



**TOWN OF FOUNTAIN HILLS MINUTES OF
THE REGULAR MEETING OF THE
COMMUNITY SERVICES ADVISORY COMMISSION
JUNE 27, 2016**

ITEM #1: CALL TO ORDER

A regular session meeting of the Community Services Advisory Commission was convened and called to order by Chair Sherman Abrahamson at 4:59 p.m. on Monday, June 27, 2016 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

ITEM #2: ROLL CALL

In attendance at roll call were, Chair Sherman Abrahamson, Commissioners Pat Canning, Lynne Mott, Ron Ruppert, and Greg Woo. Absent at roll call were Commissioners Vice Chair Jim Judge, Don Doty, Jerry Gorrell, and Natalie Varela. Director Mark Mayer and Executive Assistant Jennifer Lyons represented staff.

ITEM #3: CALL TO THE PUBLIC

No one from the public wished to speak at this time.

ITEM #4: CONSIDERATION OF APPROVING THE MAY 23, 2016 MEETING MINUTES

Commissioner Mott made a motion to accept the minutes of the May 23, 2016 meeting and Commissioner Canning seconded and the motion passed by unanimous vote.

ITEM #5: DISCUSSION ON DRONES

Director Mayer emphasized the below points from the drone handout that was distributed at the last Commission Meeting and new information provided today by Commissioner Doty from the FAA which sets some rules specific to small unmanned aircraft, which includes drones. Copies of those handouts are attached to the minutes.

- Unmanned aircraft must weigh less than 55 pounds.
- Unmanned aircraft must remain in the visual line of sight of the remote pilot that is in command, manipulating the flight controls and cannot be aided by any other device other than corrective lenses or glasses.
- Daylight operations only for civil twilight, thirty minutes before official sunrise to thirty minutes after sunset, with appropriate anti-collision lighting and must yield right of way to other aircraft.
- State has sole authority to set criteria specific to drones and required us if we had more than one park to designate at least one of those as a place where people can fly drones. After discussions with staff and the Town Manager, because of the activities that take place in the other parks and that they are much more surrounded by neighborhoods or had a lot of special events, that Desert Vista Park would be the most appropriate. The Town Attorney is now reviewing if we can designate an area within a park for operation of these drones. Signs will need to be updated to reflect these changes that take effect August 11th.

ITEM #6: REVIEW WITH COMMISSION MEMBERS ABOUT CONTACT WITH DIVISION HEADS

Chair Abrahamson inquired if any of the Commissioners had been in contact with the division heads and no one had. Chair Abrahamson requested this topic be on the September meeting agenda.

ITEM #7: UPDATE ON THE COMMUNITY GARDEN

- The volunteer driven group continues to grow in size and has currently two hundred people who are participating.
- The Town as met several times with Dr. Patel and several members of her volunteer group. The Town has agreed to provide the land that is adjacent to the library for a lease arrangement for little or no charge to the group to be able to put in the Community Garden.
- Their intent is to provide long term vegetables that they can sell but also to allow the leasing of space for people to grow individual gardens.
- Site work such as tree trimming has been done and some volunteer groups are going to come in on a gratis basis to do a little earth moving and removing of some rocks.
- Garden area is close to 2.5 acres.

ITEM #8: UPDATE ON THE TENNIS COURT RENOVATIONS AT GOLDEN EAGLE PARK AND FOUR PEAKS PARK

- All the material is removed at Four Peaks Park and as of last Thursday Golden Eagle Park is almost completed as well.
- They are working on the compaction of the material so they can pour and are tentatively scheduled this Friday to pour and should only last one day at Four Peaks Park. Pouring will be done at night to take advantage not only no sunlight but the cooler temperatures.
- They are scheduled to finish in the middle of August, but we will wait and see what happens with the monsoons.

ITEM #9: UPDATE ON THE DOG PARK RENOVATIONS

- Last week the contractor started the removal of the sod and they continue to make progress.
- The project is scheduled to finish up in mid August. The new sod will be in well before that, but needs time to take root before we can reopen the park. It should take three weeks to a month for it to grow back in.

