

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A PUBLIC DECLARATION LETTER SEEKING A CERTIFICATE OF WAIVER/ AUTHORIZATION OF UNMANNED AIRCRAFT AS A PUBLIC AIRCRAFT OPERATOR FOR PURPOSES OF CERTAIN GOVERNMENT FUNCTIONS AS DEFINED IN 49 U.S.C. § 40125 AND AUTHORIZING EXECUTION OF ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

WHEREAS, the city is constantly evaluating the best possible ways to assist its residents and surrounding communities and provide top class services; and

WHEREAS, the City of Kingsport has determined that the operation of unmanned aircrafts will significantly enhance its ability to provide timely and effective services such as inspection and maintenance of public infrastructure, inspection and maintenance of city fiber network and communication towers, firefighting efforts, search and rescue operations, law enforcement purposes to the extent permitted by Tennessee law, as well as mandatory code inspections of construction projects; and

WHEREAS, Public Aircraft Operations (PAOs) are limited by federal law to certain government operations within U.S. airspace, and although these operations must continue to comply with certain general operating rules, including those applicable to all aircraft in the National Airspace System (NAS), other civil certification and safety oversight regulations do not apply to these operations; and

WHEREAS, 49 U.S.C. § 40102(a)(41) provides the definition of "public aircraft" and 49 U.S.C. § 40125 provides the qualifications for public aircraft status, and these statutory provisions provide the legal basis for operation of public aircraft in the United States; and,

WHEREAS, in order to receive a Certificate of Waiver/Authorization of Unmanned Aircrafts as a Public Aircraft Operator, the city must submit a Public Declaration Letter executed by legal counsel that it is qualified to operate as a Public Aircraft Operator and that it is operating unmanned aircrafts for a noncommercial purpose and in compliance with the applicable statutes and regulations; and,

WHEREAS, the city desires to submit a Public Declaration Letter to the Federal Aviation Administration to recognized as a Public Aircraft Operator and receive a FAA Certificate of Waiver/Authorization.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the board authorizes and directs the city attorney to execute and submit a Public Declaration Letter to the Federal Aviation Administration in order to receive an FAA Certificate of Waiver/Authorization to operate as a Public Aircraft Operator;

SECTION II. That the mayor or designee, in consultation with the city attorney, is authorized to execute any other documents necessary and proper for City to obtain Public Aircraft Operator certification or to effectuate the purpose of this resolution.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the public.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 20th day of August 2024.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY