AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA,
RELATING TO THE OPERATION OF UNMANNED
AIRCRAFT SYSTEMS; AMENDING CHAPTER 5,
SECTION 5.19(2); CHAPTER 43, SECTION 43.02, OF THE
CODE OF THE CITY OF ORLANDO, FLORIDA;
PROVIDING FOR SEVERABILITY, CODIFICATION,
CORRECTION OF SCRIVENER’S ERRORS, AND AN
EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO,
FLORIDA:

WHEREAS, new innovations in unmanned aircraft, also known as drones, have expanded a vibrant community of hobbyists and impacted commercial applications in a profound way that can positively stimulate growth and increase economic efficiency for a diverse and expanding array of businesses; and

WHEREAS, the current iteration of section 43.02 of the City Code is over fifty-eight years old and its broad scope has hindered hobbyist and commercial uses of unmanned aircraft that were not anticipated when it was enacted; and

WHEREAS, the City wishes to increase the ability of hobbyists and commercial users to operate unmanned aircraft within the City of Orlando, while recognizing the need to protect the safety and privacy of the citizens and visitors to the city; and

WHEREAS, technological developments now make it possible for unmanned aircraft to travel at speeds over 100 miles per hour, carry payloads, and fly more than a mile away from the operator at heights of over 3000 feet, which has increased the potential for them to endanger the safety and well being of the citizens of Orlando and their property; and

WHEREAS, unmanned aircraft also have the ability to be equipped with video cameras and other recording devices, and while the vast majority of those devices will undoubtedly be used to further commercial activity, hobbyists’ passions and the arts, it is important to recognize that they can also be used to conduct unlawful or unwanted surveillance or voyeuristic activities contrary to the privacy interests of the citizens of Orlando; and

WHEREAS, while the proliferation and continued reduction in size of unmanned aircraft has made them more available and adaptable, it has also made them capable of being flown into stadiums, schools, and over large gatherings, potentially bypassing security checkpoints and other public safety measures designed to protect the citizens of Orlando; and

WHEREAS, the City Council of the City of Orlando, Florida wishes to promote hobbyist and commercial use of unmanned aircraft while balancing the paramount need to protect the well-being, tranquility, and privacy of its citizens.

CODING: Words stricken are deletions; words underlined are additions; **** denote omitted text.
SECTION ONE: AMENDING CHAPTER 5, SECTION 5.19(2). Section 5.19(2), Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 5.19(2). Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows:

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<th>Code/Ordinance Chapter of Section</th>
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<tr>
<td>Sec. 43.02</td>
<td>Operation of Unmanned Aircraft Systems - Restrictions on Operation of model airplanes/cars on public property</td>
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SECTION TWO: AMENDING CHAPTER 43, SECTION 43.02. Section 43.02, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 43.02. - Operation of Unmanned Aircraft Systems - Restrictions on Operation Airplanes, etc., Operated by Use of Control Line, Radio or Other Electrical Device in Parks, Streets, etc.

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

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

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e) **Operator**: The term “operator” means any person who manipulates the flight controls of, or otherwise operates, an unmanned aircraft system.

f) **Parade**: The term “parade” means any procession, march or assembly wherein the participants travel by foot, vehicle or otherwise in or upon any public street, public sidewalk, public right-of-way, bicycle path, public property, or public parking facility within the City; provided, however, that "parade" shall not include a peaceful procession or peaceful picketing that is conducted off the street or roadway in conformance with all traffic laws, city ordinances and state statutes and not in a manner as to obstruct vehicular or pedestrian traffic.

g) **Park**: The term “park” means any area listed in section 18A.02 and 18A.07 of the City Code, and any other area officially designated by the City Council as a park and posted as such.

h) **Public Aircraft**: The term “public aircraft” means any of the following:
   i) an aircraft used only for the United States Government;
   ii) an aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments;
   iii) an aircraft owned or operated by the armed forces or chartered to provide transportation or other commercial air service to the armed forces.

i) **Outdoor Public Assembly**: The term “outdoor public assembly” means any celebration, gathering, ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind, which is, (a) calculated to attract at any one time the physical attendance or attention of over one hundred (100) persons, and (b) is held in or on any public street, sidewalk, or right-of-way, or is held on other property which impacts adjacent streets, sidewalks, or rights-of-way to the extent that closure is necessary in order to assure the safety of vehicular and/or pedestrian movement in the area. In addition, any parade as defined herein shall be considered an outdoor public assembly.

