

## **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.