#### **ORDINANCE NO. 650**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, PLACING TEMPORARY REGULATIONS ON THE LAUNCHING AND OPERATION OF UNMANNED AERIAL SYSTEMS WITHIN THE CITY OF UNIVERSITY PLACE DURING THE MONTH OF JUNE 2015

WHEREAS, in 2015, the U.S. Open Championship will occur from June 15<sup>th</sup> through 21<sup>st</sup> in University Place; and

WHEREAS, at the 2014 U.S. Open Championship in Pinehurst, North Carolina, the potential of unpermitted and unregulated Unmanned Aerial Systems (UAS) intruding over the site and endangering those on the ground caused the Pinehurst Town Council to adopt an ordinance prohibiting UAS in Pinehurst; and

WHEREAS, Pierce County law enforcement and the United States Golf Association have requested that the City consider adopting such legislation as well; and

WHEREAS, UAS are pilotless machines, often referred to as drones, which operate based on remote signals, on-board programming, or both; and

WHEREAS, UAS are generally prohibited in United States general airspace. Under the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, the FAA is directed to create regulations by September 2015 that will enable UAS to fly throughout U.S. airspace; and

WHEREAS, any new FAA regulations will not be in place before the 2015 U.S. Open Championship in University Place, and there is currently no regulation for ground-based launching and operation of unpermitted UAS or the enforcement thereof; and

WHEREAS, in January 2015, the FAA released guidance for local law enforcement in dealing with unauthorized UAS operations which acknowledges the role of local regulation on UAS and local law enforcement activities related to unauthorized UAS operations; and

WHEREAS, no Washington State or local law currently regulates the ground-based conduct of launching and operating an UAS; and

WHEREAS, ground-based operators of UAS can lose control of their UAS, or have control remotely taken over, causing the UAS to crash resulting in injury to persons on the ground, particularly when large groups of people gather at events like the U.S. Open Championship; and

WHEREAS, UAS may also be operated intentionally to cause harm and disruption or assist through surveillance in planning and executing criminal activities; and

WHEREAS, the Washington State Constitution provides broad local authority to cities to enact laws and regulations that protect and promote public health, safety and welfare within their jurisdiction; and

WHEREAS, such local authority is known as "police power" and local laws and local exercises of police power are presumptively legally valid if the regulations they impose bear a reasonable and substantial relationship to their intended purpose; and

WHEREAS, it is in the public interest to prohibit the operation of UAS within the corporate limits of University Place in June 2015, to preclude the use of UAS for surveillance of event set up, security measures, transportation, or other event infrastructure; and

WHEREAS, it is in the public interest to prohibit the operation of UAS within the entire corporate limits of University Place in June 2015 because U.S. Open Championship related activities will be occurring in several areas of the City, and it is important to secure all areas from unauthorized UAS operations; and

WHEREAS, the FAA has jurisdiction over aviation in navigable airspace, but the City has full police power authority within its jurisdiction to adopt a temporary regulation during the month of June 2015, to regulate the ground-based conduct of launching and operating UAS within University Place in order to fulfill the request by Pierce County law enforcement and the USGA, and provide a tool to protect public health, safety and welfare;

# NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. <u>Enactment</u>. A new temporary Chapter 7.11 of the University Place Municipal Code entitled "Unmanned Aerial Systems" is hereby enacted to read as follows:

## Chapter 7.11

### **UNMANNED AERIAL SYSTEMS**

## 7.11.010 Definitions.

As used in this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

<u>Unmanned Aerial System</u>. A pilotless aircraft and associated elements, including communication links and components that control the pilotless aircraft from the ground.

#### 7.11.020 Restrictions.

During the month of June 2015, no person shall launch or operate any Unmanned Aerial System, including those classified by the FAA as model aircraft, within the corporate limits of the City of University Place, without prior written FAA authorization, and written permission from the City's administration based on the FAA authorization.

## 7.11.030 Violation - Penalty.

Any person who violates the provisions of this Ordinance is guilty of a misdemeanor, and upon conviction shall be imprisoned for up to ninety (90) days and be subject to a fine of not more than \$1,000.00.

### 7.11.040 UAS Impound Authorized.

In addition to the penalty specified in Section 7.11.030, any UAS operated in violation of this chapter may be impounded in the interest of public safety. The owner of the UAS may appeal any impound to the University Place Municipal Court.

Section 2. <u>Severability</u>. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. <u>Effective Date - Expiration</u>. This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, and publication as provided by law, or upon June 1, 2015, whichever is later and shall fully expire on June 30, 2015.

## PASSED BY THE CITY COUNCIL ON MARCH 2, 2015.

Denise McCluskey, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

Publication Date: 03/04/15 Effective Date: 06/01/15