

## RESOLUTION NO. 1983

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING ADMINISTRATIVE POLICY NO. 1-07 "TOWN FACILITIES USAGE" OF THE PRESCOTT VALLEY POLICIES AND PROCEDURES MANUAL WITH REGARD TO REGULATION OF UNMANNED AIRCRAFT IN ORDER TO CONFORM WITH RECENT AMENDMENTS TO TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES; PROVIDING THAT IF ANY PROVISION IN SAID POLICY IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Resolution No. 1029 (dated July 26, 2001), the Town Council adopted the "Prescott Valley Policies and Procedures Manual," which consolidated all Town policies into a single notebook made up of individual, numbered policies on various topics; and

WHEREAS, by Resolution No. 1126 (dated October 10, 2002), the Council adopted Policy No. 1-07 "Town Facilities Usage" ("Policy No. 1-07") to provide guidance to Town staff regarding lawful, timely, effective, equitable, and consistent administration of the various types of real and personal property in which the Town has an interest; and

WHEREAS, Policy No. 1-07 was subsequently amended by Resolution No. 1349 (dated May 26, 2005) (authorizing staff to direct persons to immediately vacate facilities premises under certain circumstances), Resolution No. 1408 (dated February 9, 2006) (prohibiting paintball games in Town facilities), Resolution No. 1535 (dated October 11, 2007) (implementing the Smoke-Free Arizona Act), Resolution No. 1745 (dated April 28, 2011) (firearms regulation), Resolution No. 1850 (dated August 22, 2013) (regulating entry of service animals in Town facilities in accordance with Arizona law), and Resolution No. 1924 (use of e-cigarettes in Town facilities and clarify various forum designations); and

WHEREAS, on May 11, 2016, the Governor of Arizona signed into law S.B. 1449 which, among other things, amended Title 13, Chapter 37, Arizona Revised Statutes, by adding Section 13-3729 restricting local regulation of unmanned aircraft; and

WHEREAS, Town staff proposes that Policy No. 1-07 be amended to conform with the provisions of S.B. 1449 relating to regulation of unmanned aircraft in and on Town facilities; and

WHEREAS, the Town Council finds that these proposed amendments to Policy No. 1-07 meet the health, safety and welfare needs of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA:

1. That Policy No. 1-07 "Town Facilities Usage" of the *Prescott Valley Policies and Procedures Manual* be hereby amended to read as follows:

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## **6.0 SPECIAL REQUIREMENTS**

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### 6.14 Prohibited Activities.

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B. With the exception of unmanned aircraft (as provided below), Users shall not operate motorized/non-motorized remote control devices (including, without limitation, ~~model airplanes, model boats, model cars, model trucks, model helicopters~~ or incendiary model rockets) in or on the Facilities unless expressly authorized by Staff.

1. Users shall not operate model aircraft in or on the Facilities (including, but not limited to, Town parks), except for that area of Fain Park identified on the map attached to this Policy as Appendix B. Other unmanned aircraft are generally regulated by preemptive federal and state law. For this purpose, "unmanned aircraft" means an aircraft, including an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft. "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.

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## **APPENDIX "B"**

### Fain Park – Model Aircraft Operation Area [Subsection 6.14(B)]

2. That, if any provision in this Resolution [or in said amended policy] is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

3. That this Resolution shall be effective after its passage and approval according to the law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 15<sup>th</sup> day of December, 2016.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney