ORDINANCE NO. G-6086

AN ORDINANCE PROMOTING COMMERCE AND INNOVATION WHILE PROTECTING PRIVACY, CIVIL RIGHTS AND CIVIL LIBERTIES IN THE USE OF UNMANNED AIRCRAFT SYSTEMS BY AMENDING CHAPTER 23 (MORALS AND CONDUCT) TO ADD NEW ARTICLE XIII; AND AMENDING CHAPTER 24 (PARKS AND RECREATION), ARTICLE II, DIVISION 2, SECTION 24-49 OF THE PHOENIX CITY CODE RELATED TO THE OPERATION OF REMOTELY CONTROLLED AIRCRAFT IN CITY PARKS AND PRESERVES; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. Phoenix City Code Chapter 23 (Morals and Conduct) is amended to add a new Article XIII to read as follows:

ARTICLE XIII. OPERATION OF UNMANNED AIRCRAFT VEHICLES AND UNMANNED AIRCRAFT SYSTEMS.

SEC. 23-200. ADMINISTRATION; DEFINITIONS; OPERATION AUTHORIZED BY THE FEDERAL AVIATION ADMINISTRATION.

A. ADMINISTRATION. THE CITY MANAGER IS AUTHORIZED TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE. THE CITY MANAGER AND CHIEF OF POLICE ARE AUTHORIZED TO ISSUE NOTICES FOR VIOLATING THE PROVISIONS OF THIS ARTICLE AND MAY TAKE REASONABLE MEASURES NECESSARY TO PROMOTE, PRESERVE, AND PROTECT PUBLIC HEALTH,
SAFETY, AND WELFARE.

B. DEFINITIONS. THE FOLLOWING DEFINITIONS APPLY TO THIS ARTICLE. THE SINGULAR OF THE WORD OR PHRASE INCLUDES THE PLURAL, AND THE PLURAL INCLUDES THE SINGULAR.

1. “AIRPORT” MEANS ANY AREA OF LAND OR WATER OWNED, OPERATED OR MAINTAINED BY OR ON BEHALF OF THE STATE, COUNTY, CITY, OR AIRPORT AUTHORITY THAT IS DESIGNED AND SET ASIDE FOR THE LANDING AND TAKING OFF OF AIRCRAFT AND THAT IS UTILIZED IN THE INTEREST OF THE PUBLIC FOR SUCH PURPOSES.


3. “CRITICAL FACILITY” MEANS A FACILITY OWNED OR LEASED FOR THE FOLLOWING PURPOSES: PETROLEUM REFINERY; PETROLEUM OR CHEMICAL PRODUCTION, TRANSPORTATION, STORAGE OR PROCESSING FACILITY; CHEMICAL MANUFACTURING FACILITY; WASTEWATER OR WATER TREATMENT FACILITY AND WATER DISTRIBUTION OR CONVEYANCE SYSTEMS; POWER GENERATING STATION, PLANT OR SUBSTATION; FEDERAL, STATE, COUNTY, OR MUNICIPAL COURT, PUBLIC SAFETY, OR EMERGENCY OPERATION FACILITIES; FEDERAL, STATE, COUNTY, OR MUNICIPAL JAILS, PRISONS OR OTHER FACILITIES FOR THE INCARCERATION OF PERSONS; FEDERAL OR STATE MILITARY INSTALLATIONS OR FACILITIES; HOSPITALS; ARIZONA STATE CAPITOL, EXECUTIVE TOWER, OR LEGISLATURE CHAMBERS; MARICOPA COUNTY COMPLEX OR BOARD OF SUPERVISORS CHAMBERS; PHOENIX CITY HALL, CALVIN C. GOODE BUILDING, OR CITY COUNCIL CHAMBERS; ATHLETIC, CULTURAL, EDUCATIONAL, OR ENTERTAINMENT FACILITIES WITH 500 OR MORE PERSONS IN ATTENDANCE; OR INFRASTRUCTURE VITAL TO THE OPERATION OF GOVERNMENT IN AN EMERGENCY.

4. “EVENT” MEANS A GATHERING OF TEN OR MORE PERSONS FOR ATHLETIC, CULTURAL, EDUCATIONAL, ENTERTAINMENT, RECREATIONAL, RELIGIOUS, OR SOCIAL PURPOSES AT A LOCATION WHERE THE PERSONS HAVE A REASONABLE EXPECTATION OF PRIVACY.
5. “FAA” means the Federal Aviation Administration.