ITEM #10: UPDATE ON SPECIAL EVENTS/FOURTH OF JULY AT FOUNTAIN PARK

- The Town is responsible this year for the celebration for the fourth.
- There is a change from the way it had been operating in the past. There had been an area where there was food and a beer garden and those are not in place this year. The Town was looking for something a little bit more family friendly.
- There will still be things for the kids and vendors for food, but there will not be any beer nor is there going to be a charge to visit the area.
- The event will run from 6:00 p.m. to 10:00 p.m. and the fireworks will start at 9:00 p.m.
- Phyliss Kern Realty is helping raise the necessary funds to help carry the event off. The Town is partially paying for the fireworks and then her fund raising efforts will cover everything else that was mentioned including some of the DJ.
- There will not be a parachute drop. It's not in the budget for this year but possibly in the future.

ITEM #11: UPDATE ON THE LAKE WATER AT FOUNTAIN PARK

- Based on the stratification of water, we start to get some build up of algae and the resultant odor every spring. Because our weather was a little unusual this year, temperatures did not warm up as early as they did, it stayed a little bit on the cool side, so even before our lake consultants told us to start doing the evening run times, we started them on our own, but despite that we have the influx of the smell.
- The smell comes from the breakdown of the algae as it starts to decompose. You don't have enough oxygen to the various layers, so that is when you start to get the smell. Also when the fountain shuts down, it sits there for twelve hours with water in that line and it heats up and does not get a chance to aerate, so when it vaporized and goes into air, that's when we get the resultant odor.
- We have done two treatments and are looking at a third later this week. In the past couple years the most we have done is one or two treatments. We noticed a significant decline in odor.
- We are running it (the fountain) for a longer period at night and for longer periods of time for the past couple weeks and continuously from 5:00 a.m. to 11:00 a.m.
- All of our aerators are running 24 hours, 365 days a year and never shut down. The lines come out and run along the bottom of the lake with the heads up on top of the water column.
- When the disc golfers are out there doing their golf and if one of their discs gets far enough into the water, instead of being able to reach for it, they throw a drag line that has forks at the end of it, which is catching on some of our aeration lines pulling them up. The problem is we don't always notice them unless they are up on the bank, because what happens is they tear off the head and then the line just drops to the bottom and is no longer pumping air. The compressor inside the building is pumping air but the line itself is not. It's difficult to catch and we have approached our local disc golf folks and they are aware of it, but most of the problem is coming from people who come in and visit our course. We could move the lines out but we want to keep the lines in the coves because that is where the algae tends to collect. When we find one that isn't working or in some cases they are pulled physically up on the shore rendering them completely useless. It's at a considerable expense to go back and reset the line and sometimes we even have to bring in divers and that is tremendously expensive.

ITEM #12: UPDATE ON THE LIGHTS AT FOUNTAIN PARK

- An electrical engineer from Kimley-Horn will do some testing on the existing aluminum bollards and the recently purchased and installed black bollards, to see what kind of different light levels they may have.
- Director Mayer and the Town Manager will discuss the decision to stay with the bollards we have now or go with the new ones, but he (the Town Manager) may ultimately want to take it to Town Council.
- To change out the drivers, you can reduce the amount of light from 750 down to around 300 or 350, so more than cuts the light level more than half. The problem is then you are no longer meeting the code to go from one light fixture to next fixture. That opens us up to liability, so that is not a route we would necessarily want to recommend. To change out just the drivers is between \$15,000 - \$20,000. To change out the bollards would be tremendously expensive and we just don't have the dollars left in the budget to do that.

ITEM #13: UPDATE ON ADERO CANYON TRAILHEAD PROJECT

- We have a meeting tentatively scheduled for Wednesday of next week, the kick off meeting with J2, who is the project architect. He's the person responsible for taking the drawings from 95% to 100%, then bidding the project, and supervising during the construction phase.
- Window time for the project is 24 months to bid, build, and open it to the public. We are a month or two into that 24 month time period.
- We were able to get a donation of fill material from MCO, so that has helped us to up the tune of \$90,000 to our bottom line. We anticipate at this point since we were pretty close to being right on budget that we will have a little bit of cushion, about 10%-15%.
- We are thinking about bidding some of the more costly features such as the restrooms, shade ramada, and load retaining wall as add alternates, so if the money is not there we would not build them in this particular phase.
- We are looking to bid this fall, probably September or October and looking at 18 months to 2 years to complete.

