

**510.4 SUBJECT: UNMANNED AIRCRAFT SYSTEMS PERMIT**

**1. OBJECTIVE:**

Establish a procedure for processing applications for Unmanned Aircraft System flight permits.

**2. AUTHORITY:**

This procedure enacted by City Council December 12, 2016.

**3. DIRECTION:**

Chief of Police, as an appointed official, serves at the pleasure of, and receives direction from the Mayor or the Mayor's designee.

**4. METHOD OF OPERATION:**

**A. Permit Required**

Any person planning to operate a UAS in an area or manner restricted by s. 43.02(2) of the City Code must obtain a Permit issued by the Chief of Police, or the Chief's designee.

**B. Definitions**

All terms shall have the same meaning as used in s. 43.02 of the City Code.

**C. Application Form**

Each applicant for an UAS Permit must complete an application and permit form. The City will respond within ten (10) business days after the application is properly submitted.

- (1) Operators may apply for a "Single Flight Permit." Single Flight Permits are for operators who want to operate a UAS at the specified location(s) over the course of a single date. An application for a Single Flight Permit must contain the information outlined in Section 3(a) – 3(k) below. The proposed flight may be precluded if one or more of the conditions in section (4) prevents safe or orderly operation.
- (2) Operators may apply for an "Annual Permit." Annual Permits are designed for operators who conduct numerous substantially similar flights over the course of a year. An application for an Annual Permit must contain the information outlined in Section 3(a) – 3(l) below. The operator of a flight conducted pursuant to an Annual Permit must provide notice to the permitting division of the proposed flight two (2) business days in advance of the flight. The proposed flight may be precluded if one or more of the conditions in section (4) prevents safe or orderly operation. In addition to all other conditions for permitting outlined above, applicants for an annual permit must be either a member of the Academy of Model Aeronautics (AMA) or a pilot licensed by the FAA (a remote pilot certificate satisfies this condition). Proof of membership or license must be attached to the application. Finally, proof of insurance that complies with the requirements of section E must be provided with the application.
- (3) Required Permit Application Criteria:
  - a. The name and address of the applicant;
  - b. The applicant's driver's license number or other form of valid, government issued identification;

- c. A description, including type, make, model, dimensions and total weight of the unmanned aircraft, including payload;
  - d. The serial number of the unmanned aircraft;
  - e. Federal Aviation Administration (FAA) registration number, if registration is required by the FAA;
  - f. The location(s) of the proposed unmanned aircraft flight;
  - g. A description of the flight or type of flight proposed to be conducted;
  - h. What payload(s), if any, will be attached to the unmanned aircraft;
  - i. The date and time at which such activities are proposed to be conducted;
  - j. The reason for desiring to conduct flight(s) at the requested location(s);
  - k. Evidence that the applicant has obtained the insurance required to be carried by this policy; and
  - l. Proof of FAA authorization and/or exemption for any commercial use of an unmanned aircraft system.
- (4) Upon receipt of an application, the Chief of Police, or the Chief's designee, will consider the factors below when determining whether or not to issue the permit:
- a. Any previous violations of s. 43.02 and or 8.32 of the City Code;
  - b. The purpose of the proposed flight;
  - c. Any other permits already issued for the same location or event;
  - d. Any contractual obligations of the City of Orlando;
  - e. If the proposed flight can be conducted without placing an excessive burden on the resources of the City including the Police Department or Fire Department;
  - f. Private property rights;
  - g. If the application is incomplete or contains any false or misleading statements;
  - h. If the proposed flight will be disruptive or cause a nuisance;
  - i. If the applicant has been convicted of a felony or crime involving moral turpitude;
  - j. If the applicant complies with the insurance requirements of this policy; or
  - k. Any additional relevant factors.

#### D. Statement by Applicant

The Chief of Police, or the Chief's designee, will review the completed application, determine that the documents required are attached, and have the applicant certify to the validity of the statements contained therein.

#### E. Insurance Requirements

The Chief of Police, or the Chief's designee, shall require a certified copy, from the applicant, of a general liability insurance policy evidencing that the applicant has, in full force and effect, \$500,000 combined single limits or its equivalent coverage for bodily injury and property damage covering the proposed flight. The policy shall have been issued by companies authorized and/or qualified to do business in the State of Florida and shall include an endorsement to the City of Orlando as an "additional insured," and shall provide that cancellation of the policy shall not be effective until the City of Orlando is notified in writing of such cancellation. The certified copy shall be retained by the Chief of Police, or the Chief's designee, with the approved application. The applicant shall be responsible for all work, and every part thereof, related to or in connection with the flight. Any contractor, and its subcontractors shall require their insurance carriers, with respect to all insurance policies, to waive all rights of

subrogation against the City, its officers, elected officials, agents and employees and against other contractors and subcontractors.

#### F. Payment of Fee

##### (1) Single Flight Permit

The application processing fee for a Single Flight Permit to operate a UAS in an area or manner restricted by s. 43.02(2) of the City Code is hereby set at an amount of twenty dollars and zero cents (\$20.00).

##### (2) Annual Permit

The application processing fee for an Annual Permit to operate a UAS in an area or manner restricted by s. 43.02(2) of the City Code is hereby set at an amount of one hundred and fifty dollars and zero cents (\$150.00).

#### G. Postponement of Flight

Should the proposed date or dates of the flight be delayed for more than twenty-four (24) hours by reason of weather or unforeseen circumstances beyond the control of the applicant, the Police Chief or designee shall be notified of the alternate date within twenty-four (24) hours after the postponement has been determined.

#### H. Revocation of Permit

Any person who operates a UAS in a manner inconsistent with s. 43.02 of the City Code; or who fails to meet the criteria for issuance of a permit as detailed in this Policy shall be deemed to have forfeited any permits issued or pending in his or her name, and any application fees paid for those permits. In addition to violations of s. 43.02, a permit may be revoked by the City due to contractual obligations, weather conditions, or other circumstances. If a permit is revoked through no fault of the permitted individual, the City will refund that individual's Single Flight Permit application fee.

#### I. Right of Appeal

Whenever the Chief of Police, or the Chief's designee, shall reject or refuse to approve an application for any reason or when a permit previously issued is revoked, the applicant has the right to appeal. The appeal should be addressed to the City Clerk and must be filed at the City Clerk's office (400 S. Orange Ave. Orlando, FL 32801). Upon receipt of the appeal, the City Clerk, or the Clerk's designee, will set the matter for hearing before the Chief Administrative Officer ("CAO"), or the CAO's designee, within ten (10) business days after the receipt of the appeal, or as otherwise mutually agreed. The hearing shall be governed by due process and general fairness. Hearsay is permissible. The appellant is entitled to present evidence and argument at the time set for the appeal, and has the right to hire an attorney and/or court reporter at the appellant's own expense. The CAO, or the CAO's designee, must issue a written order deciding the matter within ten (10) business days of the conclusion of the hearing. The decision of the hearing officer is final.

#### 5. Notice:

Any person who operates or assists in the operation of a UAS is responsible to ensure they are in compliance with all applicable federal, state, and local laws. Nothing in this section shall be construed as granting any person permission to operate or assist in the operation of a UAS in violation of any other federal, state, or local law.

6. COMMITTEE RESPONSIBILITIES:

None.

7. REFERENCE:

City of Orlando Code, s. 43.02, Unmanned Aircraft Systems. This procedure approved by City Council December 12, 2016, Item A-3, document No. 161212A03.

8. EFFECTIVE DATE:

This procedure effective December 12, 2016