6. “HOBBY OR RECREATIONAL PURPOSES” means a pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.

7. “IMAGE” means a record of thermal, infrared, ultraviolet, visible light or other electromagnetic waves; or other physical phenomena that captures conditions existing on or about real property or characteristics of a person.

8. “IMAGING DEVICE” means a mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing or transmitting an image attached to or a part of an UAV/UAS.

9. “OPERATE” means to pilot, steer, direct, fly, or manage a remotely controlled aircraft or an UAV/UAS whether from within the aircraft or remotely. The term “operate” includes managing or initiating a computer system that pilots, steers, directs, flies, or manages an UAV/UAS.

10. “REMOTELY CONTROLLED AIRCRAFT” means an unmanned aircraft capable of sustained flight in the atmosphere; and operated within visual line of sight of the person operating the aircraft; and operated for hobby or recreational purposes; and limited to not more than 55 pounds; and operated consistent with the Academy of Model Aeronautics (AMA) Safety Code and the FAA Modernization and Reform Act of 2012 (P.L. 112-95, Section 336).

11. “UNMANNED AIRCRAFT VEHICLE” (“UAV”) means an unmanned aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. This definition excludes remotely controlled aircraft. An UAV must be marked, identified, and operated as required by federal law.
12. “UNMANNED AIRCRAFT SYSTEM” (“UAS”) MEANS AN UNMANNED AIRCRAFT VEHICLE AND ASSOCIATED ELEMENTS (INCLUDING COMMUNICATION LINKS AND THE COMPONENTS THAT CONTROL THE UAV) THAT ARE REQUIRED TO OPERATE SAFELY AND EFFICIENTLY IN THE NATIONAL AIRSPACE SYSTEM. THIS DEFINITION EXCLUDES REMOTELY CONTROLLED AIRCRAFT. AN UAS MUST BE MARKED, IDENTIFIED, AND OPERATED AS REQUIRED BY FEDERAL LAW.

13. “WEAPON” MEANS ANY INSTRUMENT, ARTICLE, OR SUBSTANCE, WHICH UNDER THE CIRCUMSTANCES IT IS USED, ATTEMPTED TO BE USED, OR THREATENED TO BE USED, IS READILY CAPABLE OF CAUSING DEATH OR SERIOUS PHYSICAL INJURY.

C.—OPERATION AUTHORIZED BY THE FEDERAL AVIATION ADMINISTRATION. NOTWITHSTANDING THE PROHIBITIONS SET FORTH IN THIS ARTICLE, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT, LIMIT, OR OTHERWISE RESTRICT ANY PERSON WHO IS AUTHORIZED BY THE FAA TO OPERATE AN UAV/UAS IN CITY AIRSPACE, PURSUANT TO SECTION 333 OF THE FAA MODERNIZATION AND REFORM ACT OF 2012 OR A CERTIFICATE OF WAIVER, CERTIFICATE OF AUTHORIZATION OR AIRWORTHINESS CERTIFICATE UNDER SECTION 44704 OF TITLE 49 OF THE UNITED STATES CODE OR OTHER FAA GRANT OF AUTHORITY FOR A SPECIFIC FLIGHT OPERATION(S), FROM CONDUCTING SUCH OPERATION(S) IN ACCORDANCE WITH THE AUTHORITY GRANTED BY THE FAA.

SEC. 23-201. PERMISSIBLE OPERATION.

EXCEPT AS PROHIBITED IN SECTION 23-202, A PERSON MAY OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS WITHIN CITY AIRSPACE TO THE FULL EXTENT PERMITTED BY FEDERAL AND STATE LAW INCLUDING, BUT NOT EXCLUSIVELY:

A. A PERSON MAY OPERATE AN UAV/UAS TO PHOTOGRAPH, FILM, AUDIOTAPE, OR OTHERWISE RECORD AN IMAGE USING AN IMAGING DEVICE AS FOLLOWS:

1. IF THE IMAGE IS MADE BY THE CITY OF PHOENIX OR AN AGENT, EMPLOYEE, OR CONTRACTOR OF THE CITY OF PHOENIX AS A PART OF OPERATION, REPAIR, OR MAINTENANCE OF CITY OF PHOENIX FACILITIES OR
INFRASTRUCTURE; OR AS A PART OF ADMINISTRATION OR FURNISHING SERVICES TO CITY OF PHOENIX RESIDENTS.

