

Memorandum



City of Tempe

REVISED

Date: December 1, 2016
To: Mayor and Council
Through: Councilmember Navarro
From: UAV Working Group
Subject: **Unmanned Aerial Vehicle Working Group Recommendation**

BACKGROUND:

The popularity of Unmanned Aerial Vehicles (UAVs), also known as “drones,” created interest among staff and residents to consider how drones might be regulated in our city. Concerns developed over reckless flights and the use of drones to videotape on private property. Working group discussions focused on both local commercial and recreational uses and operations of drones. Federal UAV policies were reviewed along with ordinances from other cities.

The Federal Aviation Administration (FAA) governs the use and operations of drones throughout U.S. airspace. FAA guidelines dictate regulations for commercial and recreational operators. For example, with FAA permission and airport clearance, a drone may be launched, flown, and landed within the SkyHarbor flight path. However, there is a caveat for recreational drone users. Local regulations may apply as long as they’re compatible with FAA rules and not more restrictive than state law. This prompted the working group to begin outlining a local ordinance in early 2016. Plans were halted after learning the FAA was revising their rules and that the Arizona Legislature was considering an UAV regulations bill. By the beginning of summer, the FAA rules were revised and the legislature passed SB1449. The combined new policies strengthen UAV governance and therefore, the city did not need to write a new ordinance. Instead, the outcome was to propose amending an existing ordinance and develop a police enforcement guidance document. An important note is that drone take-offs and landings would be prohibited within the parks and preserves north of Rio Salado Parkway. This does not preclude drones from being flown through these parks and preserves.

ORDINANCE AND GUIDANCE DOCUMENT:

The attached ordinance and police enforcement guidance document includes the following provisions:

- Prohibits the launching or landing of UAVs in any city parks or preserves north of Rio Salado Parkway.
- Covers the prohibition of reckless flight of UAVs and surreptitious recording

DIRECTION:

Request that Council approve and forward the attached ordinance to the next available Regular Council Meeting for public hearing and vote.

WORKING GROUP MEMBERS:

Councilmember Joel Navarro
Lane Carraway, TAVCO Chair
Shannon Dutton, Former TAVCO Chair

STAFF ASSISTING THE WORKING GROUP MEMBERS:

Marilyn DeRosa, Deputy Director Public Works
Oddvar Tveit, Environmental Quality Specialist
Robert Downing, Fire Medical Rescue
Cmdr Kim Hale, Police Department
Chuck Cahoy, Deputy City Attorney
Bill Amato, Assistant City Attorney
Marge Zylla, Government Relations Officer
Elizabeth Higgins, Chief of Staff – Mayor and Council
Parrish Spisz, Council Aide

RESIDENTS AND BUSINESSES ASSISTING THE WORKING GROUP MEMBERS:

John Nunes, TAVCO Member and UAV Pilot
Larry Tom, Hobby Action Shop Owner