

ORDINANCE NO. 2015-02

ORDINANCE TO AMEND SECTION 30-36 OF ARTICLE II (ENTITLED NUISANCES) OF CHAPTER 30 (ENTITLED ENVIRONMENT) TO REGULATE THE OPERATION OF UNMANNED AIRCRAFT

THE CITY OF DEWITT ORDAINS:

Section 1. Preamble. The purpose of Ordinance No. 2015-02 is to allow the City of DeWitt to regulate the operation of unmanned aircraft in the City of DeWitt.

Section 2. Amendment of Section 30-36.

(15) Operation of any unmanned aircraft.

A. Definitions:

1. Unmanned aircraft means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. The term unmanned aircraft includes drones. The term “unmanned aircraft” does not include (1) a glider or hand-tossed small unmanned aircraft that is not designed for and is incapable of sustained flight; (2) a small unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment, such as a string or wire.
2. Public Gathering Space means any structure, enclosed area or other demarcated space used for the assembly of persons in the open air, including, but not limited to, amusement parks, stadiums, athletic fields, automotive speed ways, aviation fields, band stands, beach enclosures, grandstands, observation platforms, outdoor public swimming pools, outdoor theaters, race tracks, reviewing stands, street festivals or parade routes.

B. Regulations:

No person, firm or corporation shall operate any unmanned aircraft so as to interfere with the privacy, safety, peace or repose of persons or endanger the health of another, recklessly, carelessly or in violation of Federal law, including but not limited to the following regulations:

1. Operation of the unmanned aircraft shall be completely prohibited within 500 feet of a school, police investigation, fire, traffic accident, medical emergency, fire investigation, Public Gathering Space, or such place that may endanger person or property or interfere with persons discharging their public duties.
2. No unmanned aircraft shall be operated directly over any person who is not involved in the operation of the unmanned aircraft, without such person’s consent; or directly over property that the operator does not own, without the property owner’s consent, and subject to any restrictions that the property owner may place on such operation;
3. The unmanned aircraft shall not be operated outside the visual line of sight of the operator.
4. An unmanned aircraft shall not be operated within 500 feet of any electric generating facility, substation or control center, or within 100 feet of any electric transmission facility, or within 25 feet of any electric distribution facility or of any overhead wire, cable, conveyor or similar equipment for the transmission of sounds or signal, or of heat, light or power, or data, upon or along any public way within the City, without the facility or equipment owner’s consent, and subject to any restrictions that the facility or equipment owner may place on such operation;
5. The operation of unmanned aircraft will be for recreational purposes only.

C. Exceptions:

Notwithstanding the prohibitions set forth in this section, nothing in this section shall be construed to (1) prohibit any person who is authorized by the Federal Aviation Administration to operate an unmanned aircraft in City air space from conducting such operations in accordance with the terms of such authorization and, if applicable, in accordance with this section or (2) from the City operating an unmanned aircraft.

Section 3. Validity and Severability. If any portion of this Ordinance or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or applications, provided the remaining portions are not determined by the court to be inoperable, and to this end Ordinances are declared to be severable.

Section 4. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date. This Ordinance shall be effective upon publication.

James F. Rundborg, Mayor

Lisa Grysen, Clerk