ITEM #14: UPDATE ON THE FORMER ELMAN PROPERTY

- There was a drop dead date where by Elman had to provide interest payments and at the end of that period a balloon payment. They did not make that balloon payment so that property to the North, those two full sections reverted back to the State Trust.
- They are basically starting the process all over again. They will come in and identify what is the highest and best use of the property, then see if there are potentially bidders on the project or if there are several bidders, who want bits and pieces. From the Town's prospective we would like to see it go as a single sight.
- The Development Agreement we had with the property has expired so we will have start over from scratch.

ITEM #15: UPDATE ON PUBLIC ART

- At a recent Council meeting, three pieces of public art were approved. The donor was the development to our east, the nursing home/assisted living facility (Morning Star). Their dedication fees at 1% were just over \$100,000. In lieu of that they agreed to purchase a piece called "Sky Totem", which is a twelve foot all bronze piece, an eyeglass piece ("Interactive Sunglasses") and an aluminum piece, "Ascendo" that spins. All three of those will go on the Avenue of the Fountains Plaza, in the art nodes and those will fill up all but one space. The three pieces of art are a little less than the \$100,000 at this point, but we will have to find some way to make up the difference, either through more art or a financial donation.

*Note Director Mayer gave all the updates on agenda items #7 through #15, as well as responded to questions from the Commissioners.

ITEM #16: CONSIDERATION OF ADJOURNMENT

Commissioner Mott made a motion to adjourn at 5:25 p.m., Commissioner Canning seconded and the motion passed by unanimous vote.

Community Services Advisory Commission

BY: _____

Fountain Hills Community Services Advisory Commission

Page 4 of 5

Sherman Abrahamson, Chair

REVIEWED BY: _____
Mark C. Mayer, Director of Community Services

PREPARED BY: _____
Jennifer Lyons, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session held by the Community Services Advisory Commission of Fountain Hills on the 27th day of June 2016. I further certify that the meeting was duly called and that a quorum was present.

Dated this 18th day of July 2016

Jennifer Lyons, Executive Assistant



Arizona Gov. Ducey signs statewide rules on drones

Posted: May 11, 2016 6:03 PM
Updated: May 11, 2016 6:03 PM
By The Associated Press

PHOENIX (AP) - Cities and towns will be barred from making their own rules regulating drone use under legislation signed Wednesday by Arizona Gov. Doug Ducey that was designed to prevent a patchwork of regulations that would make it harder for businesses.

Sen. John Kavanagh, R-Fountain Hills, crafted the legislation after working with cities and towns and other groups. Businesses that hope to use drones commercially were pushing for uniform statewide rules.

The bill makes it a crime to use drones if they interfere with police or fire operations or if they are photographing sensitive locations like nuclear power plants. Cities with more than one park must allow their use in at least one.

A provision making it a crime to videotape or photograph someone in their yard was removed at the insistence of Rep. Eddie Farnsworth, R-Gilbert. He said there's no expectation of privacy for people who are outdoors, even in their own yards.

The main reason for the proposal was to sideline local laws, Kavanagh said.

Paradise Valley passed a drone ordinance in December and Glendale and Phoenix were considering rules.

The Paradise Valley law makes reckless operation or unauthorized videotaping of someone in their backyard a misdemeanor. It also requires commercial operators to notify the city when they plan to operate a drone. That got pushback from supporters of companies such as Amazon that hope to use drones commercially.

"The main thrust of the bill was to pre-empt cities and towns from regulating drones, because they were beginning to pass illegal regulations that the federal government pre-empts," Kavanagh said. "That was the reason we just wanted to have one statewide standard."

Federal Aviation Administration regulations on unmanned aircraft are still being revised. Kavanagh said it appears those rules will override state regulations anyway.

"Which is unfortunate, because I don't know that they have the same sensitivity to privacy that we have," he said.

