



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 26, *Offenses and Miscellaneous Provisions*, of the Code of Ordinances shall be amended as follows:

PART I. That Town Code Sec. 26-14 Unmanned aircraft systems, be amended/replaced with the following:

(a) Definitions. The following words, terms and phrases, when used in this Section 26-14, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones, remote controlled aircraft, and model aircraft.

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds (all-up take-off weight).

"Unmanned aircraft system" means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator/pilot in command to operate the aircraft safely and efficiently.

(b) This Section 26-14 applies to any outdoor use of small unmanned aircraft with a takeoff weight of over 250 grams (0.55 pounds) in the Town of Nags Head.

(c) Operation above or near The Outer Banks Hospital. Because The Outer Banks Hospital operates a helipad, the use of unmanned aircraft is prohibited above or near The Outer Banks Hospital, without prior notification to The Outer Banks Hospital. Section 280.3 of the North Carolina General Statutes also makes it a criminal offense in certain situations where the use of an unmanned aircraft system interferes with a manned aircraft while the manned aircraft is taking off, landing, in flight, or otherwise in motion.

(d) General operation prohibitions for small unmanned aircraft.

1. Unmanned aircraft and unmanned aircraft systems operated within the Town shall be operated and registered in accordance with all statutes, rules and regulations of the Federal Aviation Administration (FAA) and the State of North Carolina.

2. Launching and recovering small unmanned aircraft on Town property is prohibited without prior written approval from the town manager. Requests for approval must include proof of required state and federal registrations and/or permits, as appropriate. When considering such requests, the town manager may consider, without limitation, the potential benefits and/or risks to the Town, and the safety and welfare of the public, and/or the proposed operator from the proposed use of the small unmanned aircraft on or over public property.

3. Operation of small unmanned aircraft shall not interfere with a public safety incident.

4. Small unmanned aircraft that carry pyrotechnic devices that explode, burn, or produce smoke and small unmanned aircraft that propel a projectile or drop objects that pose a safety risk are prohibited.


5. Using a small unmanned aircraft for racing, aerobatics, or "3-D" purposes is prohibited, unless at an event permitted by the Town.
- (e) Remedies. Violations of this Section 26-14 shall be subject to the penalties described in Town Code Section 1-6 (b).
- (f) Exceptions. The town manager may grant exceptions to this Section 26-14 for limited duration special events or other reasons in the general public interest upon presentation of a written request outlining the reasons for the exception and providing a plan for addressing safety issues associated with the request. When considering such requests, the town manager may consider, without limitation, the potential benefits and/or risks to the Town, the public, and/or the proposed operator from the use of the unmanned aircraft for the proposed exception.
- (g) To the extent that applicable authority of these United States or the State of North Carolina adopts rules or regulations that conflict with this Section 26-14, the said rules or regulations shall control.

PART II. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

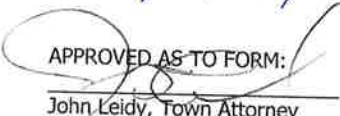
PART III. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 5th day of September 2018.


Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: September 5, 2018

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS