

A BILL FOR AN ORDINANCE

ORDINANCE NO. 03

SERIES OF 2018

INTRODUCED BY: COUNCILMEMBER DOUGHERTY

AN ORDINANCE AMENDING CHAPTER 9 OF THE GREENWOOD VILLAGE MUNICIPAL CODE REGARDING SMALL UNMANNED AIRCRAFT SYSTEMS

WHEREAS, while the Federal Aviation Administration has sole jurisdiction over all U.S. airspace and has not given individual states or local governments the authority to regulate airspace at low altitudes, and its mission does not presently include developing or enforcing policies pertaining to privacy or civil liberties; and

WHEREAS, the City Council recognizes legitimate concerns regarding trespass, personal privacy issues, and safety of persons and property put at risk by inappropriate use of small unmanned aircraft; and

WHEREAS, public safety professionals have expressed significant concerns regarding the risks posed by small unmanned aircraft operators who interfere with public safety operations; and

WHEREAS, in order to protect public health and safety, it is the City's intent to regulate the conduct of persons who operate small unmanned aircraft and the impact of such conduct on persons and property on the ground and not to regulate the flight of small unmanned aircraft in the air.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. A new section, Section 9-8-50 is hereby added to the Greenwood Village Municipal Code to read as follows:

Sec. 9-8-50 Invasion of Privacy by Small Unmanned Aircraft Systems

(a) It is unlawful for a person to knowingly and intentionally use a small unmanned aircraft system to observe another person, or to capture or transmit an image, sound, or other physical impression or digital record of another person under circumstances where the other person has a reasonable expectation of privacy. For purposes of this section "small unmanned aircraft system" means an aircraft weighing less than 55 pounds inclusive of payload and attached systems and components operated without the possibility of direct human intervention from within or on the aircraft.

(b) This section does not prohibit conduct by a peace officer or an employee or agent of a federal, state, or local government agency acting in his or her official capacity and pursuant to lawful authorization.

Section 2. Section 9-16-30 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 9-16-30 - Trespassing.

(a) It is unlawful for any person to enter in or upon or remain upon the premises of another which are fenced or otherwise enclosed in a manner designated to exclude intruders.

(b) It is unlawful for any person to enter or remain in or upon the premises of another without the consent of the person lawfully in possession of the property or his or her agent.

(c) It shall be prima facie evidence that the owner, occupant or person in charge of the property has not consented to entry upon or presence upon said property if the premises are enclosed in a manner designed to exclude intruders, or fenced, or posted with signs indicating that trespassing is not allowed.

(d) It ~~shall be~~ is unlawful for any person to enter or remain upon any property to which limited access has been granted, unless for such purpose for which access is permitted by the owner, occupant or person in charge of the property. Access may be limited for the purpose of trading at or visiting a place of business of the owner or occupant, access for the purpose of visiting a resident on the property or access to certain hours of the day. Limited access may be designated by posting of signs or by oral or written notice.

(e) It is unlawful for any person to operate, launch, or land a small unmanned aircraft system on or from private property without the prior consent of the person lawfully in possession of the property or his or her agent. For purposes of this section “small unmanned aircraft system” means an aircraft weighing less than 55 pounds inclusive of payload and attached systems and components operated without the possibility of direct human intervention from within or on the aircraft.

Section 3. Section 9-8-40(a) of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 9-8-40. - Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

(1) Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact;

- (2) In a public place directs obscene language or makes an obscene gesture to or at another person;
- (3) Follows a person about in a public place;
- (4) Initiates communication with a person, anonymously or otherwise by telephone, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone, computer, computer network or computer system which is obscene;
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
- (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; ~~or~~
- (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response; ~~or~~
- (8) Flies, uses, launches, lands, employs or navigates a small unmanned aircraft system in a manner likely to harass, annoy or alarm the animals or human occupants thereof, or to observe, photograph, or visually record an individual or individuals without permission or lawful authorization. For purposes of this section "small unmanned aircraft system" means an aircraft weighing less than 55 pounds inclusive of payload and attached systems and components operated without the possibility of direct human intervention from within or on the aircraft.**

Section 4. Section 9-4-20 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 9-4-20. - Interference with a peace officer or firefighter.

- (a) It is unlawful for any person, by the use or threatened use of force, violence or physical obstruction, to intentionally obstruct, impair or hinder a peace officer or firefighter in the discharge or apparent discharge of his or her official duties.
- (b) It is no defense to prosecution under Subsection (a) hereof that the peace officer or firefighter was acting in an illegal manner, if he or she was acting under color of his or her official authority.
- (c) Disobedience to lawful or reasonable order of peace officer or firefighter. It is unlawful for any person to knowingly disobey the lawful or reasonable order of any peace officer or firefighter given pursuant to the discharge of the official duties of such peace officer or firefighter.

(d) It is unlawful for any person to operate a small unmanned aircraft system in a manner that obstructs, impairs or hinders a peace officer or firefighter in the discharge or apparent discharge of his or her official duties. For purposes of this section “small unmanned aircraft system” means an aircraft weighing less than 55 pounds inclusive of payload and attached systems and components operated without the possibility of direct human intervention from within or on the aircraft.

Section 5. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

INTRODUCED AND APPROVED ON FIRST READING ON THE ____ DAY OF _____, 2018, AND ORDERED PUBLISHED IN THE VILLAGER.

Ronald J. Rakowsky, Mayor

ATTEST:

Susan M. Ortiz, MMC
City Clerk

INTRODUCED AND APPROVED ON SECOND READING ON THE ____ DAY OF _____, 2018, AND ORDERED PUBLISHED BY REFERENCE TO TITLE ONLY.

Ronald J. Rakowsky, Mayor

ATTEST:

Susan M. Ortiz, MMC
City Clerk

EFFECTIVE: _____