© 2016 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Promoted Stories



Strange Things Everyone Thought Were Illegal - But Aren't
(KnewsWire)



7 Ways an Enlarged Prostate Can Affect Urination
(Health Central)



FAA News



Federal Aviation Administration, Washington, DC 20591

June 21, 2016

SUMMARY OF SMALL UNMANNED AIRCRAFT RULE (PART 107)

Operational Limitations	<ul style="list-style-type: none">• Unmanned aircraft must weigh less than 55 lbs. (25 kg).• Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the small UAS. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer.• At all times the small unmanned aircraft must remain close enough to the remote pilot in command and the person manipulating the flight controls of the small UAS for those people to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.• Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle.• Daylight-only operations, or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting.• Must yield right of way to other aircraft.• May use visual observer (VO) but not required.• First-person view camera cannot satisfy "see-and-avoid" requirement but can be used as long as requirement is satisfied in other ways.• Maximum groundspeed of 100 mph (87 knots).• Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure.• Minimum weather visibility of 3 miles from control station.• Operations in Class B, C, D and E airspace are allowed with the required ATC permission.• Operations in Class G airspace are allowed without ATC permission.• No person may act as a remote pilot in command or VO for more than one unmanned aircraft operation at one time.• No operations from a moving aircraft.• No operations from a moving vehicle unless the operation is over a sparsely populated area.• No careless or reckless operations.• No carriage of hazardous materials.
--------------------------------	--

	<ul style="list-style-type: none"> • Requires preflight inspection by the remote pilot in command. • A person may not operate a small unmanned aircraft 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 small UAS. • Foreign-registered small unmanned aircraft are allowed to operate under part 107 if they satisfy the requirements of part 375. • External load operations are allowed if the object being carried by the unmanned aircraft is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft. • Transportation of property for compensation or hire allowed provided that- <ul style="list-style-type: none"> ○ The aircraft, including its attached systems, payload and cargo weigh less than 55 pounds total; ○ The flight is conducted within visual line of sight and not from a moving vehicle or aircraft; and ○ The flight occurs wholly within the bounds of a State and does not involve transport between (1) Hawaii and another place in Hawaii through airspace outside Hawaii; (2) the District of Columbia and another place in the District of Columbia; or (3) a territory or possession of the United States and another place in the same territory or possession. • Most of the restrictions discussed above are waivable if the applicant demonstrates that his or her operation can safely be conducted under the terms of a certificate of waiver.
<p>Remote Pilot in Command Certification and Responsibilities</p>	<ul style="list-style-type: none"> • Establishes a remote pilot in command position. • A person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who does hold a remote pilot certificate (remote pilot in command). • To qualify for a remote pilot certificate, a person must: <ul style="list-style-type: none"> ○ Demonstrate aeronautical knowledge by either: <ul style="list-style-type: none"> ▪ Passing an initial aeronautical knowledge test at an FAA-approved knowledge testing center; or ▪ Hold a part 61 pilot certificate other than student pilot, complete a flight review within the previous 24 months, and complete a small UAS online training course provided by the FAA. ○ Be vetted by the Transportation Security Administration. ○ Be at least 16 years old. • Part 61 pilot certificate holders may obtain a temporary remote pilot certificate immediately upon submission of their application for a permanent certificate. Other applicants will obtain a temporary remote pilot certificate upon successful completion of TSA security vetting. The FAA anticipates that it will be able to issue a temporary remote pilot certificate within 10 business days after receiving a completed remote pilot certificate application. • Until international standards are developed, foreign-

	<p>certificated UAS pilots will be required to obtain an FAA-issued remote pilot certificate with a small UAS rating.</p> <p>A remote pilot in command must:</p> <ul style="list-style-type: none"> • Make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the rule. • Report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500. • Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is in a condition for safe operation. • Ensure that the small unmanned aircraft complies with the existing registration requirements specified in § 91.203(a)(2). <p>A remote pilot in command may deviate from the requirements of this rule in response to an in-flight emergency.</p>
Aircraft Requirements	<ul style="list-style-type: none"> • FAA airworthiness certification is not required. However, the remote pilot in command must conduct a preflight check of the small UAS to ensure that it is in a condition for safe operation.
Model Aircraft	<ul style="list-style-type: none"> • Part 107 does not apply to model aircraft that satisfy all of the criteria specified in section 336 of Public Law 112-95. • The rule codifies the FAA's enforcement authority in part 101 by prohibiting model aircraft operators from endangering the safety of the NAS.

