

ORDINANCE NO. 2879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING CHAPTER 8.90 TO THE GARDEN GROVE MUNICIPAL CODE RELATING TO DRONES AND UNMANNED AIRCRAFT SYSTEMS

City Attorney Summary

This Ordinance establishes standards and controls on the operation of unmanned aircraft commonly known as drones to mitigate risks to persons and property and to protect the public from the hazards associated with their operation.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 8.90 is hereby added to Title 8 of the Garden Grove Municipal Code to read as follows:

CHAPTER 8.90

DRONES AND UNMANNED AIRCRAFT SYSTEMS

Section 8.90.010 Purpose and Findings

The operation of unmanned aircrafts, commonly known as drones, can at times pose a hazard to full-scale aircraft in flight and to persons and property on the ground. Imposing community-based safety requirements and restrictions on the operation of unmanned aircrafts that do not preempt federal aviation rules or authority, or state law, is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of unmanned aircrafts.

Section 8.90.020 Definitions

For purposes of this Chapter, the following definitions shall apply, unless another or a different meaning is clearly intended from the context in which the phrase or words are used:

“Unmanned Aircraft System (UAS)” means an aircraft without a human pilot onboard, that is controlled from an operator on the ground, and operates without the possibility of direct human intervention from within or on the aircraft.

“Drone” refers to any UAS.

“FAA” means the Federal Aviation Administration.

“Visual Line of Sight” means that the operator has an unobstructed view of the UAS. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the UAS. People other than the operator may not be used in lieu of the operator for maintaining visual

line of sight. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a "first-person view" from the UAS do not constitute visual line of sight of the operator.

"Public UAS" means a UAS that is used or operated on behalf of any government agency that meets the qualifications as defined in Section 40102 of Title 49 of the United States Code to operate a public aircraft.

Section 8.90.030 Local Regulations of Unmanned Aircraft Systems

- A. No person shall takeoff or land a UAS outside of the person's visual line of sight.
- B. No person shall takeoff or land a UAS within 25 feet of another individual, except the operator or the operator's designee.
- C. No person shall takeoff or operate a UAS on private property without the consent of the property owner.
- D. No person shall takeoff or land UAS over permitted public events unless granted written or electronic permission by the City.
- E. No person shall takeoff or land a UAS within one thousand five hundred (1500) horizontal feet of any aircraft.
- F. No person shall takeoff or land a UAS that has any type of weapon attached to it.

Section 8.90.040 Prohibition Against Reckless Endangerment

No person shall takeoff or land a UAS in a reckless manner so as to create a substantial risk of serious physical injury to any person or substantial risk of damage to the property of another.

Section 8.90.050 Time, Place, and Manner Restrictions

- A. No person shall takeoff or land a UAS within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens.
- B. No person shall takeoff or land a UAS within five hundred (500) feet of any active law enforcement or emergency response incident.
- C. No person shall takeoff or land a UAS in violation of any Temporary Flight Restriction or Notice to Airmen issued by the FAA.
- D. No person shall takeoff or land a UAS within one hundred (100) feet of a school facility without prior notification and authorization of school officials.

- E. No person shall takeoff or land a UAS within five hundred (500) feet of any county or city owned jails, holding facilities, law enforcement facility, or within one hundred (100) feet of any public building or facility without prior notification and authorization of the City.

Section 8.90.060 Exemptions for Public UAS

The regulations in this Chapter shall not apply to any Public UAS or to any UAS weighing less than 0.55 lbs.

SECTION 2: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on March 28, 2017, with a vote as follows:

AYES: COUNCIL MEMBERS: (7) BEARD, O'NEILL, NGUYEN T., BUI,
KLOPFENSTEIN, NGUYEN K., JONES
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE