

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) TO REMOVE SECTION 43.02;
 5 AMENDING CHAPTER 8, SECTION 8.01, RELATING TO
 6 THE DEFINITION OF AIRCRAFT; REPEALING
 7 CHAPTER 43, SECTION 43.02, OF THE CODE OF THE
 8 CITY OF ORLANDO, FLORIDA, RESERVING THE
 9 SECTION FOR FUTURE USE; PROVIDING FOR
 10 SEVERABILITY, CODIFICATION, CORRECTION OF
 11 SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.
 12

13 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,
 14 FLORIDA:
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16 WHEREAS, On July 1, 2017 section 330.41, Fla. Stat. became law, preempting the City
 17 of Orlando from regulating the design, manufacture, testing, maintenance, licensing, registration,
 18 certification, or operation of an unmanned aircraft system, including airspace, altitude, flight
 19 paths, equipment or technology requirements; the purpose of operations; and pilot, operator, or
 20 observer qualifications, training, and certification.
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22 SECTION ONE: AMENDING CHAPTER 5, SECTION 5.19(2). Section 5.19(2),
 23 Code of the City of Orlando, Florida, is hereby amended as follows:
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25 Sec. 5.19(2). Violations of City codes and ordinances which constitute civil infractions for
 26 which citations may be issued are as follows:
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Code/Ordinance Chapter of Section	Description	Class
****	****	****
Sec. 43.02	Operation of Unmanned Aircraft Systems Restrictions on Operation	IV
****	****	****

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 29
 30 SECTION TWO: AMENDING CHAPTER 8, SECTION 8.01. Section 8.01, Code of
 31 the City of Orlando, Florida, is hereby amended as follows:
 32

33 Sec. 8.01. - Definitions.

34 (a) *Defined Terms.* The following words and phrases where used herein shall have the
 35 meanings herein respectively ascribed to them as follows:
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37 ****

38 *Aircraft* means any contrivance now known or hereafter invented, used or designed
39 for navigation of, or flight in the air, except for a drone, as defined in section 934.50,
40 Florida Statutes, or a parachute or other contrivance used primarily as safety equipment.
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44 **SECTION THREE: REPEALING CHAPTER 43, SECTION 43.02.** Section 43.02,
45 Code of the City of Orlando, Florida, is hereby repealed and reserved for future use.
46

47 **~~Sec. 43.02. – Operation of Unmanned Aircraft Systems – Restrictions on Operation~~**
48

49 ~~1) Definitions~~

- 50 a) ~~*Aircraft*: The term “aircraft” means any contrivance invented, used, or designed to~~
51 ~~navigate, or fly in, the air.~~
- 52 b) ~~*Assist*: The term “assist” means to substantially aid in the operation of an~~
53 ~~unmanned aircraft, including acting as a visual observer as described in this~~
54 ~~section.~~
- 55 c) ~~*Model Aircraft*: The term “model aircraft” means an unmanned aircraft that is~~
56 ~~i) — capable of sustained flight in the atmosphere; and~~
57 ~~ii) — flown within visual line of sight of the person operating the aircraft; and~~
58 ~~iii) — flown for hobby or recreational purposes only.~~
- 59 d) ~~*Operate*: The term “operate” means to use, cause to use, or authorize to use, with~~
60 ~~or without the right of legal control.~~
- 61 e) ~~*Operator*: The term “operator” means any person who manipulates the flight~~
62 ~~controls of, or otherwise operates, an unmanned aircraft system.~~
- 63 f) ~~*Parade*: The term “parade” means any procession, march or assembly wherein the~~
64 ~~participants travel by foot, vehicle or otherwise in or upon any public street,~~
65 ~~public sidewalk, public right of way, bicycle path, public property, or public~~
66 ~~parking facility within the City; provided, however, that “parade” shall not~~
67 ~~include a peaceful procession or peaceful picketing that is conducted off the street~~
68 ~~or roadway in conformance with all traffic laws, city ordinances and state statutes~~
69 ~~and not in a manner as to obstruct vehicular or pedestrian traffic.~~
- 70 g) ~~*Park*: The term “park” means any area listed in section 18A.02 and 18A.07 of the~~
71 ~~City Code, and any other area officially designated by the City Council as a park~~
72 ~~and posted as such.~~
- 73 h) ~~*Public Aircraft*: The term “public aircraft” means any of the following:~~
74 ~~i) — an aircraft used only for the United States Government;~~
75 ~~ii) — an aircraft owned and operated by the government of a State, the District of~~
76 ~~Columbia, or a territory or possession of the United States or a political~~
77 ~~subdivision of one of these governments;~~
78 ~~iii) — an aircraft owned or operated by the armed forces or chartered to provide~~
79 ~~transportation or other commercial air service to the armed forces.~~
- 80 i) ~~*Outdoor Public Assembly*: The term “outdoor public assembly” means any~~
81 ~~celebration, gathering, ceremony, show, exhibition, concert, pageant, rally,~~
82 ~~demonstration, or assembly of any kind, which is, (a) calculated to attract at any~~
83 ~~one time the physical attendance or attention of over one hundred (100) persons,~~

