

ORDINANCE NO. 1449
Series of 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO CREATING A NEW ARTICLE 10 OF CHAPTER 10 OF THE TELLURIDE MUNICIPAL CODE TO REGULATE UNMANNED AIRCRAFT SYSTEMS.

WHEREAS, the Town of Telluride (“**Town**”) is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution and the Town Home Rule Charter; and,

WHEREAS, the Town is authorized under its general police powers and C.R.S. Section 31-15-401 to adopt regulations in furtherance of the public health, safety and welfare of its residents and visitors; and,

WHEREAS, the Telluride Town Council has determined that the use of unmanned aircraft systems (“**UAS**”), otherwise known as “drones”, within the Town may be detrimental to the personal safety, privacy rights, public health and welfare of the residents and visitors of the Town and might otherwise also be detrimental to the Town’s ability to control and regulate use and activities occurring on land owned by the Town; and,

WHEREAS, UAS are evolving from earlier strictly military or government use into civilian, commercial and recreational uses among a range of residents and visitors of the Town; and,

WHEREAS, the Town Council is aware of a number of reported UAS accidents in which either people or animals have been injured, or accidents with UAS that have been narrowly avoided, and instances of UAS either harassing or endangering wildlife or people; and,

WHEREAS, the Town Council’s 2017 Goals and Objectives list the following as pertains to UAS:

- II. Implement Environmental Action Agenda.
 - D. Protect Health and Quality of Life.
 - 5. Develop and Implement Regulations re Use of Drones within Open Spaces and Urban Areas.

WHEREAS, the Town Council determines it is in the best interest of its residents and visitors to regulate and enforce UAS operations within the boundaries of the Town of Telluride; and,

WHEREAS, Town Council finds that it would be a valid exercise of its police powers to regulate and control the use of UAS within the boundaries of the Town of Telluride, particularly at low altitudes under 400 feet, which is where most UAS operate.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO as follows:

Section 1.

The Recitals of this Ordinance, as set forth above, are hereby incorporated into this Ordinance as Town Council findings of fact and conclusions of law.

Section 2.

The Telluride Municipal Code is hereby amended to include a new Article 10, (“Regulation of Unmanned Aircraft Systems”) within Chapter 10 (“General Offenses”) as set forth in Exhibit A, attached to this

Ordinance and hereby incorporated herein by reference.

Section 3.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 4.

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5.

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

Section 6.

A public hearing on the ordinance shall be held on the 18th day of April, 2017, in the Town Council Chambers, Rebekah Hall, 113 West Columbia Avenue, Telluride, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado on the 28th day of March, 2017.

TOWN OF TELLURIDE

ATTEST

By: Ann Brady
Sean Murphy, Mayor *Pro Tem*
Ann BRADY,

Tiffany Kavanaugh
Tiffany Kavanaugh, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 18th day of April, 2017.

TOWN OF TELLURIDE

ATTEST

By: Ann Brady
Sean Murphy, Mayor *Pro Tem*
Ann BRADY,

Tiffany Kavanaugh
Tiffany Kavanaugh, Town Clerk

APPROVED AS TO FORM:

Kevin J. Geiger
Kevin J. Geiger, Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) ss.
)
 TOWN OF TELLURIDE)

I, Tiffany Kavanaugh, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on April 18, 2017.
- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Town Council meeting of April 18, 2017, by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Sean Murphy, Mayor	✓			
Ann Brady, Mayor Pro Tem	✓			
Todd Brown	✓			
DeLanie Young	✓			
Jenny Patterson			✓	
Lars Carlson	✓			
Kristen Permakoff	✓			

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.
- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.
- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.



 Tiffany Kavanaugh, Town Clerk

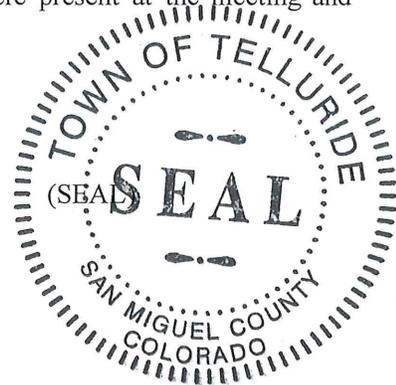


EXHIBIT A

A new Article 10 of Chapter 10 of the Municipal Code is hereby added to read in full as follows:

**Article 10
Regulation of Unmanned Aircraft Systems**

- 10-10-10. Purpose and Intent.**
- 10-10-20 Definitions.**
- 10-10-30 Prohibited Acts.**
- 10-10-40 Enforcement and Penalties.**

Section 10-10-10. Purpose and Intent.

The purpose of this Article is to establish regulations pertaining to any and all Unmanned Aircraft Systems operating within the jurisdictional borders of the Town of Telluride. It is the intent of this Article to be interpreted in conformance with any existing or future federal or state laws or regulations that address the operation of Unmanned Aircraft Systems.

Section 10-10-20. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Aircraft means any contrivance invented, used, or designed to navigate or fly in the air.

Companion Animal shall have the same meaning as set forth in Section 7-6-10 of this Code.

Livestock shall have the same meaning as set forth in Section 7-6-10 of this Code.

Model Aircraft means an unmanned aircraft that is: (1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight of the person operating the aircraft; and (3) 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.

Person shall have the same meaning as set forth in Section 1-2-10 of this Code.

Town Airspace means and includes all airspace above the jurisdictional boundaries of the Town, to the full extent such airspace can legally be regulated by the Town.

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 aircrafts and drones.

Wildlife shall have the same meaning as set forth in Section 7-6-10 of this Code.

Section 10-10-30. Prohibited Acts.

The following acts are prohibited in the operation of an unmanned aircraft system anywhere in the Town or Town Airspace:

- (1) No Person shall operate a UAS so as to endanger or harm the life or property of any Person nor shall any Person operate a UAS in a reckless or careless manner.
- (2) Without express prior written authorization from the Town Manager, no Person may operate a UAS on or over any Town property inclusive of public streets, alleys, trails, playgrounds, parks including but not limited to the Telluride Town Park, open space including but not limited to the Bear Creek Preserve and the Valley Floor, parking lots, and public buildings.
- (3) No Person shall operate a UAS so as to endanger, harass, harm or injure any Person, Livestock, Companion Animal or Wildlife.
- (4) No Person shall operate a UAS who is under the influence of alcohol, marijuana, or one or more controlled substances as defined in Article 18 of Title 18 of the Colorado Revised Statutes.
- (5) 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.
- (6) No Person may operate a UAS near any Person, pedestrians, bicyclists, motorists, Livestock, Companion Animal or Wildlife not directly involved in the UAS operation to the extent it creates a public safety threat to life or property.
- (7) 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.

Section 10-10-40. Enforcement and Penalties.

It shall be unlawful to violate any provision of this Article. Any Person who is convicted of a violation of any provision of this Article shall be punished in accordance with Section 1-4-10(1)(a) of this Code. In addition, any UAS operated in violation of this Article may be immediately impounded in the interest of public safety. Law enforcement officers are authorized to disable any UAS operating within the Town Airspace that poses an imminent threat to public safety.