

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 4.28 of the Lincoln Municipal Code relating to the
2 Lincoln Airport by adding a new Section numbered 4.28.060 entitled “Unmanned Aircraft
3 Systems; Intent” to state the intent of the City Council in enacting proposed regulations for the
4 operation of Unmanned Aircraft Systems; by adding a new Section numbered 4.28.070 entitled
5 “Unmanned Aircraft Systems; Definitions” to provide definitions of the terms; by adding a new
6 Section numbered 4.28.080 to establish operating restrictions for the operation of unmanned
7 aircraft within the City of Lincoln; and by adding a new Section numbered 4.28.090 to establish
8 penalties.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Chapter 4.28 of the Lincoln Municipal Code be amended by adding a
11 new section numbered 4.28.060 to read as follows:

12 **4.28.060 Unmanned Aircraft Systems; Intent.**

13 The unregulated use of unmanned aircraft (drones) throughout the City poses a threat to
14 the public health, safety, and welfare of residents of the City and constitutes a hazard to aircraft
15 operations in the jurisdiction of the City. The City has a particular need and concern that the
16 Lincoln Airport and Environs remain safe for aircraft takeoffs and landings, for commercial,
17 military, and general aviation activities, and for airshows and demonstrations sponsored by or
18 conducted at the Lincoln Airport.

19 The City is making every effort to pattern the regulations hereinafter set forth after those
20 that have been promulgated by the Federal Aviation Administration for the regulation of
21 unmanned aircraft systems. It is the express intent of the City that these regulations be
22 interpreted consistently with the FAA regulations on the same subject.

1 Section 2. That Chapter 4.28 of the Lincoln Municipal Code be amended by adding a
2 new section numbered 4.28.070 to read as follows:

3 **4.28.070 Unmanned Aircraft Systems; Definitions.**

4 For the purposes of this chapter, the following terms, phrases, words, and their
5 derivatives shall have the following meanings:

6 **Aircraft** shall mean any contrivance invented, used, or designed to navigate or fly in the
7 air.

8 **Lincoln Airport or Airport** shall mean Lincoln Airport located in Sections 4, 5, 6, 7, 8,
9 9, 17, and 18, Township 10 North and Sections 31 and 32, Township 11 North, Range 6 East of
10 the 6th Principal Meridian, Lancaster County, Nebraska.

11 **Model Aircraft** shall mean a small unmanned aircraft that is capable of sustained flight
12 in the atmosphere and flown for hobby or recreational purposes.

13 **Public Aircraft** shall have the definition as found in the current version of 49 U.S.C. §
14 40102.

15 **Small Unmanned Aircraft** shall mean an unmanned aircraft weighing less than 55
16 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

17 **Toy Aircraft** shall mean (1) a glider or hand-tossed aircraft that is not designed for and is
18 incapable of sustained flight; or (2) an aircraft that is capable of sustained flight and that is
19 controlled by means of a physical attachment, such as a string or wire.

20 **Unmanned Aircraft** shall mean an aircraft operated without the possibility of direct
21 human intervention from within or on the aircraft and does not carry a human operator but can be
22 remotely piloted or operated, also colloquially known as a drone. The term “Unmanned
23 Aircraft” does not include “Toy Aircraft” or “Public Aircraft.”

1 Unmanned Aircraft System (UAS) shall mean an Unmanned Aircraft and its associated
2 elements (including communication links and the components that control the unmanned
3 aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the
4 airspace.

5 Section 3. That Chapter 4.28 of the Lincoln Municipal Code be amended by adding a
6 new section numbered 4.28.080 to read as follows:

7 **4.28.080 Unmanned Aircraft Systems; Operating Restrictions.**

8 (a) It shall be unlawful for any person to operate an Unmanned Aircraft System
9 within the corporate limits of the City:

10 (i) without registration and markings as required by Federal Aviation
11 Administration regulations;

12 (ii) in violation of any Temporary Flight Restriction included within a Notice to
13 Airman issued by the Federal Aviation Administration; or

14 (iii) in a careless or reckless manner so as to endanger the life or property of
15 another.

16 (b) In addition to the above restrictions, Model Aircraft shall not be operated:

17 (i) at an altitude in excess of 400 feet;

18 (ii) within five miles of Lincoln Airport unless the Airport Authority of the City
19 of Lincoln and the Lincoln Airport Control Tower have been first notified; or

20 (iii) outside the visual line of sight of the operator.

21 (c) The restrictions set forth in (a) and (b) above shall not apply to Public Aircraft or
22 Toy Aircraft.

23 Section 4. That Chapter 4.28 of the Lincoln Municipal Code be amended by adding a
24 new section numbered 4.28.090 to read as follows:

1 **4.28.090 Unmanned Aircraft Systems; Penalty for Violations.** Any person who
2 violates any of the provisions of Section 4.28.080 shall be guilty of an infraction, and shall be
3 subject to the penalties for an infraction as set forth in Section 1.24.010 of this Code.

4 Section 5. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be
5 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
6 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
7 passage and such posting to be given by publication one time in the official newspaper by the
8 City Clerk. This ordinance shall take effect and be in force from and after its passage and
9 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2016:

Mayor