2. IF THE IMAGE IS MADE FOR THE MONITORING, OPERATION AND MAINTENANCE OF UTILITIES, TELECOMMUNICATION, WATER CONVEYANCE, OR TRANSPORTATION INFRASTRUCTURE FOR THE PURPOSE OF MAINTAINING THE RELIABILITY AND INTEGRITY OF THE UTILITY, TELECOMMUNICATION, WATER CONVEYANCE, OR TRANSPORTATION SYSTEM OR TO DETERMINE IF REPAIRS ARE NECESSARY.

3. IF THE IMAGE IS MADE BY A PUBLISHER, EDITOR, REPORTER, OR OTHER PERSON CONNECTED WITH OR EMPLOYED BY A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL PUBLICATION ENGAGED IN GATHERING, RECEIVING, OR PROCESSING INFORMATION FOR COMMUNICATION TO THE PUBLIC, OR BY A RADIO OR TELEVISION STATION OR NETWORK, OR BY A PRESS ASSOCIATION OR WIRE SERVICE, OR INTERNET WEB SITE AFFILIATED WITH OR UNDER COMMON OWNERSHIP OF ANY OF THOSE ENTITIES.

4. IF THE IMAGE IS MADE OVER AN EVENT WITH THE CONSENT OF THE EVENT ORGANIZER.

5. IF THE IMAGE IS MADE BY A PERSON OR AN ENTITY, OR THEIR AGENT, EMPLOYEE, OR CONTRACTOR, ENGAGED IN A BUSINESS OR PROFESSION LICENSED BY THE STATE AND THE MAKING OF AN IMAGE IS STANDARD PROCEDURE IN ACCORDANCE WITH INDUSTRY CUSTOM AND PRACTICE, OR PERMITTED UNDER THE LICENSE OF THE PERSON OR ENTITY.

6. IF THE IMAGE IS MADE FOR AERIAL MAPPING AS PERMITTED BY FEDERAL AND STATE LAW.

7. IF THE IMAGE IS MADE TO CAPTURE IMAGES NECESSARY FOR THE SAFE OPERATION OR NAVIGATION OF AN UAV/UAS FOR A PURPOSE PERMITTED UNDER FEDERAL OR STATE LAW.

B. A PERSON MAY OPERATE AN UAV/UAS TO DELIVER CARGO, PACKAGES, OR EXPRESS PACKAGES AS PERMITTED BY FEDERAL AND STATE LAW.
C. A LAW ENFORCEMENT AGENCY MAY OPERATE AN UAV/UAS FOR ANY LAWFUL PURPOSE.

1. A LAW ENFORCEMENT AGENCY SHALL NOT OPERATE AN UAV/UAS FOR THE PURPOSE OF GATHERING EVIDENCE OR OTHER INFORMATION WITHIN THE CURTILAGE OF A PRIVATE RESIDENCE OR OTHER LOCATION AT WHICH A PERSON HAS A REASONABLE EXPECTATION OF PRIVACY UNLESS THE LAW ENFORCEMENT AGENCY FIRST OBTAINS A WARRANT FROM A COURT OF COMPETENT JURISDICTION AUTHORIZING THE OPERATION OF THE UAV/UAS FOR THAT PURPOSE.

2. A LAW ENFORCEMENT AGENCY MAY OPERATE AN UAV/UAS WITHOUT OBTAINING A WARRANT ISSUED PURSUANT TO SUBSECTION 1:

a. IF EXIGENT CIRCUMSTANCES EXIST THAT MAKE IT UNREASONABLE FOR THE LAW ENFORCEMENT AGENCY TO OBTAIN A WARRANT AUTHORIZING THE OPERATION OF THE UAV/UAS.

b. IF A PERSON CONSENTS TO THE LAW ENFORCEMENT AGENCY AUTHORIZING THE LAW ENFORCEMENT AGENCY TO ACQUIRE INFORMATION ABOUT THE PERSON OR THE REAL OR PERSONAL PROPERTY OF THE PERSON.

e. FOR THE PURPOSE OF CONDUCTING SEARCH AND RESCUE OPERATIONS FOR PERSONS AND PROPERTY IN DISTRESS.

