**ORDINANCE NO. 1942** 

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA. ADDING CHAPTER 8.60 ("UNMANNED

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;

Ordinance/Unmanned Aircraft Systems Rev: 02-17-09; Typed: 06-18-15

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.

## 8.60.010 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

<sup>8.60.030</sup> Prohibition.

<sup>8.60.040</sup> Exemptions. 8.60.050 Enforcement.

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 7<sup>th</sup> 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 18<sup>th</sup> 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 I:\ORDINANCES\Drone ordinance 6-11-15 Final.doc