

**ITEM 6 ATTACHMENT
ORDINANCE NO. 2017-354**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS ADDING CHAPTER 9.10 TO THE CALABASAS MUNICIPAL CODE IMPOSING SAFETY REQUIREMENTS ON THE OPERATION OF MODEL AIRCRAFT AND TO IMPOSE RESTRICTIONS CONSISTENT WITH CERTAIN FEDERAL AVIATION RULES ON THE OPERATION OF BOTH MODEL AIRCRAFT AND CIVIL UNMANNED AIRCRAFT SYSTEMS (UAS), COMMONLY KNOWN AS DRONES.

DRONES AND UNMANNED AIRCRAFT SYSTEMS

Section 1

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9.10.010 Purpose.

The purpose of this chapter is to regulate the operation of Unmanned Aircraft, commonly known as drones, which can at times pose a hazard to full-scale aircraft in flight and to persons on the ground. Imposing community-based safety requirements on the operation of Model UAS and imposing restrictions on the operation of both Model UAS's and Civil UAS's consistent with Federal Aviation Administration rules is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of Unmanned Aircraft.

9.10.020 Definitions.

"Civil UAS" shall mean an Unmanned Aircraft or Unmanned Aircraft system operated by any Person for any purposes other than strictly hobby or recreational purposes, including, but not limited to, commercial purposes or in the furtherance of, or incidental to, any business or media service or agency.

"Drone" refers to any UAS.

"FAA" means the Federal Aviation Administration.

“Model UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any Person strictly for hobby or recreational purposes.

“Person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Public UAS” shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency for government related purposes.

“Unmanned Aircraft” shall mean an aircraft without a human pilot onboard, that is controlled by an operator on the ground, and is operated without the possibility of direct human intervention from within or on the aircraft.

“Unmanned Aircraft System (UAS)” shall mean an Unmanned Aircraft and associated elements, including, but not limited to, any communication links and components that control the Unmanned Aircraft.

“Visual Line of Sight” means that a Person operating an Unmanned Aircraft has an unobstructed view of the Unmanned Aircraft. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the Unmanned Aircraft. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight to the Unmanned Aircraft, except as otherwise permitted by federal law. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a “first-person view” from the Unmanned Aircraft do not constitute visual line of sight of the Person operating the Unmanned Aircraft.

9.10.020 Regulations

The following shall apply to the operation of any Model UAS or Civil UAS within the City of Calabasas:

1. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas in a manner that is prohibited by any federal statute or regulation.
2. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas in a manner that interferes with manned aircraft, and any Person operating a Model UAS shall always give way to any manned aircraft.

3. No Person shall takeoff, land or operate any Model UAS or Civil UAS within the City of Calabasas beyond the "Visual Line of Sight" of the Person operating the Model UAS or Civil UAS.
4. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas other than during daylight hours defined as between official sunrise and official sunset for local time, except that a Person may operate a Model UAS or Civil UAS during periods of civil twilight if the UAS has lighted anti-collision lighting visible for at least three statute miles. As used herein, "civil twilight" means a period of time that begins 30 minutes before official sunrise and ends at official sunrise, and a period of time that begins at official sunset and ends 30 minutes after official sunset.
5. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas more than 400 feet above the earth's surface, unless the UAS is both flown within a 400-foot radius of a structure and does not fly higher than 400 feet above the structure's immediate uppermost limit.
6. Excluding takeoff and landing, no Person shall operate any Model UAS or Civil UAS within the City of Calabasas closer than 25 feet to any individual, except the operator or the operator's helper(s).
7. No Person shall takeoff or operate a Model UAS or Civil UAS on private property without the consent of the property owner.
8. No Person shall takeoff, land or operate a Model UAS or Civil UAS over publicly permitted events without prior notification and authorization of the City.
9. No Person shall takeoff, land or operate a Model UAS or Civil UAS within one thousand five hundred (1500) horizontal feet of any manned or unmanned aircraft.
10. No Person shall takeoff, land or operate a Model UAS or Civil UAS within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens.
11. No Person shall takeoff, land or operate a Model UAS or Civil UAS within five hundred (500) feet of any active law enforcement or emergency response incident.
12. No Person shall takeoff, land or operate a Model UAS or Civil UAS within two hundred (200) feet of a school facility without prior notification and authorization of school officials.

13. No Person shall takeoff, land or operate a Model UAS or Civil UAS within one hundred (100) feet of any public building or facility without prior notification, and authorization of the City.
14. No Person shall operate a Model UAS or Civil UAS that has any type of weapon attached to it.
15. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas in violation of any temporary flight restriction (TFR) or notice to airmen (NOTAM) issued by the Federal Aviation Administration.
16. No Person shall operate any Model UAS or Civil UAS within the City of Calabasas in a careless or reckless manner so as to endanger the life or property of another. The standard for what constitutes careless and reckless operation under this section shall be the same as the standard set forth in any federal statutes or regulations governing aeronautics including but not limited to Federal Aviation Rule 91.13.

9.10.030 Exemptions.

The provisions of this chapter shall not apply to any Public UAS, or UAS weighing less than 0.55 lbs.

9.10.040 Violations; Penalties.

Any Person who violates any provision of this chapter is guilty of a misdemeanor punishable as provided in section 1.16.020A of this code.

SECTION 2. Severability Clause

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 3. California Environmental Quality Act

The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during public comment on the matter, and hereby determines that that this ordinance is exempt from the California Environmental Quality Act review under Title 14, section 15061(b)(3) as there is no potential for causing a significant effect on the environment. Furthermore, this ordinance will not cause a direct or indirect physical change to the environment and is therefore exempt pursuant to Title 14, Section 15378(b)(2) and (3) of the California Code of Regulations.

SECTION 4. Effective Date

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance.

SECTION 5. Certification

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of December, 2017.

Mary Sue Maurer, Mayor

ATTEST:

Maricela Hernandez, MMC
City Clerk

APPROVED AS TO FORM:

Scott H. Howard, City Attorney