3. A CITY OF PHOENIX EMPLOYEE OR VOLUNTEER WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO APPROPRIATE CORRECTIVE ACTION AS THE CITY MANAGER MAY DIRECT.

D. A PERSON MAY OPERATE AN UAV/UAS WITHIN 5 MILES OF AN AIRPORT IF THE PERSON FIRST OBTAINS A WAIVER, EXEMPTION OR OTHER AUTHORIZATION FOR THE OPERATION PURSUANT TO ANY RULE OR REGULATION OF THE FAA AND PROVIDES PRIOR NOTICE TO THE AIRPORT AUTHORITY OR OPERATOR OF THE AIRPORT.

E. A PERSON MAY OPERATE A REMOTELY CONTROLLED AIRCRAFT AS PERMITTED BY FEDERAL AND STATE LAW.
F. A PERSON MAY OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS IN A CITY OF PHOENIX PARK AS PROVIDED IN PHOENIX CITY CODE SECTION 24-49.

SEC. 23-202. PROHIBITED OPERATION.

A. A PERSON SHALL NOT OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS IN A CARELESS OR RECKLESS MANNER AS PROVIDED IN ARIZONA REVISED STATUTES SECTION 28-8280.

B. A PERSON SHALL NOT OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS TO INTENTIONALLY KILL BIRDS OR ANIMALS AS PROVIDED IN ARIZONA REVISED STATUTES SECTION 28-8281.

C. A PERSON SHALL NOT OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS EQUIPPED WITH A WEAPON.

D. A PERSON SHALL NOT OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS NEAR A CRITICAL FACILITY EXCEPT WITHIN VISUAL LINE OF SIGHT OF THE PERSON OPERATING THE AIRCRAFT, OR OPERATE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS TO TAKE OFF OR LAND WITHIN 500 FEET OF A CRITICAL FACILITY UNLESS THE PERSON RECEIVES THE CONSENT OF THE PERSON WHO LAWFULLY OWNS, OPERATES, POSSESSES, OR CONTROLS THE CRITICAL FACILITY.

1. THIS SECTION SHALL NOT APPLY TO A PUBLISHER, EDITOR, REPORTER, OR OTHER PERSON CONNECTED WITH OR EMPLOYED BY A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL PUBLICATION ENGAGED IN GATHERING, RECEIVING, OR PROCESSING INFORMATION FOR COMMUNICATION TO THE PUBLIC, OR BY A RADIO OR TELEVISION STATION OR NETWORK, OR BY A PRESS ASSOCIATION OR WIRE SERVICE, OR INTERNET WEB SITE AFFILIATED WITH OR UNDER COMMON OWNERSHIP OF ANY OF THOSE ENTITIES.

2. THIS SECTION SHALL NOT APPLY TO THE OPERATION OF A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS IN OR NEAR ATHLETIC, CULTURAL, EDUCATIONAL, OR ENTERTAINMENT FACILITIES WITH LESS THAN 10 PERSONS IN ATTENDANCE.
3. This section shall not apply to operation of an UAV/UAS by a law enforcement agency for any lawful purpose including, but not limited to, search and rescue operations for persons and property in distress.

E. A person shall not operate a remotely controlled aircraft or an UAV/UAS within 5 miles of an airport except as provided in section 23-201(D).

F. A person shall not operate a remotely controlled aircraft or an UAV/UAS to knowingly photograph, videotape, film, digitally record, or secretly view another person without that person’s consent as provided in Arizona Revised Statutes section 13-3019.

Sec. 23-203. Violations; civil sanctions; civil remedies.

A. Prohibited use violation. A person who violates sections 23-202(A) or 23-202(C) is guilty of a class 1 misdemeanor.

B. Prohibited use civil sanctions. A civil sanction may be imposed for a violation of section 23-202 in an amount not to exceed the following schedule:

<table>
<thead>
<tr>
<th>Civil Sanction Per-Day</th>
<th>Violation Description</th>
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<tbody>
<tr>
<td>$500</td>
<td>Prohibited operation of a remotely controlled aircraft or an UAV/UAS in a careless and reckless manner as provided in section 23-202(A).</td>
</tr>
<tr>
<td>$500</td>
<td>Prohibited operation of a remotely controlled aircraft or an UAV/UAS by intentionally killing birds or animals as provided in section 23-202(B).</td>
</tr>
<tr>
<td>$500</td>
<td>Prohibited operation of a remotely</td>
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CONTROLLED AIRCRAFT OR AN UAV/UAS EQUIPPED WITH A WEAPON AS PROVIDED IN SECTION 23-202(C).