HOUSE OF REPRESENTATIVES



SB 1449

~~prohibited operations; unmanned aircraft~~

NOW: prohibited operations; unmanned aircraft

Prime Sponsor: Senator Kavanagh, LD 23

DPA Committee on Judiciary

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

SB 1449 prescribes restrictions for the operation of *civil unmanned aircrafts*, *model aircrafts*, *unmanned aircrafts* and *unmanned aircraft systems*.

PROVISIONS

1. Makes it illegal to operate a *model aircraft* or a *civil unmanned aircraft* if operation:
 - a. Is prohibited by federal law, aeronautic regulations or specified Federal Aviation Administration (FAA) regulations; or
 - b. Interferes with first responder operations.

A violation is a Class 1 misdemeanor (up to 6 months in jail, fine up to \$2,500 plus surcharges).

2. Prohibits a person from operating or using an *unmanned aircraft* or *unmanned aircraft system* to intentionally photograph or loiter over or near a *critical facility* in the furtherance of a criminal offense. A violation is a Class 6 felony (presumptive term of incarceration is one year, fine up to \$150,000 plus surcharges), second and subsequent violations are a Class 5 Felony (presumptive term of incarceration is 1 ½ years, fine up to \$150,000 plus surcharges).
3. Prohibits a city, town or county from enacting an ordinance, rule or policy relating to the ownership or operation of an *unmanned aircraft* or *unmanned aircraft system*. Voids any ordinance, rule or policy in violation.
4. Exempts:
 - a. An entity or person who is authorized by the FAA to operate an *unmanned aircraft* or *unmanned aircraft system*, if operation complies with the authorization granted by the FAA;
 - b. Ordinances or rules regulating the takeoff or landing of a *model aircraft* in a park or preserve owned by a local governing body, if:
 - i. Other parks are available for *model aircraft* operation within the jurisdiction; or
 - ii. The local governing body only has one park or preserve located within the jurisdiction.
 - c. Ordinances or rules that govern the operation of an *unmanned aircraft* or *unmanned aircraft system* that is owned by a city, town or county; or
 - d. Operation by a first responder acting within the scope of the person's official capacity or an emergency worker supporting emergency management activities or performing emergency functions.
5. Requires the Director of the Department of Transportation (ADOT) to provide on the ADOT website:
 - a. Information on resources relating to the operation of a *model aircraft*; and
 - b. Pictures that show examples of *critical facilities*.

- 6. Prohibits ADOT from identifying the owner or operator or location of a *critical facility*.
- 7. Defines *civil unmanned aircraft, commercial purposes, critical facility, model aircraft, person, public unmanned aircraft, unmanned aircraft* and *unmanned aircraft system*.
- 8. Makes technical and conforming changes.

ADDITIONAL INFORMATION

The FAA published proposed rules on February 15, 2015 to address the regulation of unmanned aircraft systems. On Dec. 14, 2015, the FAA unveiled an interim final rule for registration that requires owners of small unmanned aircraft between 0.55 pounds and 55 pounds to register their aircrafts by Feb. 19, 2016. Drones purchased after Dec. 21, 2015 must be registered prior to flying outdoors. Registrants must provide their name, home address and e-mail address. Upon completion of the online registration process, a Certificate of Aircraft Registration/Proof of Ownership is generated that includes a unique identification number for the owner. The number must be included on the aircraft. Registrations are valid for three years and the registration fee is \$5 per individual owner. The FAA also issued a fact sheet on December 17, 2015 outlining the federal regulatory framework for use by states and localities when considering laws affecting unmanned aircraft systems.

According to the National Conference of State Legislatures, 26 states have enacted laws addressing unmanned aircraft issues and an additional six states have adopted resolutions. Additional information regarding state legislation on unmanned aircraft systems can be found here.

