

ORDINANCE 2024-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO
AMENDING SECTION IX OF THE FRUITA MUNICIPAL CODE AND CREATING A
NEW TITLE IX CHAPTER TO REGULATE UNMANNED AIR SYSTEMS.**

WHEREAS, The City of Fruita is a home rule municipality with the powers and authority vested under the Colorado Law; and

WHEREAS, Congress has provided the Federal Aviation Administration (FAA) with exclusive authority to regulate aviation safety, the efficiency of the navigable airspace, and air traffic control; and

WHEREAS, the FAA has promulgated and enforces 14 C.F.R. Part 107 regarding the safe and orderly operation of UAS; and

WHEREAS, the Fruita City Council has requested the ability for the Police Department to address unmanned aircraft systems throughout Fruita, and

WHEREAS, Title IX of the Fruita Municipal Code addresses the Public Peace, Morals, and Welfare of Fruita, and

WHEREAS, over the past year, staff and the Fruita City Council has been working on language and an update to Municipal Code to include language on the use of unmanned aircraft systems, and

WHEREAS, this update has included the recommendation on adding a new chapter to the Fruita Municipal Code on unmanned aircraft systems, and

WHEREAS, in this new chapter, unmanned aircraft systems are defined, along with prohibited acts, exemptions to the chapter, and enforcement of the provisions of the chapter, and

WHEREAS, the Fruita City Council finds it necessary to add this chapter to maintain the the public peace, morals, and welfare of Fruita.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1: Section Chapter 9.16 of the Fruita Municipal Code is hereby added and included as follows of the Fruita Municipal Code, and as detailed in Exhibit A:

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 19th DAY OF MARCH, 2024.**

ATTEST:

CITY OF FRUITA

City Clerk

Mayor Joel Kincaid

EXHIBIT A

Chapter 9.16

UNMANNED AIRCRAFT SYSTEMS

Sections:

9.16.010	Purpose and intent
9.16.020	Definitions
9.16.030	Prohibited Acts
9.16.040	Enforcement

9.16.010 PURPOSE AND INTENT. The purpose of this Chapter is to establish regulations pertaining to all unmanned aircraft systems, (“UAS”) operating within the jurisdictional borders of the City of Fruita. It is the intent of this Chapter to be interpreted in conformance with any existing or future federal or state laws or regulations that address the operation of unmanned aircraft systems.

9.16.020 DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Model aircraft means an unmanned aircraft that is: (a) capable of sustained flight in the atmosphere; (b) flown within visual line of sight of the person operating the aircraft; and (c) flown for hobby or recreational purposes.

Navigable airspace means airspace above the minimum altitudes of flight prescribed by FAA regulations, including airspace needed to ensure safety in takeoff and landing of aircraft.

Operate means to fly, use, launch, land, employ or navigate an unmanned aircraft system.

City airspace means and includes all airspace above the jurisdictional boundaries of the City, to the full extent such airspace can legally be regulated by the City.

Unmanned aircraft system or UAS means an aircraft, powered aerial vehicle, or other device without a human pilot on board, the flight of which is controlled either autonomously by on board computers or by remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus. It includes model aircraft and drones.

9.16.030 PROHIBITED ACTS. The following acts are prohibited in the operation of an unmanned aircraft system anywhere in the City or City airspace:

(a) No person shall operate a UAS to endanger, harm or harass the life or property of any person nor shall any person operate a UAS in a reckless or careless manner. No person may operate a UAS near any person, pedestrians, bicyclists, motorists to the extent it creates or is perceived to create a public safety threat to life or property.

(b) No person shall operate a UAS to endanger, harass, harm or injure any livestock, companion animal or wildlife.

(c) No person shall operate a UAS who is under the influence of alcohol, marijuana, or one (1) or more controlled substances as defined in Article 18 of Title 18 of the Colorado Revised Statutes.

(d) No person shall operate a UAS if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS, or if he or she knows or has reason to know that UAS equipment is not in proper working order.

(e) No person shall enter, hover, land or otherwise operate an unmanned aircraft system on or over another person's private property without the prior consent of the property owner. Such unauthorized entry onto another's property shall be deemed a trespass.

9.17.040 EXEMPTION. For the purposes of this section, the following are exemptions for prohibited acts:

(a) This ordinance is not intended and does not prohibit the use of any UAS by a Fire Department, Emergency Medical Services, Law Enforcement, or other City employees for the benefit of public safety.

(b) Nothing in this ordinance is intended to prohibit commercial UAS operators from using any UAS in the performance of their business that is outside of the scope of hobby and recreational purposes.

9.16.050 ENFORCEMENT. It shall be unlawful to violate any provision of this Chapter. Any Person who is convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1.28.020 of this Code. In addition, any UAS operated in violation of this Chapter may be immediately impounded in the interest of public safety. Law enforcement officers are authorized to disable any UAS operating within the City Airspace that poses an imminent threat to public safety.