$500 PROHIBITED OPERATIONS OF A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS WITHIN THE RESTRICTED ZONE OF A CRITICAL FACILITY OR AIRPORT AS PROVIDED IN SECTIONS 23-202(D) OR 23-202(E).

$500 PROHIBITED OPERATIONS OF A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS TO KNOWINGLY PHOTOGRAPH, VIDEOTAPE, FILM, DIGITALLY RECORD, OR SECRETLY VIEW ANOTHER PERSON WITHOUT THAT PERSON’S CONSENT AS PROVIDED IN SECTION 23-202(F).

EACH CALENDAR DAY SHALL BE CONSIDERED A SEPARATE PERIOD FOR PURPOSES OF ISSUING CIVIL SANCTIONS.

C. EXCEPT FOR A VIOLATION OF SECTION 23-202 (PROHIBITED OPERATION), ARIZONA TORT LAW AND SUCH OTHER EQUITABLE RELIEF AS MAY BE GRANTED BY A COURT OF COMPETENT JURISDICTION ARE THE SOLE REMEDIES FOR A VIOLATION OF THIS ARTICLE.

SEC. 23-204. OPERATION DURING EMERGENCY.

A. A LAW ENFORCEMENT AGENCY MAY OPERATE AN UAV/UAS AS PERMITTED BY LAW DURING AN EMERGENCY.

B. A LAW ENFORCEMENT AGENCY THAT OPERATES AN UAV/UAS PURSUANT TO THIS SECTION SHALL INFORM THE PUBLIC REGARDING ANY OPERATIONS THAT SIGNIFICANTLY AFFECT PRIVACY, CIVIL RIGHTS, OR CIVIL LIBERTIES DURING THE EMERGENCY BY SUBMITTING A WRITTEN STATEMENT TO THE CITY MANAGER NO LATER THAN 30 CALENDAR DAYS AFTER EMERGENCY OPERATIONS HAVE EXPIRED OR CEASED.

SEC. 23-205. SAVINGS CLAUSE; CONFLICT IN LAW.

A. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THIS ORDINANCE OR ANY PART OF
THESE AMENDMENTS TO THE PHOENIX CITY CODE AS ADOPTED IS FOR ANY REASON HELD INVALID OR UNCONSTITUTIONAL BY THE DECISION OF ANY COURT OF COMPETENT JURISDICTION, THE COURT’S DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

B. THIS ORDINANCE SHALL BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH FEDERAL AND STATE LAW. IF A CONFLICT OR AMBIGUITY EXISTS BETWEEN THIS ORDINANCE AND FEDERAL OR STATE LAW SOLELY RELATED TO THE OPERATION OF A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS WITHIN CITY AIRSPACE, THE LAWS IN THE FOLLOWING ORDER SHALL PREVAIL AND CONTROL: (1) FEDERAL; (2) STATE; (3) THIS ORDINANCE.

SECTION 2. Phoenix City Code Chapter 24 (Parks and Recreation),

Article II, Division 2, Section 24-49 is amended to read as follows:

Sec. 24-49 OPERATION OF REMOTELY CONTROLLED Remote control aircraft, UNMANNED AIRCRAFT VEHICLES AND UNMANNED AIRCRAFT SYSTEMS.

A. DEFINITIONS. THE FOLLOWING DEFINITIONS APPLY TO THIS SECTION. THE SINGULAR OF THE WORD OR PHRASE INCLUDES THE PLURAL, AND THE PLURAL INCLUDES THE SINGULAR.

1. “HOBBY OR RECREATIONAL PURPOSES” MEANS A PURSUIT ENGAGED IN FOR RELAXATION, AND NOT FOR BUSINESS PURPOSES AND NOT FOR COMPENSATION OR HIRE.