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

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

l) **Venue**: The term “Venue” means collectively or individually:
   i) The Amway Center, located at or about 400 West Church Street, Orlando, FL 32801;
   ii) Camping World Stadium, located at or about 1 Citrus Bowl Place, Orlando, FL 32805;
   iii) Harry P. Leu Gardens, located at or about 1920 North Forest Avenue, Orlando, FL 32803;
   iv) The Mennello Museum of American Art, located at or about 900 East Princeton Street, Orlando, FL 32803;

CODING: Words stricken are deletions; words underlined are additions; **** denote omitted text.
v) The Dr. Phillips Center for the Performing Arts, located at or about 445 South Magnolia Avenue, Orlando, FL 32801; and
vi) Any other building or structure officially designated as a Venue by the Executive Director of Orlando Venues or the City Council.
m) Visual Observer: The term “visual observer” means a person who assists the unmanned aircraft operator to see and avoid other air traffic or objects aloft or on the ground.

2) Operation of Unmanned Aircraft Systems; Prohibited Areas of Launch, Operation, and Landing
   a) 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 out of doors unless permitted to do so by the City of Orlando, when that person is on city property:
      i) At or within 500 feet of any Venue; and
      ii) At or within 500 feet of any outdoor public assembly;
      iii) At or within 500 feet of an event with more than 1000 people in attendance;
      and
      iv) At or within 500 feet of any county or municipal detention facility.
   b) 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 a park, as defined in this section. The director of Families, Parks, and Recreation, or the director’s 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.
   c) 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.;
   

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, slugshot, 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
system registration number from the FAA, and permit number for unmanned aircraft flight, if such permit was previously obtained.

g) Failure to comply with the requirements of subsections (d), (e), or (f) is unlawful.

h) Penalties.
   i) Any person violating the provisions of subsections (a), (b), or (c) of this paragraph is subject to arrest and punishment as provided in section 1.08 of the Orlando City Code.
   ii) Any person who is determined by a police officer or code enforcement officer to have violated subsections (d), (e), or (f) of this paragraph may be issued an Orange County Uniform Code Citation and, upon a finding of guilt, shall be punished as provided in Chapter 5 of the Orlando City Code.

5) **Use of Unmanned Aircraft for Voyeurism or Harassment Prohibited**
   a) It is unlawful to operate or assist in the operation of an unmanned aircraft system to secretly observe another person when the other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy.
   b) It is unlawful to operate or assist in the operation of an unmanned aircraft system with the intent to offend, annoy, abuse, threaten, or harass any person.
   c) Penalty. Any person violating the provisions of this paragraph is subject to arrest and punishment as provided in section 1.08 of the Orlando City Code.

6) **Permitting for Unmanned Aircraft Flights:**
   a) Standards for Issuing Permit. The City shall set standards for the issuance of permits by written Policy and Procedure, and may amend such standards by subsequent Policy and Procedure.
   b) Fees. All application processing fees are non-refundable. The City will set an application processing fee by written Policy and Procedure, and may change such fee by subsequent Policy and Procedure.
   c) Any unmanned aircraft system that is being operated lawfully under this section is exempt from the permitting requirements of section 8.32 of the City Code.

7) **Revocation and Denial of Permit:**
   a) Any permit issued pursuant to paragraph 6, above, may be revoked if the operator or assistant violates any provision within this section of the City Code.
   b) A revocation or denial of a permit may be appealed as set forth by City of Orlando Policy and Procedure.

8) **Indemnification:** All applicants for a UAS permit and any other persons, organizations, firms or corporations on whose behalf the application is made must agree to indemnify the City of Orlando in the manner expressed on the permit application.

9) **Insurance:** All applicants for a UAS permit shall furnish proof of insurance of the types and amounts set forth by City Policy and Procedure.

10) **Contraband:** Any unmanned aircraft system(s) operated in violation of this ordinance is contraband and subject to seizure.

11) **Notice:** Any person who operates or assists in the operation of an unmanned aircraft is responsible to ensure they are in compliance with all applicable federal, state, and local laws. Nothing in this section shall be construed as granting any person
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.