

## MARANA ORDINANCE NO. 2018.013

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RELATING TO PARKS AND RECREATION; AMENDING MARANA TOWN CODE CHAPTER 13-1 (PARKS AND RECREATION REGULATIONS); AMENDING SECTION 13-1-4 (MODEL AIRCRAFT OPERATION; DEFINITION; PROHIBITIONS; EXCEPTIONS) TO ALLOW MODEL AIRCRAFT OPERATION IN PARKS AND PRESERVES WITHIN FIVE MILES OF THE MARANA REGIONAL AIRPORT IN CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to control the property of the Town; to make, amend or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the Town; and to enforce the observance and punish violations of such ordinances; and

WHEREAS A.R.S. § 13-3729 authorizes the Town to adopt ordinances or rules that regulate the takeoff or landing of model aircraft in parks or preserves owned by the Town; and

WHEREAS the Town Council finds that the regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, AS FOLLOWS:

SECTION 1. Section 13-1-4 (Model aircraft operation; definition; prohibitions; exceptions) of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

### **13-1-4 Model aircraft operation; definition; prohibitions; exceptions**

- A. For purposes of this section, “model aircraft” has the same meaning as prescribed in section 336 of the FAA modernization and reform act of 2012, as amended, and includes aircraft commonly known as drones.
- B. It is unlawful to:
  1. Operate a model aircraft to takeoff or land in a town park or preserve without a permit issued by the parks and recreation department.
  2. Operate a model aircraft to takeoff or land in a town park or preserve where the parks and recreation director has prohibited such operations. The parks and recreation director shall ensure that a list of prohibited locations shall be on file with the town clerk.

- 3. Operate a model aircraft to takeoff or land in any town park or preserve located within five miles of the Marana regional airport unless the person operating the model aircraft is in compliance with all applicable requirements of section 15-2-18 of this code.
- C. This section does not apply to model aircraft that are operated by town police personnel or other law enforcement officers, fire department personnel, and other town employees in the course of their official duties, and in compliance with all federal laws and regulations.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 19th day of June, 2018.

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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

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Jocelyn C. Bronson, Town Clerk

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Frank Cassidy, Town Attorney