

ORDINANCE NO. 3**Series 2016**

January 19, 2016: Introduced as Council Bill 3, Series 2016 by Councilor Katy Brown, seconded by Councilor Mike Gallagher and considered in full text on first reading. Passed by a vote of 3 yes and 1 no.

February 2, 2016: Considered in full text on second reading. Passed by a vote of 5 yes and 1 no.

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTIONS 7-7-30 and 7-7-40 OF ARTICLE VII OF CHAPTER 7
OF THE MUNICIPAL CODE CONCERNING REGULATIONS APPLICABLE TO
UNMANNED AIRCRAFT SYSTEMS**

WHEREAS, the City of Cherry Hills Village ("Village") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City Council approved Ordinance 13, Series 2015 on December 9, 2015 which includes a registration requirement for Hobby Operators of Unmanned Aircraft Systems ("UAS") operating within the Village; and

WHEREAS, since passage of Ordinance 13, Series 2015 the Federal Aviation Administration ("FAA") has established a registration program; and

WHEREAS, the FAA registration program exempts UAS weighing less than 0.55 pounds; and

WHEREAS, the City Council wishes to align the City registration program with the FAA registration program as set forth in this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Section 7-7-30, titled Exemption from Registration, of Chapter 7 of the Cherry Hills Village Municipal Code is hereby amended to add a new subsection (c) shown in underline text as follows:

Section 7-7-30. Exemption from Registration. The following operations of unmanned aircraft systems are exempt from the registration requirements of this Article:

- (a) Any local, state or federal government agency lawfully operating unmanned aircraft systems for a government purpose or function.
- (b) Any commercial operator authorized by the FAA to operate a UAS, as evidenced by a valid certificate of authorization or exemption issued by the FAA.
- (c) UAS operated by Hobby Operators weighing less than 0.55 pounds at the time of operation, inclusive of equipment, payload and fuel.

Section 2. Section 7-7-40, titled General Requirements for Hobby Operators, of Chapter 7 of the Cherry Hills Village Municipal Code is hereby amended with additions shown in underline and deletions shown in strikethrough to read as follows:

Section 7-7-40. General Requirements for Hobby Operators and Owners.

- (a) Registration required. Registration of UAS is required for all owners of UAS ~~Hobby Operators~~ operating a UAS within City Airspace unless exempted under Section 7-7-30.
- (1) Registration. ~~A Hobby Operator of an unmanned aircraft system shall register the UAS as provided in this Section~~ The required registration must occur prior to operating an unmanned aircraft system within City Airspace. The City registration requirements set forth in subsections (a)(2) through (a)(4) shall apply if no federal registration is required for UAS. The City shall may accept a federal registration and waive the registration fee upon owner's presentation to the City of a certificate of federal registration and submission

~~of owner contact information on a City-issued form. in lieu of City registration of a specific UAS only if the federal registration program enables the City to confirm a registration number for such UAS and to obtain substantially the same application information as required by the City in subsection (2) below. The City Council may establish other registration requirements by resolution.~~

- (2) Application form. Application for registration of an unmanned aircraft system shall be made on a form provided by the City Clerk, which form shall include but not be limited to the following information: (a) name, address and telephone number of owner of UAS; (b) type, model of UAS; and (c) weight of UAS.
- (3) Registration fee. The registration fee shall be ten dollars (\$10.00) for each UAS unless waived pursuant to Section 7-7-40(a)(1), which fee must be paid to the City at the time of submission of the registration form. The City Council may increase or decrease the registration fee by resolution as codified in the City's comprehensive fee schedule.
- (4) Registration Identification. Upon receipt of a completed application, and required registration fee, the City will issue a registration number for each UAS properly registered by the City. The designated City or federal registration number shall be prominently displayed on the UAS before and as a condition of its operation within the City or City Airspace.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid or preempted, such invalidity or preemption shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid or preempted portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 3 Series 2016, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of February, 2016.

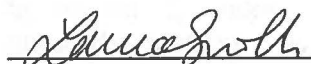
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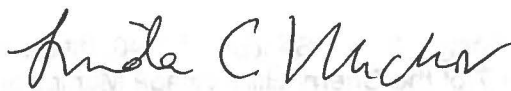
Laura Christman, Mayor

ATTEST:

Approved as to form:



Laura Smith, City Clerk



Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS
VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 3, SERIES 2016

A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS
VILLAGE AMENDING SECTIONS
7-7-30 and 7-7-40 OF ARTICLE
VII OF CHAPTER 7 OF THE MU-
NICIPAL CODE CONCERNING
REGULATIONS APPLICABLE
TO UNMANNED AIRCRAFT
SYSTEMS

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

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