

**ORDINANCE 16-09**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 9, ARTICLE 9-4, SECTION 9-4-3, AND ADDING NEW SECTION 9-4-4 OPERATION OF MODEL AIRCRAFT OR UNMANNED AIRCRAFT IN TOWN PARKS, ALL RELATED TO REGULATING THE USE OF DRONES IN TOWN PARKS.

**WHEREAS**, during its 2016 Legislative Session, the Arizona State Legislature enacted legislation regulating the use of model aircraft or unmanned aircraft in the State of Arizona, preempting municipalities from additional regulations of such aircraft and requiring that each municipality permit the takeoff or landing of a model aircraft or unmanned aircraft in at least one park or preserve owned by the municipality; and

**WHEREAS**, Town Code Section 9-4-3 prohibits the use of gas powered model airplanes and incendiary model rockets in all Town parks; and

**WHEREAS**, the Mayor and Council of the Town desires to amend the Town Code and modify the Park Rules to comply with State law and designate a park within the Town where the takeoff and landing of a model aircraft or unmanned aircraft is permitted pursuant to State law,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS** as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town of Fountain Hills Town Code, Chapter 9 (Parks and Recreation), Article 9-4 (Park Rules and Regulations), Section 9-4-3 (Rules and Regulations at Town Owned Parks) is hereby amended to read as follows:

**Section 9-4-3 Rules and Regulations at Town Owned Parks**

A. All persons who use Town owned parks shall obey the following rules while on park property.

. . .

11. Model aircraft or unmanned aircraft and incendiary rockets are prohibited, except as provided in Section 9-4-4.

. . .

SECTION 3. The Town of Fountain Hills Town Code, Chapter 9 (Parks and Recreation), Article 9-4 (Park Rules and Regulations) is hereby amended by adding new Section 9-4-4 (Operation of Model Aircraft or Unmanned Aircraft) to read as follows:

**Section 9-4-4 Operation of Model Aircraft or Unmanned Aircraft**

- A. Pursuant to ARIZ. REV. STAT. § 13-3729(D)(3), the takeoff and landing of model aircraft or unmanned aircraft is permitted in the area of Desert Vista Park that is designated and posted for that use.
- B. For purposes of this Article, “Unmanned Aircraft” and “Model Aircraft” have the same meaning prescribed in Sections 331 and 336, respectively, of the FAA Modernization and Reform Act of 2012 (P.L. 112-95), as amended.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, September 15, 2016.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

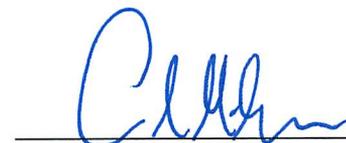
  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

  
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Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
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Grady E. Miller, Town Manager

  
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Andrew J. McGuire, Town Attorney