

MEMORANDUM

Agenda Item No. 7(D)

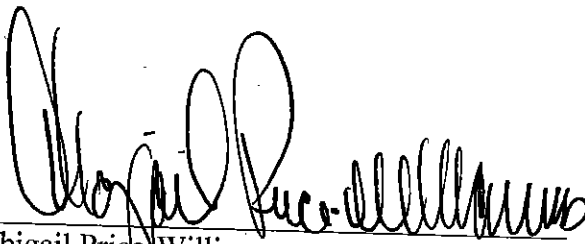
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 1-20-16)
October 20, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance related to Unmanned Aircraft Systems and County Airports; creating section 25-11 of the Code; prohibiting the operation of Unmanned Aircraft Systems above any County Airport or within one mile of a County Airport runway; providing definitions, exemptions, penalties and applicability; amending 8CC-10 of the Code; amending the schedule of civil penalties

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.


Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: January 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance Relating to Unmanned Aircraft Systems

The proposed ordinance creates section 25-11 of the Code of Miami-Dade County prohibiting the operation of Unmanned Aircraft Systems above any County Airport or within one mile of a County runway, and provides definitions, exemptions, and penalties once approved by the Board of County Commissioners.

Implementation of this ordinance will not have a fiscal impact to the County. The Aviation Department already monitors and enforces all manner of activities around its airfield, and the Department will use existing staff to enforce the proposed ordinance.

A handwritten signature in black ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

Fis00816

Memorandum



Date: January 20, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Social Equity Statement for Legislar Item No. 152396, Ordinance Related to Unmanned Aircraft Systems and County Airports; Creating Section 25-11 of the Code, Amending 8CC-10 of the Code, and Amending the Schedule of Civil Penalties

The proposed ordinance will enhance the safe use and operations of the Miami-Dade County Airport System by prohibiting the operation of any Unmanned Aircraft System (UAS) within one statute mile from the end of every runway at each Airport and one half mile in each direction from the centerline of every runway at each Airport.

This proposed ordinance has minimal social equity impact. At most, it will limit the owners of drones from operating in the prohibited areas of the proposed ordinance.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor
152396

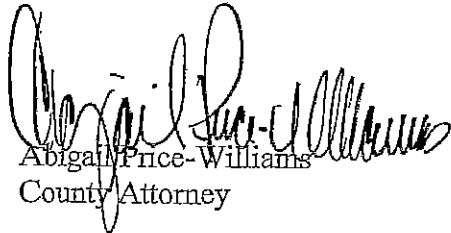


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 7(D)

Veto _____

1-20-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATED TO UNMANNED AIRCRAFT SYSTEMS AND COUNTY AIRPORTS; CREATING SECTION 25-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS ABOVE ANY COUNTY AIRPORT OR WITHIN ONE MILE OF A COUNTY AIRPORT RUNWAY; PROVIDING DEFINITIONS, EXEMPTIONS, PENALTIES AND APPLICABILITY; AMENDING 8CC-10 OF THE CODE; AMENDING THE SCHEDULE OF CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Unmanned Aircraft Systems (UAS) are currently readily available for purchase; and

WHEREAS, the use of UAS by business and the general public has been rapidly increasing; and

WHEREAS, UAS can create a threat to aircraft making use of the Miami-Dade County Airport System by making intentional or accidental contact with an aircraft in flight, or by forcing such aircraft to take evasive action on approach or departure; and

WHEREAS, were UAS to be ingested into the engines of aircrafts, the result could be catastrophic; and

WHEREAS, the Federal Aviation Administration has documented 678 instances nationwide of inflight aircrafts encountering UAS; and

WHEREAS, the Miami-Dade County Airport System is the single largest driver of the County economy, and the safety and convenience of persons making use of the Miami-Dade County Airport System is of paramount importance; and

WHEREAS, Miami-Dade County operates the Miami-Dade County Airport System in a proprietary capacity,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 25-11 of the Code of Miami-Dade County, Florida, is hereby created as follows:

>>Section 25-11. Use of Unmanned Aircraft Systems In Proximity To County

Airports.

1. Purpose

The purpose of this ordinance is to enhance the safe use and operations of the Miami-Dade County Airport System, and shall be read broadly in light of that purpose.

2. Definitions. As used in this Section, the following terms shall have the

following meanings:

(a) “Unmanned Aircraft System or “UAS” shall mean the unmanned aircraft and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, and other required equipment necessary to operate the unmanned aircraft.

(b) “Unmanned Aircraft or “UA” shall mean the flying portion of the Unmanned Aircraft System, flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links and any additional equipment that is necessary for the UA to operate safely. For the purposes of this Section, Model Aircraft, as that term is defined in Section 336 of Public Law 112-95 shall be included in the definition of Unmanned Aircraft.

(c) “UA/UAS Restriction Zone” shall mean the areas encompassing one statute mile from each end of every runway at each Airport and one half mile in each direction from the centerline of every runway at each Airport.

(d) All other terms used herein shall have the meanings defined in Section 25-1 of the Code of Miami-Dade County.

3. Prohibition on the Operation of Unmanned Aircraft or an Unmanned Aircraft System in Proximity to Airports.

(a) No person may operate, or cause to be operated, an Unmanned Aircraft or an Unmanned Aircraft System on or above any Airport, or in the airspace above any Airport, without limitation.

(b) No person may operate, or cause to be operated, an Unmanned Aircraft or an Unmanned Aircraft System within the UA/UAS Restriction Zone at any Airport.

(c) The prohibitions listed in Sections (a) and (b) above shall apply to operations of an Unmanned Aircraft flying at any horizontal distance from the ground.

4. Exemptions.

(a) This Section shall not apply to Unmanned Aircraft Systems specifically authorized by Federal Law or by Federal Aviation Administration rules to operate above a County Airport or within a UA/UAS Restriction Zone.

(b) If the Control Tower is notified, in accordance with paragraph (c) below, this Section shall not apply to Unmanned Aircraft Systems:

(1) Operated by a tenant at a County Airport whose lease specifically authorizes the use of the Unmanned Aircraft Systems, if such operation is in compliance with the terms of such lease; or

(2) Operated by a County contractor pursuant to an existing County contract, if such operation is in compliance with the terms of that contract.

(c) The operator of any Unmanned Aircraft System exempted from this Section shall provide notice of its proposed operations to the Control Tower and the Miami-Dade Aviation Department and shall otherwise provide such notice to persons as may be required by the Federal Aviation Administration, and shall otherwise abide by all Federal or state rules or regulations governing use of the Unmanned Aircraft System.

(d) In the event any operation of an Unmanned Aircraft System exempted under this Section is prohibited by Federal law, nothing herein shall be deemed to allow or permit such operation.

5. Penalties.

Persons who violate the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in Section 8CC of the Code of Miami-Dade County and to any other such proceedings as may be provided by law. Miami-Dade County shall not be held liable for any damages or claims resulting from the UAV operator's failure to comply with the provisions of this section.

6. Applicability.

This section shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the County and in the incorporated areas shall be enforced concurrently by the municipalities and the County.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 8CC-10. Schedule Of Civil Penalties.

Code Section	Description of Violation	Civil Penalty
* * *		
25-10.25	Prohibition on removal of liened aircraft	\$250.00
>>25-11<<	>>Operation of an Unmanned Aircraft or Unmanned Aircraft System above any County Airport or within a UA/UAS Restriction Zone.<<	>>\$500.00<<
All other violations of Chapter 25		\$250.00
* * *		

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

DM

David M. Murray

Prime Sponsor: Commissioner Jose "Pepe" Diaz