----- DOCUMENT FOOTER -----

Fifty-second Legislature
 Second Regular Session

2 As Transmitted to the Governor

----- DOCUMENT FOOTER -----

House Engrossed Senate Bill

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 170
SENATE BILL 1449

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3729; AMENDING SECTIONS 28-8242 AND 28-8280, ARIZONA REVISED STATUTES; RELATING TO UNMANNED AIRCRAFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 13, chapter 37, Arizona Revised Statutes, is amended by adding section 13-3729, to read:

13-3729. Unlawful operation of model or unmanned aircraft; state preemption; classification;

definitions

A. IT IS UNLAWFUL FOR A PERSON TO OPERATE A MODEL AIRCRAFT OR A CIVIL UNMANNED AIRCRAFT IF THE OPERATION:

1. IS PROHIBITED BY A FEDERAL LAW OR REGULATION THAT GOVERNS AERONAUTICS, INCLUDING FEDERAL AVIATION ADMINISTRATION REGULATIONS.

2. INTERFERES WITH A LAW ENFORCEMENT, FIREFIGHTER OR EMERGENCY SERVICES OPERATION.

B. IT IS UNLAWFUL FOR A PERSON TO OPERATE OR USE AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM TO INTENTIONALLY PHOTOGRAPH OR LOITER OVER OR NEAR A CRITICAL FACILITY IN THE FURTHERANCE OF ANY CRIMINAL OFFENSE.

C. EXCEPT AS AUTHORIZED BY LAW, A CITY, TOWN OR COUNTY MAY NOT ENACT OR ADOPT ANY ORDINANCE, POLICY OR RULE THAT RELATES TO THE OWNERSHIP OR OPERATION OF AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM OR OTHERWISE ENGAGE IN THE REGULATION OF THE OWNERSHIP OR OPERATION OF AN UNMANNED AIRCRAFT OR AN UNMANNED AIRCRAFT SYSTEM. ANY ORDINANCE, POLICY OR RULE THAT VIOLATES THIS SUBSECTION, WHETHER ENACTED OR ADOPTED BY THE CITY, TOWN OR COUNTY BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION, IS VOID.

D. THIS SECTION DOES NOT:

1. APPLY TO A PERSON OR ENTITY THAT IS AUTHORIZED OR ALLOWED BY THE FEDERAL AVIATION ADMINISTRATION TO OPERATE OR USE AN UNMANNED AIRCRAFT SYSTEM IF THE PERSON'S OR ENTITY'S OPERATION OR USE COMPLIES WITH THE AUTHORIZATION GRANTED TO THE PERSON OR ENTITY OR WITH FEDERAL AVIATION ADMINISTRATION RULES.

2. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING ORDINANCES OR RULES ON THE OPERATION OR USE OF A PUBLIC UNMANNED AIRCRAFT THAT IS OWNED BY THE CITY, TOWN OR COUNTY.

3. PROHIBIT A CITY, TOWN OR COUNTY FROM ENACTING OR ADOPTING ORDINANCES OR RULES THAT REGULATE THE TAKEOFF OR LANDING OF A MODEL AIRCRAFT IN A PARK OR PRESERVE OWNED BY THE CITY, TOWN OR COUNTY IF:

(a) THERE ARE OTHER PARKS OR PRESERVES THAT ARE WITHIN THE CITY, TOWN OR COUNTY AND THAT ARE AVAILABLE FOR MODEL AIRCRAFT OPERATION.

(b) THE CITY, TOWN OR COUNTY ONLY HAS ONE PARK OR PRESERVE THAT IS WITHIN THE CITY, TOWN OR COUNTY.

4. APPLY TO THE OPERATION OF AN UNMANNED AIRCRAFT, INCLUDING A PUBLIC UNMANNED AIRCRAFT, BY A FIRST RESPONDER AS DEFINED IN SECTION 36-661 WHILE ACTING IN THE FIRST RESPONDER'S OFFICIAL CAPACITY OR AN EMERGENCY WORKER WHILE ENGAGED IN OR SUPPORTING AUTHORIZED EMERGENCY MANAGEMENT ACTIVITIES OR PERFORMING EMERGENCY FUNCTIONS PURSUANT TO TITLE 26, CHAPTER 2.