2. “OPERATE” MEANS TO PILOT, STEER, DIRECT, FLY, OR MANAGE A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS WHETHER FROM WITHIN THE AIRCRAFT OR REMOTELY. THE TERM “OPERATE” INCLUDES MANAGING OR INITIATING A COMPUTER SYSTEM THAT PILOTS, STEERS, DIRECTS, FLIES, OR MANAGES A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS.

3. “REMOTELY CONTROLLED AIRCRAFT” MEANS AN UNMANNED AIRCRAFT CAPABLE OF SUSTAINED FLIGHT IN THE ATMOSPHERE; AND OPERATED WITHIN VISUAL LINE OF SIGHT OF THE PERSON OPERATING THE AIRCRAFT; AND OPERATED FOR HOBBY OR RECREATIONAL PURPOSES; AND LIMITED TO NOT MORE THAN 55 POUNDS; AND OPERATED CONSISTENT WITH THE ACADEMY OF MODEL AERONAUTICS (AMA) SAFETY CODE AND THE FAA MODERNIZATION AND REFORM ACT OF 2012 (P.L. 112-95, SECTION 336).
4. “UNMANNED AIRCRAFT VEHICLE” (“UAV”) MEANS AN UNMANNED AIRCRAFT THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT. THIS DEFINITION EXCLUDES REMOTELY CONTROLLED AIRCRAFT. AN UAV MUST BE MARKED, IDENTIFIED, AND OPERATED AS REQUIRED BY FEDERAL LAW.

5. “UNMANNED AIRCRAFT SYSTEM” (“UAS”) MEANS AN UNMANNED AIRCRAFT VEHICLE AND ASSOCIATED ELEMENTS (INCLUDING COMMUNICATION LINKS AND THE COMPONENTS THAT CONTROL THE UAV) THAT ARE REQUIRED TO OPERATE SAFELY AND EFFICIENTLY IN THE NATIONAL AIRSPACE SYSTEM. THIS DEFINITION EXCLUDES REMOTELY CONTROLLED AIRCRAFT. AN UAS MUST BE MARKED, IDENTIFIED, AND OPERATED AS REQUIRED BY FEDERAL LAW.

B. APPLICATION OF THIS SECTION. THIS SECTION SHALL NOT APPLY TO:

1. OPERATION OF UAV/UAS 400 FEET OR MORE ABOVE GROUND LEVEL.

2.1. OPERATION OF UAV/UAS AS PART OF OPERATION, REPAIR, OR MAINTENANCE OF PARK OR PRESERVE FACILITIES OR INFRASTRUCTURE, OR AS PERMITTED THROUGH THE CITY OF PHOENIX FILM OFFICE, OR AS A PART OF FURNISHING SERVICES UNDER CITY OF PHOENIX AGREEMENTS.

3.2. OPERATION OF UAV/UAS BY A PUBLISHER, EDITOR, REPORTER, OR OTHER PERSON CONNECTED WITH OR EMPLOYED BY A NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL PUBLICATION ENGAGED IN GATHERING, RECEIVING, OR PROCESSING INFORMATION FOR COMMUNICATION TO THE PUBLIC, OR BY A RADIO OR TELEVISION STATION OR NETWORK, OR BY A PRESS ASSOCIATION OR WIRE SERVICE, OR INTERNET WEB SITE AFFILIATED WITH OR UNDER COMMON OWNERSHIP OF ANY OF THOSE ENTITIES.

4.3. OPERATION OF UAV/UAS BY A LAW ENFORCEMENT AGENCY FOR ANY LAWFUL PURPOSE INCLUDING, BUT NOT LIMITED TO SEARCH AND RESCUE OPERATIONS FOR PERSONS AND PROPERTY IN DISTRESS, OR DURING ANY EMERGENCY.
C. PROHIBITED OPERATION. No person SHALL may fly OPERATE, any A REMOTELY CONTROLLED AIRCRAFT, OR OPERATE AN UAV/UAS TO TAKE OFF OR LAND remote controlled or self-propelled aircraft, including, but not limited to, radio controlled or control line model airplanes, helicopters, and gliders in a park or preserve OWNED OR OPERATED BY THE CITY OF PHOENIX except in parks designated by the Director or designee in flying OPERATION sites that meet the requirements of Subsection C E of this Section.

