

TOWN OF PARADISE VALLEY

**Drone Ordinance
Town Council Meeting
December 3, 2015**



Key Questions

- Does Council want to adopt Ordinance Number 691, with an Emergency Clause?









Drone Ordinance Background

- This ordinance would be added as Article 10-12 to the Town Code
- Initial draft ordinance review occurred at the Council's May 28th work study meeting; a revised ordinance on October 28th; first hearing on November 19th
- Staff received comments from Council Members, some residents, and Unmanned Aerial Vehicle (UAV) users and UAV groups
- Staff has also reviewed ordinances of other municipalities and met with City of Phoenix staff regarding their draft ordinance
- All these contacts have lead to the changes and the final ordinance



Drone Ordinance Background

- Although the Federal Aviation Administration is still in the process of promulgating regulations concerning UAVs, many states and a few municipalities have adopted their own regulations for UAVs; and many more are interested in adopting regulations
- A FAA registration system is expected to be in place by mid-December
- The FAA has a primary concern with avoiding conflicts between UAV and other forms of regulated flight; the Town's concerns are centered more on local safety and privacy concerns
- The final ordinance attempts to balance the competing interests of residents' concerns about safety and privacy issues with appropriate use of UAV technology for both recreational and commercial use



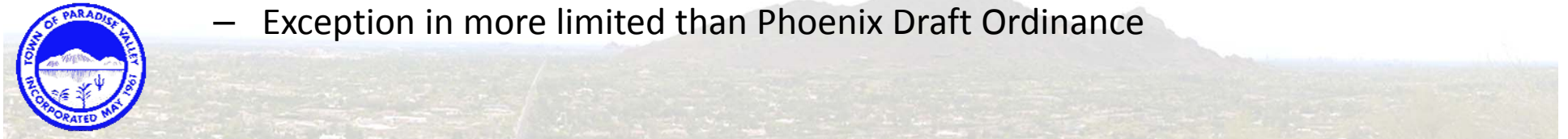
Drone Ordinance

- Private Property
 - Another significant change - consent of private property owners before a UAV user could fly over the private property, and lacking such consent, this type of UAV user would be consider a form of trespass and a violation of Town Code.
 - This suggestion also came from some of the commercial UAV users, who have stated that they do not need to fly over neighboring properties to do their commercial aerial photography, mapping, etc.
- Public Property
 - Allowance made for those times though when a UAV user needs or desires to fly over the public ROW or Town land
 - Such requests subject to the existing special event permit process



Basic Provisions

- Commercial Use - Commercial users must first (1) register with PVPD; (2) providing identifying info of the aircraft used; and (3) make an online notification of the date, time, location and contact info of the commercial user
- Recreational Use – A PV property owner may use an UAV on their own property as long as such use is at a height of less than 500’ and is not in violation of other criteria referenced below
- Emergency/Investigatory Use – Emergency use is allowed by a “law enforcement agency” in response to an emergency situation or after obtaining a warrant based upon probable cause that criminal activity is occurring
 - Emergency use includes code enforcement activities
 - Exception in more limited than Phoenix Draft Ordinance



Drone Ordinance

Why an online registry?

- Neighboring property owners who may see a UAV near their property and complain about such use, would be able to check the online registry or call the PD Dispatch to find out the purpose of the commercial use, the time of such use, and who to contact if they have any questions
- This would appear to be an open and easy system to use for tracking and monitoring UAV use within the Town
- Identification of responsible party if accidental damage occurs



Registration Process



Basic Provisions

General Prohibitions and Penalties

- An UAV shall not be used in a careless or reckless manner that poses an apparent or actual threat of harm danger to persons or property
- An UAV shall not be used to transmit any visual images or recordings of any person or property where there is a reasonable expectation of privacy (inside a residence of an enclosed yard is a defined “privacy” area)
- Penalties for violation shall be a Class 1 Misdemeanor or punishable under the provisions of Article 1-9 of the Town Code (which suggests that initial violations be charged as a civil violation)
- Emergency Clause added – will take effect on December 3rd



Changes to Ordinance 691 based on Council Comments on 11/19/15

- First violation is a civil fine only, unless conduct was intentional or reckless
- Seizure of drones for suspected violations authorized (similar to Chicago Ordinance)
- Additional details re drone registration now in ordinance



Comments/Questions?

