

**ORDINANCE NO. 21  
SERIES 2016**

**AN ORDINANCE AMENDING TITLE 5 OF THE VAIL TOWN CODE BY  
THE ADDITION THERETO OF A NEW CHAPTER 15 CONCERNING  
THE REGULATION OF RECREATIONAL UNMANNED AIRCRAFT  
SYSTEMS (DRONES)**

WHEREAS, unmanned aircraft systems ("UAS"), commonly known as drones, are devices that are used or are intended to be used for flight in the air with no onboard pilot;

WHEREAS, there has been considerable increase in the use and popularity of recreational UAS;

WHEREAS, the Town Council finds that recreational UAS, when operated within the Town and particularly in populated areas, present an appreciable risk to public safety in the air and to persons and property on the ground; and

WHEREAS, the Town Council, pursuant to its authority to protect and secure the public health, safety and welfare of its citizens, desires to enact regulations for the use and operation of recreational UAS in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:**

Section 1. Title 5 of the Vail Town Code is hereby amended by the addition of a new Chapter 15 to read as follows:

**Chapter 15  
RECREATIONAL UNMANNED AIRCRAFT SYSTEMS**

**5-15-1: DEFINITIONS:**

For purposes of this Chapter, the following terms shall have the following meanings:

UNMANNED AIRCRAFT SYSTEM (UAS) means an aircraft, powered aerial vehicle, or other device without a human pilot aboard, the flight of which is controlled either autonomously by onboard computers or by the remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus, used for a hobby or recreational purpose.

FAA means the Federal Aviation Administration.

OPERATE means to use, fly, launch, land, employ, control or engage the functionality of a UAS in any manner.

TOWN AIRSPACE includes all airspace above the territorial boundaries of the Town, to the full extent that such airspace can legally be regulated by the Town.

VISUAL LINE OF SIGHT means the UAS must be visible at all times to the operator of the UAS, the operator must use his or her own natural vision to observe the UAS, and persons other than the operator may not be used in lieu of the operator for maintaining visual line of sight. The operator's own natural vision may include vision corrected by standard eyeglasses or contact lenses.

#### **5-15-2: SAFETY REQUIREMENTS:**

It is unlawful to operate a UAS within the Town or in Town Airspace, except in conformance with the following:

- A. The UAS shall be flown below a maximum altitude of four hundred (400) feet above the ground.
- B. The UAS shall weigh no more than fifty-five (55) pounds at the time of operation, inclusive of equipment, payload and fuel.
- C. The UAS shall be flown within the visual line of sight of the person operating the UAS.
- D. The UAS shall not be operated over any person not directly involved in the operation.
- E. The UAS shall not be flown near pedestrians, bicyclists, motorists, roadways, parking lots, playgrounds, stadiums, sporting events, festivals or other open air assembly of persons, or areas or special events subject to an FAA notice of temporary flight restriction.
- F. The UAS shall remain clear of and not interfere with manned aircraft operations or other UAS.
- G. The UAS shall be operated during daylight hours only.
- H. The UAS shall not be operated from a moving vehicle or other aircraft.
- I. The UAS shall be operated in compliance with all applicable law, including any regulations adopted by the FAA.

#### **5-15-3: RECKLESS OR CARELESS OPERATION:**

It is unlawful to operate a UAS in a reckless or careless manner so as to endanger the health, safety or well-being of persons or property. A person

shall not 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 the UAS, or if he or she knows or has reason to know that the UAS is not in proper working order.

**5-15-4: RESTRICTED AREAS:**

A. It is unlawful to operate a UAS in pedestrian areas of Vail Village, Lionshead Village and Ford Park.

B. It is unlawful to operate a UAS in any area in the Town in which the UAS would interfere with a helicopter accessing or leaving the Vail Valley Medical Center.

C. It is unlawful to operate a UAS in or above a public parking structure.

**5-15-5: USE BY LAW ENFORCEMENT/EMERGENCY SERVICES:**

Nothing in this Chapter is intended to prohibit the use of a UAS for lawful purposes and in a lawful manner by any law enforcement agency of the Town or other local, state or federal government, or emergency services personnel.

**5-15-6: VIOLATION AND PENALTY:**

A. It is unlawful to violate any provision of this Chapter. A person who is convicted of violating any provision of this Chapter shall be punished as provided in Section 1-4-1 of this Code.

B. In addition to the penalty set forth in subsection A, the Town may impound any UAS that is operated in a careless or reckless manner, in the interest of public safety.

Section 2. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. Retroactivity. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 4. Repeal. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2016 and a public hearing for second reading of this Ordinance is set for the \_\_\_\_\_ day of \_\_\_\_\_, 2016, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

\_\_\_\_\_  
Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dave Chapin, Mayor

ATTEST:

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Patty McKenny, Town Clerk