E. A VIOLATION OF SUBSECTION B OF THIS SECTION IS A CLASS 6 FELONY, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS 5 FELONY. A VIOLATION OF SUBSECTION A OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

F. FOR THE PURPOSES OF THIS SECTION:

1. "CIVIL UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM THAT IS OPERATED BY A PERSON FOR ANY PURPOSE OTHER THAN STRICTLY FOR HOBBY OR RECREATIONAL PURPOSES, INCLUDING COMMERCIAL PURPOSES, OR IN FURTHERANCE OF OR INCIDENTAL TO ANY BUSINESS OR MEDIA SERVICE OR AGENCY.

2. "COMMERCIAL PURPOSES" MEANS THE USE OF AN UNMANNED AIRCRAFT IN RETURN FOR FINANCIAL COMPENSATION AND INCLUDES AERIAL PHOTOGRAPHY, AERIAL MAPPING OR GEOSPATIAL IMAGING.

3. "CRITICAL FACILITY" MEANS ANY OF THE FOLLOWING:

(a) A PETROLEUM OR ALUMINA REFINERY.

(b) A PETROLEUM, CHEMICAL OR RUBBER PRODUCTION, TRANSPORTATION, STORAGE OR PROCESSING FACILITY.

(c) A CHEMICAL MANUFACTURING FACILITY.

(d) A WATER OR WASTEWATER TREATMENT FACILITY AND WATER DEVELOPMENT, DISTRIBUTION OR CONVEYANCE SYSTEM, INCLUDING A DAM.

(e) AN ELECTRIC GENERATION FACILITY, AS DEFINED IN SECTION 42-14156, AND ANY ASSOCIATED SUBSTATION OR SWITCHYARD.

(f) AN ELECTRICAL TRANSMISSION OR DISTRIBUTION SUBSTATION.

(g) AN ELECTRICAL TRANSMISSION LINE OF AT LEAST SIXTY-NINE THOUSAND VOLTS.

(h) AN ELECTRONIC COMMUNICATION STATION OR TOWER.

(i) AN ENERGY CONTROL CENTER.

(j) A DISTRIBUTION OPERATING CENTER.

(k) A FACILITY THAT TRANSFERS OR DISTRIBUTES NATURAL GAS, INCLUDING A COMPRESSOR STATION, REGULATOR STATION, CITY GATE STATION OR PRESSURE LIMITING STATION OR A LIQUEFIED NATURAL GAS FACILITY OR SUPPLIER TAP FACILITY.

(l) ANY RAILROAD INFRASTRUCTURE OR FACILITY.

(m) A FEDERAL, STATE, COUNTY OR MUNICIPAL COURT.

(n) A PUBLIC SAFETY OR EMERGENCY OPERATION FACILITY.

(o) A FEDERAL, STATE, COUNTY OR MUNICIPAL JAIL OR PRISON OR OTHER FACILITY IN WHICH PERSONS ARE INCARCERATED.

(p) A FEDERAL OR STATE MILITARY INSTALLATION OR FACILITY.

(q) A HOSPITAL THAT RECEIVES AIR AMBULANCE SERVICES.

4. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 336 OF THE FAA MODERNIZATION AND REFORM ACT OF 2012 (P.L. 112-95), AS AMENDED.

5. "PERSON" MEANS A CORPORATION, FIRM, PARTNERSHIP, ASSOCIATION, INDIVIDUAL OR ORGANIZATION OR ANY OTHER GROUP ACTING AS A UNIT.

6. "PUBLIC UNMANNED AIRCRAFT" MEANS AN UNMANNED AIRCRAFT OR UNMANNED AIRCRAFT SYSTEM THAT IS OPERATED BY A PUBLIC AGENCY FOR A GOVERNMENT-RELATED PURPOSE.

7. "UNMANNED AIRCRAFT" MEANS AN AIRCRAFT, INCLUDING AN AIRCRAFT COMMONLY KNOWN AS A DRONE, THAT IS OPERATED WITHOUT THE POSSIBILITY OF DIRECT HUMAN INTERVENTION FROM WITHIN OR ON THE AIRCRAFT.

