit:**
- 246 a) Any permit issued pursuant to paragraph 6, above, may be revoked if the operator
247 or assistant violates any provision within this section of the City Code.
- 248 b) A revocation or denial of a permit may be appealed as set forth by City of
249 Orlando Policy and Procedure.
- 250 8) **Indemnification:** All applicants for a UAS permit and any other persons,
251 organizations, firms or corporations on whose behalf the application is made must
252 agree to indemnify the City of Orlando in the manner expressed on the permit
253 application.
- 254 9) **Insurance:** All applicants for a UAS permit shall furnish proof of insurance of the
255 types and amounts set forth by City Policy and Procedure.
- 256 10) **Contraband:** Any unmanned aircraft system(s) operated in violation of this
257 ordinance is contraband and subject to seizure.
- 258 11) **Notice:** Any person who operates or assists in the operation of an unmanned aircraft
259 is responsible to ensure they are in compliance with all applicable federal, state, and
260 local laws. Nothing in this section shall be construed as granting any person

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permission to operate or assist in the operation of an unmanned aircraft in violation of any other federal, state, or local law.

SECTION THREE: SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION FOUR: CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION FIVE: SCRIVENER’S ERROR. The City Attorney may correct scrivener’s errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION SIX. EFFECTIVE DATE. This ordinance takes effect immediately upon final passage.

ADVERTISED on the _____ day of _____, _____.

READ FIRST TIME on the _____ day of _____, _____.

READ SECOND TIME AND ADOPTED on the _____ day of _____, _____.

CITY OF ORLANDO, FLORIDA

Buddy Dyer, Mayor

ATTEST:

Amy Iennaco, Interim City Clerk

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Orlando, Florida, only.

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City Attorney/Assistant City Attorney
Orlando, Florida

Print Name