ORDINANCE NO. 1942

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 8.60 ("UNMANNED AIRCRAFT SYSTEMS") TO TITLE 8 ("HEALTH AND SAFETY") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO PREVENT THE FLYING OF DRONES IN CERTAIN AREAS OF THE CITY

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, drones are unmanned aircraft or unmanned aircraft systems (UAS) that can fly under the control of a remote pilot, first person view (FPV), or via a global positioning system (GPS) guided autopilot mode;

WHEREAS, drones have become increasingly popular and available to private citizens and hobbyists due to the declining cost of new technology;

WHEREAS, drones can fly at altitudes below the navigable airspace (generally set at 400 feet), which means that the Federal Aviation Administration (FAA) has little or no ability to enforce its flight regulations against them;

WHEREAS, drones are restricted within three (3) miles of Mineta San Jose International Airport boundaries, due to FAA restrictions on operating drones in Class C airspace, unless expressly permitted by air traffic control;

WHEREAS, drones have a higher incidence of accidents than manned aircraft. U.S. Customs and Border Protection has reported 52.7 drone accidents per 100,000 hours of flight time, seven times the civil aviation rate of 7.11 accidents per 100,000 hours;

WHEREAS, drones can be equipped with high definition cameras, night vision cameras and infrared scopes, as well as with combustive or explosive composites and materials;

WHEREAS, drones have become a hazard to the safe operations of Levi's® Stadium in that several drones have been observed in the past year flying under and above the navigable airspace directly over the stadium, creating an unnecessary risk of accident, terror attack, opportunity for counter surveillance or for the delivery of harmful substances in a densely populated area; and,

WHEREAS, the City Council now desires to regulate the use of drones and UAS's to ensure the public's safety at sporting and entertainment events in the City.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That a new Chapter 8.60 ("Unmanned Aircraft Systems") is added to Title 8 ("Health and Safety") of "The Code of the City of Santa Clara, California" ("SCCC") to read as follows:

"Sections:

8.60.010 Purpose and intent.
8.60.020 Definitions.
8.60.030 Prohibition.
8.60.040 Exemptions.
8.60.050 Enforcement.

8.60.010 Purpose and intent.

This Chapter is intended to promote public safety and protect people engaging in large venue events. In consideration of these concerns, the City is mandating a "no-fly" restriction at all times by Unmanned Aircraft Systems within a half-mile around and over Levi's® Stadium, over Santa Clara University sports facilities when they are in use, and over large venue special events in public parks and public facilities that will attract large groups of people. All drones are subject to weight and design restrictions. All restrictions are intended to protect persons gathered in groups where a drone incident would cause greater harm and risk of injury due to a greater number of people gathered in a close proximity. It is not intended to restrict legitimate hobbyists operating drones in compliance

with FAA rules and any applicable laws, and outside of the prohibited areas. This Chapter is not intended to preempt FAA rules, but to operate in conjunction with those rules to promote public safety while recognizing the limitations in the FAA's enforcement capabilities.

8.60.020 Definitions.

(a) "Drone" shall mean an unmanned aircraft or unmanned aircraft system (UAS) that can fly under the control of a remote pilot or by a global positioning system (GPS) guided autopilot mechanism.

(b) "Large venue special events" shall mean any event held in a public park or open-air facility that is open to the public and intended to attract people.

8.60.030 Prohibition.

(a) Unless otherwise exempt under this Chapter, drones or UAS's are prohibited from being deployed, launched or flown in any airspace within or over any sporting and/or large venue special event, including but not limited to over and within a half-mile of Levi's® Stadium, over Santa Clara University sports facilities when they are in use, and over public parks and public facilities during large venue special events.

(b) In all other areas of the City, the following restrictions shall apply:

(1) Drones may not be larger than five (5) pounds including any attachments, and may not be equipped with detachable cargo, releasable payload, or any device equipped to carry a weapon. Any modifications to a drone must be pursuant to FAA approval.

(2) Drones over five (5) pounds may be operated only by a registered member of the Academy of Model Aeronautics (AMA), if the operator is subject to and compliant with AMA rules. Notwithstanding the weight limit, all other provisions of this Chapter shall apply.

8.60.040 Exemptions.

This Chapter shall not prohibit the use of drones or UAS's by any law enforcement agency for lawful purposes and in a lawful manner.

8.60.050 Enforcement.

Pursuant to SCCC 1.05.070 and Chapter 8.45, the City, in its prosecutorial discretion, may enforce violation(s) of the provisions of this Chapter as a criminal, civil, and/or administrative action. Violators may be guilty of a misdemeanor. Equipment flown in violation of this Chapter may be confiscated."

SECTION 2: Savings clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: Constitutionality, severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 4: Effective date.

This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 7th day of July 2015, by the following vote:

AYES:	COUNCILORS:	Davis, Gillmor, Kolstad, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Caserta
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August 2015, by the following vote:

AYES:	COUNCILORS:	Caserta, Davis, Kolstad and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Gillmor and Marsalli
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None
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