

## MARANA ORDINANCE NO. 2017.006

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RELATING TO PARKS AND RECREATION; AMENDING MARANA TOWN CODE CHAPTER 13-1 (PARKS AND RECREATION REGULATIONS); AMENDING SECTION 13-1-3 (USE AND OCCUPANCY RULES AND REGULATIONS) TO EXCLUDE REGULATION OF MODEL AIRCRAFT; ADDING NEW SECTION 13-1-4 ENTITLED “MODEL AIRCRAFT OPERATION; DEFINITION; PROHIBITIONS; EXCEPTIONS”; AND DESIGNATING AN EFFECTIVE DATE

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 13-1-3 (Use and occupancy rules and regulations) of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

### **13-1-3 Use and occupancy rules and regulations**

A. It is unlawful in any town park to:

[subparagraphs 1 through 11 remain unchanged]

12. Operate any aircraft of any nature or parachute or hang glide on town park property except in areas designated for that use or in an emergency or by permit issued by the town. For purposes of this subparagraph, aircraft does not include model aircraft as defined and regulated in section 13-1-4.

[subparagraphs 13 through 17 remain unchanged]

[Paragraph B remains unchanged]

SECTION 2. New section 13-1-4 entitled “Model aircraft operation; definition; prohibitions; exceptions” is hereby added to the Marana Town Code as follows and the sections that follow are renumbered to conform:

**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.
- 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.

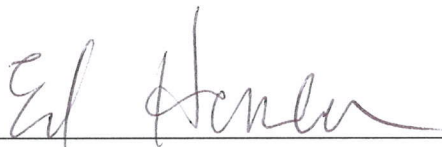
SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. 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 5. 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 6. This ordinance shall become effective on the thirty-first day after its adoption.

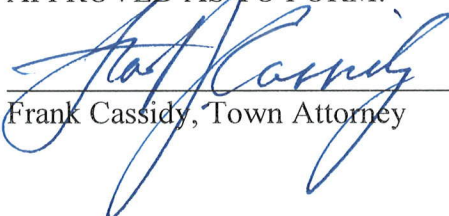
PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 21st day of March, 2017.

  
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Mayor Ed Honea

ATTEST:

  
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Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

  
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Frank Cassidy, Town Attorney