

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 ENTITLED "ENVIRONMENT," BY ADDING ARTICLE VI ENTITLED "UNMANNED AIRCRAFT" TO PROVIDE PRIVACY AND SAFETY PROTECTIONS; ADDING SECTION 26-300, PURPOSE AND INTENT; ADDING SECTION 26-301, DEFINITIONS; ADDING SECTION 26-302, PROHIBITIONS; ADDING SECTION 26-303, PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that unmanned aircraft, otherwise known as drones, that are either fixed wing or rotor aircraft and can fly under the control of a remote pilot or via a geographic positions system (GPS) or guided autopilot mode, have become increasingly available to private citizens for personal and recreational use due to their declining costs and increased technology; and

WHEREAS, drones can, and have been used to fly above crowded public events and places, private residences and backyards within the City of Key West without the homeowner's knowledge or consent; and

WHEREAS, there has been at least three known crashes of a drone at a crowded public event in Key West. One in July, 2014 that resulted in an injury to a bystander, and another into a

wedding ceremony, and a third over a well-attended parade in 2015; and

WHEREAS, there are no existing satisfactory regulations to address the use of drones over crowded public events or residential areas that will protect the life, safety and welfare of the citizens and visitors of the City of Key West; and

WHEREAS, the operation of drones in the United States is expressly prohibited by the Federal Aviation Administration unless one possesses a Certificate of Authorization, a Letter of Exemption, or unless the drone is being operated strictly for recreational use,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 26, Article VI, entitled "Unmanned Aircraft" is hereby added to the Code of Ordinances as follows*:

Sec. 26-300. Purpose and Intent.

It is the purpose of this Article to provide the residents and visitors of the City of Key West protection from invasions of

privacy, and reckless operation over crowded areas, due to the rapid implementation of drone technology being put into use by individuals and business entities. The unregulated use of drones also poses a significant public safety concern to individuals and property on the ground and other nearby aircraft in the event of malfunction, operator negligence, loss of control, or other inability to sustain flight as intended. Nothing in this ordinance is intended to prevent, prohibit, or regulate any type of drone or remote controlled model aircraft that are otherwise permitted by the FAA for recreational use, or any operator who lawfully possesses a Certificate of Authorization or Letter of Exemption issued by the FAA.

Sec. 26-301 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*(Coding: Added language is underlined; ~~deleted language is struck through.~~)at 1st reading. Added language is double underlined; deleted language is ~~double struck through~~ at 2nd reading.

Drone means any powered, aerial vehicle, that is either fixed wing or rotor-operated, that does not carry a human being, which uses aerodynamic forces to provide the vehicle with lift, that can fly autonomously or be piloted remotely, and that can be expendable or recoverable.

Section 26-302 Prohibitions

No person may operate a drone, whether or not it has the capability of capturing or transmitting audio, video, or still images within or over the City of Key West, unless the drone operator possesses either a Certificate of Authorization, a Letter of Exemption lawfully issued by the Federal Aviation Administration, or unless the operator is using a drone strictly for recreational purposes pursuant to the Federal Aviation Administration Interpretation of the Special Rule for Model Aircraft cited as 14 CFR Part 91 and attached as Exhibit A.

Section 26-303 Penalty

There shall be one verbal or written warning for any first time offender of this article provided that compliance is immediately achieved. Subsequent violations of this article shall be punished consistent with Sec. 1-15 of the Code of Ordinances for the City of Key West.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2015.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2015.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK