
**CITY OF TEMPE
REQUEST FOR COUNCIL ACTION****Council Meeting Date: 06/15/2017
Agenda Item: 6C1**

ACTION: Hold the second and final public hearing to adopt an ordinance amending Chapter 23, Article III, Division 1, Tempe City Code, relating to Park Rules, Generally, by amending Section 23-40, relating to Prohibited Activities; and by amending Chapter 23 Article V, Division 2, Tempe City Code, relating to Preserves, Preserve Rules and Regulations, by amending Section 23-110, relating to Rules for Use; Criminal Penalty, relating to unmanned aerial vehicles. (Ordinance No. O2017.36)

FISCAL IMPACT: There is no fiscal impact to the City.

RECOMMENDATION: Approve Ordinance No. O2017.36.

BACKGROUND INFORMATION: At the August 6, 2015, Work Study Session, the Committee of the Whole directed to move forward with the study of the issues of best practices and ordinances to deal with unmanned aerial vehicles ("UAVs") and whether regulation of UAVs is warranted in Tempe. During the study of these issues, the Arizona legislature adopted A.R.S. § 13-3729 (SB 1449 2016), which purports to regulate UAVs as a matter of statewide concern. A.R.S. § 13-3729 limits Arizona municipalities to regulating from which City parks model aircraft (UAVs flown solely for recreational or hobby purposes while in the visual line of sight of the operator) may be launched or landed. At the April 6, 2017, Work Study Session, Council directed that a proposed ordinance, prohibiting takeoffs and landings in Tempe Beach Park, Papago Park, Rio Salado Park, and City preserves be brought to a Regular Council Meeting for hearing and possible adoption. It was also directed that the ordinance allow that electric bikes be allowed in City preserves if the motor of the bike is not engaged.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Parrish Spisz, Council Aide, (480) 350-8816, Elizabeth Higgins, Chief of Staff to Mayor & Council (480) 350-8965

Department Director: Andrew Ching, City Manager
Legal review by: Chuck Cahoy, Deputy City Attorney
Prepared by: Chuck Cahoy, Deputy City Attorney