

(Published in The Journal Record February 20, 2013)

ORDINANCE NO. 24,610

ORDINANCE RELATING TO PARKS, RECREATION, CULTURAL AFFAIRS, ETC., AND THE GENERAL SCHEDULE OF FEES, AMENDING CHAPTER 38 AND CHAPTER 60 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, AMENDING ARTICLE IV, SECTION 38-85(25), DEFINITIONS; ARTICLE V, ENACTING A NEW DIVISION 10. MODEL AIRCRAFT-LAKE STANLEY DRAPER RESERVATION, SECTIONS 38-309, RESTRICTED AREAS; SECTION 38-309.1, PERMITS; SECTION 38-309.2, REGULATIONS; RESTRICTIONS; SECTION 38-309.3, AUTHORITY OF THE UTILITIES DIRECTOR, DIRECTOR AND POLICE CHIEF; SECTION 38-309.4, PENALTY; AND AMENDING TITLE 38, ARTICLE VI, SECTION 60-38-36 PRICE OF RESALE PERMITS; AND SECTION 60-38-45, MODEL AIRCRAFT PERMITS.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Chapter 38, Article IV, Section 38-85(25) of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 38

PARKS, RECREATION, CULTURAL AFFAIRS, ETC.

ARTICLE IV. GENERAL PARK REGULATIONS

DIVISION 1. GENERALLY

§38-85 Definitions

(25). ~~Model aircraft flying~~ means the operation of a miniature representation of an aircraft ~~whether by line or remote control.~~ shall mean a non-human-carrying aircraft capable of sustained flight in the atmosphere.

SECTION 2. That Chapter 38, Article V, Sections 38-309, 38-309.1, 38-309.2, 38-309.3, 38-309.4 of the Oklahoma City Municipal Code, 2010, are hereby enacting a new Division 10 to read as follows:

ARTICLE V. LAKE RESERVATIONS IN GENERAL

DIVISION 10. MODEL AIRCRAFT-LAKE STANLEY DRAPER RESERVATION

§38-309. - Restricted areas.

- (a) No person may operate a model aircraft, as defined in this chapter upon any City-owned or City-operated lake reservation or upon the lands of the West Elm Creek Reservation except as provided in Subsection (b).
- (b) Model aircraft may be operated only on the model aircraft flying area specifically designated and posted by the Utilities Director for model aircraft.
- (c) Model aircraft shall be operated in a designated model aircraft flying area and subject to the regulations, restrictions and permit requirements.

§38-309.1. - Permits.

- (a) A permit is required for the operation of model aircraft on any City-operated reservation area so designated for such purpose. Permits will be sold only at the place or places designated by the Utilities Director.
- (b) Persons must have a current, valid Academy of Model Aeronautics (AMA) membership card in their possession and another form of identification issued by a government entity or school to obtain a permit and while operating a model aircraft. Any person whose membership has been suspended or revoked may not obtain a permit or operate a model aircraft.
- (c) As a prerequisite to obtaining a model aircraft permit, the applicant or the applicant's parent or legal guardian, if the applicant is under 18 years of age, must sign a liability release statement. The liability release statement for a person under 18 years of age must be signed by that person's parent or legal guardian.
- (d) The issuance of a model aircraft permit shall not authorize nor be deemed to authorize permittee to operate any model aircraft on any City property other than designated areas or to obviate any other regulation or restriction in any other ordinance, statute, or law regarding the operation of model aircraft.

- (e) Annual permits shall be effective for the permit year from January 1 through December 31 regardless of when the permit is purchased, provided however permits may be purchased in advance for the next permit year. Daily permits shall be effective only until midnight of the day referenced on the daily permit and may be purchased in advance.
- (f) Neither permit purchasers nor permit dealers shall be entitled to any exchange, refund, rebate or discount on subsequent purchase for any lost or misplaced permits. No permittee shall be entitled to any refund, rebate, or discount on subsequent purchase due to the revocation or suspension of a model aircraft permit under this article. In addition, permits may not be returned for any exchange, refund, rebate, or discount on subsequent purchases after the commencement of the term of the permit.

§38-309.2. - Regulations; restrictions.

The operation of model aircraft on any City-operated reservation is subject to the following restrictions and regulations:

- (a) no person shall operate model aircraft between the hours of sunset and sunrise except by special permit issued by the Utilities Director or designee.
- (b) no person shall operate model aircraft in a careless or reckless manner; shall avoid flying directly over unprotected people, vessels, vehicles or structures and shall avoid endangerment of life and property of others.
- (c) all model aircraft must be operated by an experienced operator who has the skills to successfully demonstrate all maneuvers intended or anticipated.
- (d) an inexperienced operator must be assisted by an experienced operator.
- (e) a safety line(s) must be established in front of which all flying takes place and only persons associated with flying the model aircraft are allowed at or in front of the safety line.
- (f) the flying area must be clear of all nonessential participants and spectators before the engine is started.
- (g) an area away from the safety line must be maintained for spectators.
- (h) an area for safe model aircraft fueling must be established.
- (i) no person shall place fuel at the model aircraft flying area except in the established safe fueling area.
- (j) all persons shall at all times conduct themselves and their activities in a manner that will prevent pollution and migration of oil, gas, fuel or other substance into an Oklahoma City water reservoir or watershed areas of Oklahoma City water reservoirs.