84 and (b) is held in or on any public street, sidewalk, or right-of-way, or is held on
85 other property which impacts adjacent streets, sidewalks, or rights-of-way to the
86 extent that closure is necessary in order to assure the safety of vehicular and/or
87 pedestrian movement in the area. In addition, any parade as defined herein shall
88 be considered an outdoor public assembly.

89 ~~j) *Unmanned Aircraft*: The term “unmanned aircraft” means an aircraft, including~~
90 ~~model aircraft, operated without the possibility of direct human intervention from~~
91 ~~within or on the aircraft.~~

92 ~~k) *Unmanned Aircraft System (UAS)*: The term “unmanned aircraft system” means~~
93 ~~an unmanned aircraft and its associated elements (including communication links~~
94 ~~and the components that control the unmanned aircraft) that are required for the~~
95 ~~safe and efficient operation of the unmanned aircraft in the national airspace~~
96 ~~system.~~

97 ~~l) *Venue*: The term “Venue” means collectively or individually:~~

98 ~~i) The Amway Center, located at or about 400 West Church Street, Orlando,~~
99 ~~FL 32801;~~

100 ~~ii) Camping World Stadium, located at or about 1 Citrus Bowl Place, Orlando,~~
101 ~~FL, 32805;~~

102 ~~iii) Harry P. Leu Gardens, located at or about 1920 North Forest Avenue,~~
103 ~~Orlando, FL 32803;~~

104 ~~iv) The Mennello Museum of American Art, located at or about 900 East~~
105 ~~Princeton Street, Orlando, FL 32803;~~

106 ~~v) The Dr. Phillips Center for the Performing Arts, located at or about 445~~
107 ~~South Magnolia Avenue, Orlando, FL 32801; and~~

108 ~~vi) Any other building or structure officially designated as a Venue by the~~
109 ~~Executive Director of Orlando Venues or the City Council.~~

110 ~~m) *Visual Observer*: The term “visual observer” means a person who assists the~~
111 ~~unmanned aircraft operator to see and avoid other air traffic or objects aloft or on~~
112 ~~the ground.~~

113 ~~2) *Operation of Unmanned Aircraft Systems; Prohibited Areas of Launch, Operation,*~~
114 ~~*and Landing*~~

115 ~~a) It is prohibited to cause an unmanned aircraft to launch or land, or for any person~~
116 ~~to operate or assist in the operation of any unmanned aircraft system out of doors~~
117 ~~unless permitted to do so by the City of Orlando, when that person is on city~~
118 ~~property:~~

119 ~~i) At or within 500 feet of any Venue; and~~

120 ~~ii) At or within 500 feet of any outdoor public assembly;~~

121 ~~iii) At or within 500 feet of an event with more than 1000 people in attendance;~~
122 ~~and~~

123 ~~iv) At or within 500 feet of any county or municipal detention facility.~~

124 ~~b) It is prohibited to cause an unmanned aircraft to launch or land, or for any person~~
125 ~~to operate or assist in the operation of any unmanned aircraft system when that~~
126 ~~person is on city property at or within 500 feet of a park, as defined in this~~
127 ~~section. The director of Families, Parks, and Recreation, or the director’s~~
128 ~~designee, may, by posting, permit the operation of model aircraft in certain~~

designated sections of a park. Operation must be limited to the type and manner indicated on the posting.

