
ORDINANCE AMENDING CODE RELATING TO OFFENSES AGAINST PUBLIC SAFETY AND PEACE REGULATING OPERATION OF AIRCRAFT

The CITY OF BERLIN Common Council do ordain as follows:

Sec 46-3 of the CITY OF BERLIN Code of Ordinances is hereby created as follows:

Sec. 46-3. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not permissive.

Aircraft means a motorized or paramotorized helicopter, airplane, or other machine capable of flight.

Aircraft, manned means any aircraft that is designed to carry, or be operated from within or on the aircraft by, a human being.

Aircraft, unmanned means any aircraft that is not designed to carry or be operated from within or on the aircraft by, a human being.

Aircraft, small-unmanned means an unmanned aircraft weighing less than 55 pounds.

Aircraft, large-unmanned means an unmanned aircraft weighing 55 pounds or more.

Sec. 46-42 of the CITY OF BERLIN Code of Ordinances shall be amended as follows:

Sec. 46-42. – Operation of ~~remote-controlled or radio-controlled toys or devices~~ small-unmanned aircraft in certain areas.

It shall be unlawful for any person to fly, operate or make use of any ~~remote-controlled or radio-controlled model airplane, helicopter, vehicle or any other such device~~ small-unmanned aircraft in, over or upon any street, park or other public property, or land on or takeoff from private property, except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec 46-44 of the CITY OF BERLIN Code of Ordinances is hereby created as follows:

Sec. 46-44. – Operation of aircraft in interfering, dangerous, or damaging manner.

- (a) It shall be unlawful for any person to fly, operate or make use of any aircraft at such a low altitude as to intentionally interfere with the then existing use to which the land or water, or space over the land or water, is put by the owner, or conducted as to be imminently dangerous or damaging to persons or property lawfully on the land or water beneath.
- (b) It shall be unlawful to land or takeoff any manned aircraft, or large-unmanned aircraft, within

400 feet of a structure dedicated to human residential occupation, except in the event of a forced landing, as part of an emergency rescue operation, or as an accessory use to a hospital.

This Ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the CITY OF BERLIN Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the CITY OF BERLIN Attorney, during codification into the CITY OF BERLIN'S current Code of Ordinances.

This Ordinance Amending Code Relating to Offenses Against Public Safety and Peace Regulating Operation of Aircraft passed, approved, and adopted on August 13, 2024.

ROLL CALL VOTE:

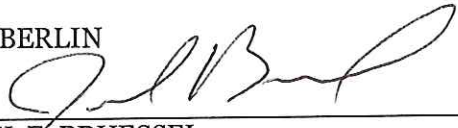
5 AYES

0 NAYS

1 ABSENT

CITY OF BERLIN

BY:



JOEL E. BRUESSEL
Mayor

ATTEST:



SARA L. RUTKOWSKI
City Administrator/City Clerk

APPROVED AS TO FORM:



MATTHEW G. CHIER
City Attorney