8. "UNMANNED AIRCRAFT SYSTEM" MEANS AN UNMANNED AIRCRAFT AND ASSOCIATED ELEMENTS, INCLUDING ANY COMMUNICATION LINKS AND COMPONENTS THAT CONTROL THE UNMANNED AIRCRAFT.

Sec. 2. Section 28-8242, Arizona Revised Statutes, is amended to read:

28-8242. Powers and duties

A. The department:

1. Shall cooperate with all state, local and federal organizations to encourage and advance the safe and orderly development of aviation in this state.

2. May:

(a) Assemble and distribute to the public information relating to aviation, landing fields, navigational aids and other matters pertaining to aviation.

(b) Accept, in the name of this state, federal monies made available for the advancement of aviation.

(c) Represent this state on issues of routing structures and rate schedules concerning commercial airline traffic.

(d) Accept and receive federal and other public or private monies for the acquisition, construction, enlargement, improvement, maintenance, equipment or operation of airports and other air navigation facilities and sites for air navigation facilities or for any other purpose authorized by this section. The department shall deposit, pursuant to sections 35-146 and 35-147, these monies in the state aviation fund.

(e) Facilitate the development of a regional airport.

(f) Loan monies from the state aviation fund to an airport authority that enters into an agreement with the United States for an airport development project if the airport authority designates in its agreement with the United States that payment of federal participating monies shall be made to the department acting as the agent of the airport authority and enters into an agreement with the department appointing the department as agent of the airport authority to receive all federal participating monies. The department shall deposit, pursuant to sections 35-146 and 35-147, all monies received pursuant to this subdivision in the state aviation fund. For the purposes of this subdivision, "airport authority" means the governing body of a public airport operating pursuant to sections 28-8423 and 28-8424 or a joint powers airport authority.

B. Notwithstanding section 38-623, the director may authorize personnel of the department to use rental aircraft in the performance of their duties at the prevailing hourly rate. The rental fee is a charge against monies appropriated for in-state and out-of-state travel.

C. The director shall adopt rules as necessary to administer this article and articles 1, 3, 4 and 5 of this chapter and to promote public safety and the best interests of aviation in this state. The rules shall not supersede or conflict with rules of the United States government agencies having jurisdiction over aviation activities in this state.

D. The director shall:

1. Contract for the operation of state owned airports.

2. In conjunction with local authorities, plan, build and develop airports, airport terminals and other related navigational facilities.

3. Operate and maintain the Grand Canyon national park airport located in the Kaibab national forest, Coconino county.

4. PROVIDE ON THE DEPARTMENT'S WEBSITE INFORMATION ON RESOURCES FOR OPERATING A MODEL AIRCRAFT, INCLUDING SAFETY GUIDELINES ESTABLISHED BY A NATIONWIDE AERONAUTICS COMMUNITY-BASED ORGANIZATION.

5. PROVIDE ON THE DEPARTMENT'S WEBSITE PICTURES THAT SHOW EXAMPLES OF CRITICAL FACILITIES, AS DEFINED IN SECTION 13-3729, TO PROVIDE UNMANNED AIRCRAFT OPERATORS WITH INFORMATION ON WHAT IS CONSIDERED A CRITICAL FACILITY. A PICTURE OR ANY WRITTEN DESCRIPTION ON THE WEBSITE MAY NOT IDENTIFY THE OWNER OR OPERATOR OF THE CRITICAL FACILITY OR THE LOCATION OF THE CRITICAL FACILITY.

Sec. 3. Section 28-8280, Arizona Revised Statutes, is amended to read:

28-8280. Careless or reckless aircraft operation; violation; classification; definitions

A. A person who operates an aircraft in the air, on the ground or on the water in a careless or reckless manner that endangers the life or property of another is guilty of a class 1 misdemeanor. In determining whether the operation was careless or reckless, the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

B. FOR THE PURPOSES OF THIS SECTION:

1. "AIRCRAFT" INCLUDES A MODEL AIRCRAFT AND CIVIL UNMANNED AIRCRAFT.

2. "CIVIL UNMANNED AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3729.
3. "MODEL AIRCRAFT" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3729.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.