D. SAFETY CODE. In parks designated for operation of remote control aircraft, the THE Academy of Model Aeronautics (AMA) Safety Code APPLIES TO PARKS DESIGNATED FOR THE OPERATION OF REMOTELY CONTROLLED AIRCRAFT AND UAV/UAS is to be observed in flying radio-controlled or control line model airplanes, helicopters, and gliders. A Persons PERSON OPERATING REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS MUST flying radio controlled or control line model airplanes, helicopters, and gliders shall follow AMA guidelines and produce a current Academy of Model Aeronautics membership card. Only one remote control aircraft is permitted at a time. SAFE OPERATING DISTANCES AMONG REMOTELY CONTROLLED AIRCRAFT AND UAV/UAS MUST CONFORM TO THE AMA SAFETY CODE.

E. OPERATION SITES. Flying OPERATION sites shall at all times remain unobstructed and a safe distance away from other park users. Dimensions of flying OPERATION sites shall be no less than 400 feet on all sides. For purposes of this Section, "unobstructed" means an open park area that is level and free of trees, structures, and OR fences 10 FEET OR HIGHER, and that is fully accessible for the retrieval of launched aircraft.

F. OPERATION BY MINORS. Children younger than 16 17 years of age shall MUST be accompanied by an adult when flying OPERATING REMOTELY CONTROLLED model aircraft OR UAV/UAS in City parks.

G. ADDITIONAL SAFETY REQUIREMENTS. Model REMOTELY CONTROLLED aircraft OR UAV/UAS that exceed any of the specifications listed below may only be flown OPERATED in City parks or preserves where there is a specifically developed model REMOTELY CONTROLLED aircraft OR UAV/UAS OPERATION flying site with spectator control fencing, established runways, flight pads or flying circles, and safety barriers for the protection of pilots and callers.
1. Fueled radio controlled model airplanes with an engine size of .20 cubic inches, wingspan of 60 inches, or weight of 3 pounds.

2. Electric powered radio controlled model airplanes with a wingspan of 80 inches or weight of 3 pounds.

3. Radio controlled helicopters with a main blade diameter of 40 inches or a weight of 3 pounds.

4. Radio controlled gliders with a wingspan of 80 inches or weight of 3 pounds.

5. Control line model airplanes with a single engine size of .25 cubic inches.

6. REMOTELY CONTROLLED AIRCRAFT OR UAV/UAS, WHICH WEIGH 3 POUNDS.

H. CIVIL SANCTIONS FOR PROHIBITED OPERATION. A PERSON FOUND GUILTY OF VIOLATING THIS SECTION SHALL PAY CIVIL SANCTIONS IN AN AMOUNT NOT TO EXCEED $500 PER DAY. EACH CALENDAR DAY SHALL BE CONSIDERED A SEPARATE PERIOD FOR PURPOSES OF IMPOSING CIVIL SANCTIONS.

I. SAVINGS CLAUSE. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THIS ORDINANCE IS FOR ANY REASON HELD INVALID OR UNCONSTITUTIONAL BY THE DECISION OF ANY COURT OF COMPETENT JURISDICTION, THE COURT’S DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

J. CONFLICT IN LAW. THIS ORDINANCE SHALL BE CONSTRUED AND ENFORCED IN ACCORDANCE WITH FEDERAL AND STATE LAW. IF A CONFLICT OR AMBIGUITY EXISTS BETWEEN THIS ORDINANCE AND FEDERAL OR STATE LAW RELATED TO THE OPERATION OF A REMOTELY CONTROLLED AIRCRAFT OR AN UAV/UAS WITHIN A CITY OF PHOENIX PARK OR PRESERVE, THE LAWS IN THE FOLLOWING ORDER SHALL PREVAIL AND CONTROL: (1) FEDERAL; (2) STATE; (3) THIS ORDINANCE.

SECTION 3. The provisions of this Ordinance shall be effective July 1, 2016.
PASSED by the Council of the City of Phoenix this 18th day of May, 2016.

____________________________________
M A Y O R

ATTEST:

_______________________________ City Clerk

APPROVED AS TO FORM:

_______________________________ Acting City Attorney

REVIEWED BY:

_______________________________ City Manager

DLB;dh:1204571v12;(CM60)(Item#20) 5/18/16