

Ordinance No. 330-16

Council Members Zone, Keane and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 490.01, 490.02, 490.03, and 490.99, relating to unmanned aircraft systems.

WHEREAS, the operation of unmanned aircraft systems ("UAS") has recently increased significantly both locally and nationally and numerous incidents have occurred involving UAS operations in restricted areas without compliance with existing Federal Aviation Administration ("FAA") regulatory guidance; and

WHEREAS, there is currently no legislation that regulates UAS operations in the City of Cleveland or provides specific enforcement authority to safety officers; and

WHEREAS, this situation poses a significant enforcement issue for responding officers; and

WHEREAS, the United States Government has exclusive sovereignty of airspace of the United States under 49 U.S.C. §40103; and

WHEREAS, the FAA has issued Law Enforcement Guidance For Suspected Unauthorized UAS Operations, stating that local law enforcement agencies are often in the best position to deter, detect, immediately investigate, and pursue enforcement actions to stop unauthorized UAS; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by adding new Sections 490.01, 490.02, 490.03, and 490.99, to read, respectively, as follows:

**CHAPTER 490
UNMANNED AIRCRAFT SYSTEMS**

Section 490.01 Definitions

As used in this chapter, certain words and terms are defined as follows:

Ordinance No. 330-16

(a) "Unmanned Aircraft" or "UAS" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft, weighing more than 0.55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

(b) "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.

Section 490.02 Purpose and Intent

This Chapter is intended to promote public safety. In consideration of this concern, the City is restricting the use of UAS in certain areas. It is not intended to restrict legitimate hobbyists operating unmanned aircraft systems in compliance with FAA rules and regulations. This Chapter is not intended to preempt FAA rules and regulations, but to operate in conjunction with those rules to promote public safety while recognizing the limitations in the FAA's enforcement capabilities.

Section 490.03 Restrictions

(a) Anyone who launches, operates, or causes to be launched or operated, any Unmanned Aircraft System within the limits of Cleveland, Ohio, must be able to present, immediately upon request by any member of the Police or Fire Force, a current Certificate of Aircraft Registration issued by the Federal Aviation Administration for the Unmanned Aircraft System.

(b) No person shall launch, operate, or cause to be launched or operated, any Unmanned Aircraft System in any airspace within or over:

(1) A five (5) mile radius of Cleveland Hopkins International Airport;

(2) A five (5) mile radius of Burke Lakefront Airport; or

(3) Any area of the City of Cleveland that the Federal Aviation Administration determines to be a restricted area, either by way of a Notice to Airmen (NOTAM), Temporary Flight Restriction, No Drone Zone, or other means.

(c) Division (b) of this section shall not apply to any person who has previous approval from the Federal Aviation Administration to operate a UAS in a restricted area and is complying with all terms and conditions of their approval.

Ordinance No. 330-16

Section 490.99 Violation; Penalties

Whoever violates division (a) of Section 490.03 of this chapter is guilty of a minor misdemeanor. Whoever violates division (b) of Section 490.03 of this chapter is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the second degree on the third and any subsequent offense. All violations will be forwarded to the Federal Aviation Administration and reviewed for possible violations of Federal civil and criminal statutes. The Department of Public Safety will enforce and ensure compliance with the provisions of this Chapter.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

JSM:nl
3-14-16

FOR: Director McGrath and Interim Director Szabo

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READ FIRST TIME on MARCH 14, 2016
and referred to DIRECTORS of Public Safety, Port Control,
Finance, Law;
COMMITTEES on Safety, Transportation, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. 103 Page _____

Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
TRANSPORTATION

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE