

**Ordinance No. 2017-\_\_\_\_**

**AN ORDINANCE TO REGULATE USE OF UNMANNED AIRCRAFT SYSTEMS WITHIN THE TOWN OF BEECH MOUNTAIN, STATE OF NORTH CAROLINA**

**WHEREAS**, pursuant to NCGS 15A-300.2 a unit of local government may adopt an ordinance to regulate the use of the local government's property for the launch or recovery of unmanned aircraft systems; and

**WHEREAS**, this amendment was heard by the Town of Beech Mountain, Town Council following a public hearing on December 12, 2017; and

**WHEREAS**, the Town of Beech Mountain wishes to protect the privacy of its residents within townhomes, condominiums, and other common areas; and

**WHEREAS**, the Town of Beech Mountain wishes to protect the safety of its public in public vehicular areas and common areas open to members of that community; and

**WHEREAS**, this amendment was heard by the Town Council of the Town of Beech Mountain, North Carolina.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEECH MOUNTAIN, NORTH CAROLINA, THAT:**

SECTION I. Chapter 94: Health and Sanitation; Nuisances of the Code of Ordinances, Town of Beech Mountain, North Carolina, is hereby amended to add the following by the Town Council and codified as follows:

**DRONE REGULATIONS**

**§94.35 PROHIBITED ACTIVITIES**

(A) *Model aircraft and unmanned aircraft on Town property.* Launch, recovery or operation of model aircraft or unmanned aircraft is prohibited on all Town-owned property without specific written permission from the Town Manager or designee, who may allow it for governmental purposes to include, but not be limited to photography, so long as the operation of the model aircraft or unmanned aircraft is done in accordance with the requirements of the Federal Aviation Administration and North Carolina General Statutes.

(B) *Use of model aircraft and unmanned aircraft in public vehicular areas and common areas.* No model aircraft or unmanned aircraft shall be launched,

recovered, or operated upon any public vehicular area, common area for town homes, apartments, or condominiums, nor shall any such model aircraft or unmanned aircraft be launched, recovered, or operated upon any multi-family property within the jurisdiction.

§94.36 *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) "Model aircraft" is defined as an aircraft (any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air), that is mechanically driven or launched into flight and that meets all of the following requirements:

- (1) Is flown solely for hobby or recreational purposes.
- (2) Is not used for payment, consideration, gratuity, or benefit, directly or indirectly charged, demanded, received, or collected, by any person for the use of the aircraft or any photographic or video image produced by the aircraft;

(B) "Unmanned aircraft" is defined as an aircraft (any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air), that is operated without the possibility of human intervention from within or on the aircraft and that does not meet the definition of model aircraft.

§94.37 *Enforcement of this ordinance.*

(A) Violation of this section shall be a Class 3 misdemeanor; and

(B) Violation of this section shall otherwise be enforceable in accordance with the provisions set forth in Chapter 11, §11.01.

SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Town of Beech Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Beech Mountain, North Carolina, at which a quorum was present and which was held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

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Jennifer L. Broderick, MMC  
Town Clerk