

BILL NO. G-19-04-19

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE AMENDING CHAPTER 96:
NOISE CONTROL AND OTHER SENSORY
CONTROL OF THE CITY OF FORT WAYNE CODE
OF ORDINANCES.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That CHAPTER 96: NOISE CONTROL AND OTHER
SENSORY CONTROL of the City of Fort Wayne, Indiana, Code of Ordinances
be amended as follows:

CHAPTER 96: NOISE CONTROL AND OTHER SENSORY CONTROL

ADD:

Unmanned Aircraft Systems

Section

96.30 Regulation of Unmanned Aircraft Systems

96.31 Enforcement

AMEND:

Section

96.99 Penalty

UNMANNED AIRCRAFT SYSTEMS

§ 96.30 REGULATION OF UNMANNED AIRCRAFT SYSTEMS

1 (A) *Purpose.*

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3 The regulations set forth in this Ordinance seek to promote the ability of
4 hobbyists and commercial users to operate Unmanned Aircraft Systems
5 safely within the City of Fort Wayne while recognizing the need to protect
6 citizens and public safety personnel in designated areas and circumstances
7 where heightened safety concerns are present.

8 (B) *Definitions.*

9 **COMMERCIAL USE.** The flying of an Unmanned Aircraft System for work,
10 business or commercial purposes.

11 **DOWNTOWN AERIAL DISTRICT.** A circular area with a radius of 5,500
12 feet out from a center point with the GPS coordinates of 41.080325, -85.140652,
13 commonly known as the 100 block of W Main St, Fort Wayne, Indiana.

14 **PRIVATE SPACE.** Any indoor or outdoor property owned or controlled by a
15 private individual or entity.

16 **PUBLIC EVENT.** Any event, game, practice, contest, parade, rally,
17 celebration or other gathering in either private space or public space, to which
18 the public is invited or attends and for which a permit has been issued by the
19 City.

20 **PUBLIC SPACE.** Any indoor or outdoor property (including streets and
21 sidewalks) owned or controlled by federal, state or local government, or an
22 instrumentality of federal, state or local government.

23 **RECREATIONAL USE.** The flying of an Unmanned Aircraft System for
24 enjoyment, recreation, hobby and not work, business purposes, or for
25 compensation of hire.

26 **UNMANNED AIRCRAFT SYSTEM (“UAS”).** An aircraft without a human
pilot onboard which is controlled from an operator on the ground, often referred
to as a “drone.”

(C) *Applicability.*

1 The regulations set forth in this Ordinance apply within the City to the extent
2 such airspace can legally be regulated by local ordinance. This Ordinance
3 shall not interfere with the authority of the Federal Aviation Administration
4 ("FAA"). All UAS operators within the City must obey FAA and Indiana laws,
rules and regulations as may be amended from time to time.

5 (D) *Prohibited Unmanned Aircraft System Activities.*

6 (1) It shall be unlawful without prior notification to the City for a person to use
7 or operate an UAS within a five hundred (500) yard horizontal radius of,
8 or anywhere above, a Public Event.

9 (2) It shall be unlawful without prior notification to the City for a person to use
10 or operate an UAS anywhere above the Downtown Aerial District.

11 (3) It shall be unlawful for a person to operate an UAS in violation of
12 applicable FAA and/or Indiana laws, rules or regulations governing UAS
13 use within the City. If law enforcement has reasonable suspicion to
14 believe there is immediate danger of death or serious injury to any
15 person, or violations of FAA and/or Indiana laws, rules and regulations
16 governing UAS use, the City may immediately prohibit any UAS use.
17 Within twenty-four (24) hours of prohibiting such use, law enforcement
shall document the basis for the reasonable suspicion and actions taken.

18 (E) *Non-applicability.*

19 Subsections (D) (1) and (D) (2) do not apply to:

20 (1) Employees of the City operating an UAS in the regular course of their
21 duties.

22 (2) Individuals under contract with the City operating an UAS for the purposes
23 of promotion, resource management, development, mapping or utility
management and repair.

24 (3) Any local, state or federal government agency lawfully operating UAS for
25 a government purpose or function.

26 (F) *Notification Process.*

Persons wishing to operate an UAS above the Downtown Aerial District and/or within a five-hundred (500) yard radius of, or anywhere above, a Public Event shall provide the following information to the City before the operation:

- (1) Name, address and telephone number of UAS the operator, any assisting persons during the flight, and any affiliated company name, if applicable;
- (2) Purpose of the UAS operation as either Recreational or Commercial Use;
- (3) FAA-issued Registration Certificate Number(s) of any UAS to be operated;
- (4) UAS operator's FAA-issued Remote Pilot Certificate Number(s) and Date(s) of Issue authorized under 14 CFR §107, if applicable;
- (5) Document Numbers and Dates of Issue and Expiration for FAA-issued Certificate(s), Waiver(s), or Authorization, or Section 333 Exemption, applicable to the operation of the UAS;
- (6) Policy information with Dates of Issue and Expiry of any certificate(s) of liability insurance, if applicable;
- (7) proposed area and time of UAS operation;
- (8) location where the UAS will be operated from; and
- (9) Name, address and telephone number of any owner(s) granting permission for UAS operation over any private space.

§ 96.31 ENFORCEMENT.

The Fort Wayne Police Department shall be charged with enforcing all provisions of this Chapter.

AMEND SECTION 96.99 TO ADD (b) and (c)

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(b) Any person who violates any of the provision 96.30 of this Chapter may be subject to a fine that shall not exceed Five Hundred Dollars (\$500) for each such violation.

(c) In addition to the penalty specified above for violation of 96.30, any UAS and control box operated in violation of this ordinance may be impounded for a period of time not to exceed three (3) business days in the interests of public safety.

Council Member

Carol Helton, City Attorney