~~e) It is prohibited to cause an unmanned aircraft to launch or land, or for any person to operate or assist in the operation of any unmanned aircraft system when that person is on city property at or within 500 feet of any pre-school, elementary, middle or high school; whether public or private. The permission of the schools administration or faculty member constitutes an affirmative defense. Permission may be incorporated into a school policy or procedure.~~

~~d) It is prohibited to cause an unmanned aircraft to launch or land, or for any person to operate or assist in the operation of any unmanned aircraft system when that person is on city property at or within 500 feet of any enclosed building owned or operated by the City of Orlando, including but not limited to City Hall, the City of Orlando Police Headquarters, City of Orlando Police substations, and City of Orlando Fire stations.~~

~~e) Penalty. Any person who is determined by a police officer or code enforcement officer to have violated any of the provisions of this paragraph may be issued an Orange County Uniform Code Citation and, upon a finding of guilty, shall be punished as provided in Chapter 5 of the Orlando City Code.~~

~~3) Affirmative Defenses~~

~~a) Proof of a permit, issued pursuant to paragraph 6, below, to operate in the area prohibited by paragraph 2, above, constitutes an affirmative defense to any criminal or civil action brought under the provisions of paragraph 2, above.~~

~~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.~~

- 174 ~~d) The operator and any assistant operator of an unmanned aircraft system that is~~
175 ~~involved in a crash resulting in injury to, or the death of any person must remain~~
176 ~~at the scene of the crash until such person has provided his or her name, address~~
177 ~~and contact information, unmanned aircraft system registration number from the~~
178 ~~FAA, and permit number for unmanned aircraft flight, if such permit was~~
179 ~~previously obtained, and must render to any person injured in the crash reasonable~~
180 ~~assistance, including the carrying, or the making of arrangements for the carrying,~~
181 ~~of such person to a physician, surgeon, or hospital for medical or surgical~~
182 ~~treatment if it is apparent that treatment is necessary, or if such carrying is~~
183 ~~requested by the injured person.~~
- 184 ~~e) The operator and any assistant operator of an unmanned aircraft system that is~~
185 ~~involved in a crash resulting in damage to the attended property of another must~~
186 ~~remain at the scene of the crash until such operator or any assistant operator has~~
187 ~~provided his or her name, address and contact information, unmanned aircraft~~
188 ~~system registration number from the FAA, and permit number for unmanned~~
189 ~~aircraft flight, if such permit was previously obtained.~~
- 190 ~~f) The operator and any assistant operator of an unmanned aircraft system that is~~
191 ~~involved in a crash resulting in damage to unattended property of another must~~
192 ~~remain at the scene of the crash until such operator or assistant operator has~~
193 ~~attached securely in a conspicuous place in or on the property a written notice~~
194 ~~giving his or her name, address and contact information, unmanned aircraft~~
195 ~~system registration number from the FAA, and permit number for unmanned~~
196 ~~aircraft flight, if such permit was previously obtained.~~
- 197 ~~g) Failure to comply with the requirements of subsections (d), (e), or (f) is unlawful.~~
- 198 ~~h) Penalties:~~
- 199 ~~i) Any person violating the provisions of subsections (a), (b), or (c) of this~~
200 ~~paragraph is subject to arrest and punishment as provided in section 1.08 of~~
201 ~~the Orlando City Code.~~
- 202 ~~ii) Any person who is determined by a police officer or code enforcement officer~~
203 ~~to have violated subsections (d), (e), or (f) of this paragraph may be issued an~~
204 ~~Orange County Uniform Code Citation and, upon a finding of guilt, shall be~~
205 ~~punished as provided in Chapter 5 of the Orlando City Code.~~
- 206 ~~5) Use of Unmanned Aircraft for Voyeurism or Harassment Prohibited~~
- 207 ~~a) It is unlawful to operate or assist in the operation of an unmanned aircraft system~~
208 ~~to secretly observe another person when the other person is located in a dwelling,~~
209 ~~structure, or conveyance and such location provides a reasonable expectation of~~
210 ~~privacy.~~
- 211 ~~b) It is unlawful to operate or assist in the operation of an unmanned aircraft system~~
212 ~~with the intent to offend, annoy, abuse, threaten, or harass any person.~~
- 213 ~~c) Penalty. Any person violating the provisions of this paragraph is subject to arrest~~
214 ~~and punishment as provided in section 1.08 of the Orlando City Code.~~
- 215 ~~6) Permitting for Unmanned Aircraft Flights:~~
- 216 ~~a) Standards for Issuing Permit. The City shall set standards for the issuance of~~
217 ~~permits by written Policy and Procedure, and may amend such standards by~~
218 ~~subsequent Policy and Procedure.~~