- (k) no person shall camp on the designated model aircraft flying area except by special permit for special model aircraft flying events issued by the Utilities Director or designee.
- (l) no person shall smoke on the designated model aircraft flying area.
- (m) no person shall operate model aircraft carrying pyrotechnic devices which explode or burn, or any device which propels a projectile or drops any object that creates a hazard to persons or property.
- (n) no person shall operate a model aircraft while under the influence of an intoxicating substance or a controlled dangerous substance or while in a drunken, intoxicated, inebriated, or stupefied condition.
- (o) parking is only allowed in designated and marked parking spaces on model aircraft flying areas.
- (p) no person operating a model aircraft on a City-operated reservation shall fail to obey a lawful order of the Utilities Director, a police officer or security personnel nor shall any person fail to abate any conduct, which violates this Code or creates a hazard to the public or to a reservoir or a reservation.
- (q) all operators of model aircraft must produce their model aircraft permits for inspection by City employees or other individuals as may be designated by the Utilities Director or the Director to oversee model aircraft activities on any City-operated reservation.
- (r) the Utilities Director, Chief of Police, and the Director shall have the authority to permanently revoke or temporarily suspend any model aircraft permit for violation of any provisions of this Code.
- (s) no person shall fly higher than approximately 400 feet above ground within three (3) miles of any airport or United States Air Force Base airport.
- (t) no person shall interfere with operations and traffic patterns of an United Air Force Base airport.
- (u) Academy of Model Aeronautics National Model Aircraft Safety Code and any amendment thereof is hereby incorporated by reference.

§38-309.3. - Authority of the Utilities Director, Director and Police Chief.

- (a) The Utilities Director, Director, and the Police Chief each have the authority to close a model aircraft area.

- (b) The Utilities Director, Director, and the Police Chief each have the authority to further limit the types of mode aircraft used in model aircraft areas.
- (c) No person shall violate a closure order. Any person who violates a closure order shall be subject, upon conviction, be guilty of a class “b” offense.

§38-309.4. - Penalty.

Any person convicted of violating any provision of this article shall be guilty of a Class ‘a’ offense except as otherwise specified in this Article.

§38-310. – Reserved.

SECTION 3. That Chapter 60, General Schedule of Fees, Title 38, Article V., Sections 60-38-36 and 60-38-45 of the Oklahoma City Municipal Code, 2010, are hereby amended to read as follows:

CHAPTER 60

TITLE 38. PARKS, RECREATION, CULTURAL AFFAIRS, ETC

ARTICLE V. LAKE RESERVATIONS IN GENERAL

§60-38-36 Price of resale permits.

The following permits may be sold by the Director at the fees provided herein to a licensee for resale to the public as provided in § 38-171 and herein. The resale prices for such permits may not be less or more than the permit fee established by this chapter for the sale of such permits by the City to the general public.

Daily fishing permit	\$ 3.10
annual fishing permit	17.50
daily boating permit	5.75
annual boating permit	31.00
daily hunting permit	2.60
annual hunting permit	11.50
daily non-motorized off-road vehicle permit	1.60
annual non-motorized off-road vehicle permit	23.00
daily, under 16 years, motorized off-road vehicle permit	1.60
annual, under 16 years, motorized off-road vehicle permit	11.00
daily, 16 years and older, motorized off-road vehicle permit	8.00

annual, 16 years and older, motorized off-road vehicle permit	70.00
<u>daily, youth (under 18 years), model aircraft permit</u>	<u>4.50</u>
<u>annual, youth (under 18 years), model aircraft permit</u>	<u>23.00</u>
<u>daily, adult, model aircraft permit</u>	<u>8.00</u>
<u>annual, adult, model aircraft permit</u>	<u>48.00</u>

§60-38-45. – Model Aircraft permits.

Permits to operate Model Aircraft in a designated area are as follows:

<u>annual, youth (under 18 years)</u>	<u>\$ 25.00</u>
<u>daily, youth (under 18 years)</u>	<u>\$5.00</u>
<u>annual, adult (18 and older)</u>	<u>\$50.00</u>
<u>daily, adult (18 and older)</u>	<u>\$10.00</u>

Annual permits are only effective for the permit year stated on the permit. All annual permits expire at midnight December 31. Daily permits are only effective for the date stated on the permit until sunset or until the City-operated reservation is closed for whatever reason, whichever comes first.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City this 29th day of January, 2013.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this 19th day of February, 2013.

ATTEST: (seal)

Frances Kersey
City Clerk

Mick Cornett
MAYOR