

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 54, SECTIONS 52.5401, 52.5402, 52.5403, 52.5404, 52.5405, 52.5406, 52.5407, AND 52.5408 RELATING TO UNMANNED AIRCRAFT SYSTEMS.

Article 2: Police – Police Regulations – Offenses against Government

Division 54: Unmanned Aircraft Systems

§ 52.5401 Purpose and Intent

It is the purpose and intent of this Division to address the potential hazard
Unmanned Aircraft Systems pose to other aircraft in flight, to persons and
property on the ground, and to critical infrastructure within the City of San Diego.
This Division is not intended to restrict the use of Unmanned Aircraft Systems
flown in compliance with any federal rule, regulation, or exemption.

§ 52.5402 Definitions

For purposes of this Division, defined terms appear in italics. The following
definition applies in this Division:
Unmanned Aircraft System shall mean a device that is used or intended to be used
for flight in the air, operated without the possibility of direct human intervention
from within or onboard the device. This definition includes, but is not limited to,
devices commonly known as drones.

§ 52.5403 **Unlawful Operation of Unmanned Aircraft Systems**

It is unlawful for any person to operate a *Unmanned Aircraft System* in the air, on the ground, or on the water:

- (a) in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of an *Unmanned Aircraft System* in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing *Unmanned Aircraft Systems*;
- (b) in violation of any flight restriction, temporary or permanent, issued by the Federal Aviation Administration pursuant to 14 C.F.R. 91, as amended;
- (c) in violation of any restriction issued by the Federal Aviation Administration applicable to *Unmanned Aircraft Systems*; or
- (d) in a manner that interferes with law enforcement, firefighting, or any government emergency operations.

§ 52.5404 **Enforcement Authority**

The Chief of Police, or any other Director authorized by the Mayor, is authorized to administer and enforce the provisions of this Division. The Chief of Police, or any other Director authorized by the Mayor, may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

§ 52.5405 **Violations and Penalties**

Violations of this Division may be prosecuted as misdemeanors subject to the
fines and custody provided in San Diego Municipal Code section 12.0201.

NJB:hm
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