- 219 b) ~~Fees. All application processing fees are non-refundable. The City will set an~~
220 ~~application processing fee by written Policy and Procedure, and may change such~~
221 ~~fee by subsequent Policy and Procedure.~~
222 c) ~~Any unmanned aircraft system that is being operated lawfully under this section is~~
223 ~~exempt from the permitting requirements of section 8.32 of the City Code.~~
224 7) ~~Revocation and Denial of Permit:~~
225 a) ~~Any permit issued pursuant to paragraph 6, above, may be revoked if the operator~~
226 ~~or assistant violates any provision within this section of the City Code.~~
227 b) ~~A revocation or denial of a permit may be appealed as set forth by City of~~
228 ~~Orlando Policy and Procedure.~~
229 8) ~~Indemnification: All applicants for a UAS permit and any other persons,~~
230 ~~organizations, firms or corporations on whose behalf the application is made must~~
231 ~~agree to indemnify the City of Orlando in the manner expressed on the permit~~
232 ~~application.~~
233 9) ~~Insurance: All applicants for a UAS permit shall furnish proof of insurance of the~~
234 ~~types and amounts set forth by City Policy and Procedure.~~
235 10) ~~Contraband: Any unmanned aircraft system(s) operated in violation of this ordinance~~
236 ~~is contraband and subject to seizure.~~
237 11) ~~Notice: Any person who operates or assists in the operation of an unmanned aircraft~~
238 ~~is responsible to ensure they are in compliance with all applicable federal, state, and~~
239 ~~local laws. Nothing in this section shall be construed as granting any person~~
240 ~~permission to operate or assist in the operation of an unmanned aircraft in violation of~~
241 ~~any other federal, state, or local law.~~
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243 **SECTION FOUR: SEVERABILITY.** If any provision of this ordinance or its
244 application to any person or circumstance is held invalid, the invalidity does not affect other
245 provisions or applications of this ordinance which can be given effect without the invalid
246 provision or application, and to this end the provisions of this ordinance are severable.
247

248 **SECTION FIVE: CODIFICATION.** The City Clerk and the City Attorney shall cause
249 the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may
250 renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the
251 finding of the law.
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253 **SECTION SIX: SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
254 errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.
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256 **SECTION SEVEN. EFFECTIVE DATE.** This ordinance takes effect immediately
257 upon final passage.
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261 ADVERTISED on the _____ day of _____, _____.

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

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

_____.

CITY OF ORLANDO, FLORIDA

Buddy Dyer, Mayor

ATTEST:

Denise Aldridge, City Clerk

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

_____, _____.

City Attorney/Assistant City Attorney
Orlando, Florida

Print Name