

CITY OF MISSION WOODS, KANSAS
ORDINANCE NO. 223

AN ORDINANCE RELATING TO PUBLIC OFFENSES; REGULATING
UNMANNED AERIAL VEHICLES TO THE CODE OF ORDINANCES OF THE CITY OF
MISSION WOODS, KANSAS

WHEREAS, the Governing Body has determined that it is advisable to regulate unarmed aerial vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION WOODS, KANSAS, as follows:

Section 1. Chapter 10 Article 2 of the Code of Ordinances of the City of Mission Woods, Kansas, is hereby amended to include "Unmanned Aerial Vehicles" and shall read as follows:

10-210. Statement of Purpose. The City Council finds that the prevalence and unregulated use of unmanned aerial vehicles (UAVs) throughout the City poses a threat to the public health, safety and welfare and has created public health, safety and welfare concerns, including, but not limited to, privacy, nuisance and trespass concerns. Accordingly, the City Council has determined that the use of UAVs in the City should be restricted to bona fide business purposes and that use of UAVs for hobby or recreational purposes should be prohibited.

SECTION 10-211 is hereby added to the Court of Ordinances of the City of Mission Woods, Kansas, and shall read as follows:

10-211 DEFINITIONS. For purposes of this Article, the following terms and phrases shall have the meaning set forth below:

- A. **"Aircraft"** means any contrivance invented, used or designed to navigate or fly in the air.
- B. **"City airspace"** means the airspace above the land, water and waterways within the jurisdiction of the City.
- C. **"Hobby or recreational purposes"** means a pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.
- D. **"Operate"** means to pilot, steer, direct, fly or manage a UAV through the air whether from within the UAV or remotely. The term "operate" includes managing or initiating a computer system that steers, directs, pilots, flies or manages a UAV.
- E. **"Public Aircraft"** has the meaning ascribed to the term in Section 40102 Title 49 of the United States Code.
- F. **"Surveillance"** means the gathering, without permission and in a manner that is offensive to a reasonable person, of visual images, physical impressions, sound recordings, data or other information involving the private, personal, business, or

familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude or seclusion of another person, business or entity, regardless of whether a physical trespass onto real property owned, lease or otherwise lawfully occupied by such other person, business or other entity, or into airspace above real property owned, leased or otherwise lawfully occupied by such other person, business or other entity, occurs in connection with such surveillance.

- G. **"Toy aircraft"** means (1) a glider or hand-tossed small unmanned aircraft that is not designed for and is incapable of sustained flight; or (2) a small unmanned aircraft that is capable of sustained flight and is controlled by means of a physical attachment, such as a string or wire.
- H. **"Unmanned aerial vehicle" of "UAV"** means an aircraft that (1) is operated without the possibility of direct human intervention from within or on the aircraft, and (2) weighs less than 55 pounds at the time of operation, including the weight of any payload or fuel, but does not include "public aircraft" or "toy aircraft" as defined herein.
- I. **"Weapon"** means any instrument, article or substance that, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

SECTION 10-212 is hereby added to the Code of Ordinances of the City of Mission Woods, Kansas, and shall read as follows:

10-212. Operating Regulations. Except as otherwise provided in the Code of Ordinances of Mission Woods, no person shall operate any UAV in city airspace:

- A. For hobby or recreational purposes, except on the operator's own property or other property with the consent of the property owner;
- B. Directly over any person who is not involved in the operation of the UAV, without such person's consent;
- C. Over property that the operator does not own, without the consent of the property owner or such other person lawfully occupying the property, and subject to any restrictions that may be placed on the operation by the property owner or such other person lawfully occupying the property;
- D. At an altitude higher than 400 feet above ground level;
- E. Outside the visual line of sight of the operator; the operator shall use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to maintain at all times an unobstructed view of the UAV, without the use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, goggles designed to provide a "first person view" from the model or similar devices;
- F. In a manner that interferes with, or fails to give way to, any manned aircraft;
- G. Between dusk and dawn;
- H. Whenever weather conditions impair the operator's ability to operate the UAV safely;
- I. For the purpose of conducting surveillance, unless expressly permitted by law;

- J. While under the influence of alcohol, or other drug or drugs, that renders the operator incapable of operating the UAV;
- K. That is equipped with a firearm or other weapon;
- L. With intent to use such UAV or anything attached to it to cause harm to persons or property;
- M. In a reckless or careless manner; or
- N. In violation of any Federal or State law.

SECTION 10-213 is hereby added to the Code of Ordinances of the City of Mission Woods, Kansas, and shall read as follows:

10-213. Limitations on Operating Regulations.

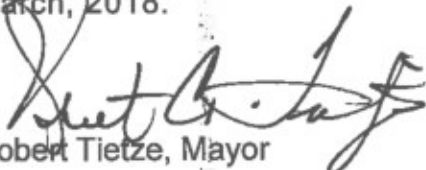
- A. **Operating Authorized by the FAA.** Nothing in this Article shall be construed to prohibit, limit or otherwise restrict any person who is authorized by the Federal Aviation Administration to operate a UAV in city airspace, pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 or a certificate of waiver, certificate of authorization or airworthiness certificate under Section 44704 of Title 49 of the United States Code or other Federal Aviation Administration grant of authority for a specific flight operation(s), from conducting such operation(s) in accordance with authority granted by the Federal Aviation Administration.
- B. **Operations Prohibited by FAA – Clarification.** Nothing in this Article shall be construed to authorize the operation of UAVs in city airspace in violation of any Federal statute or rules promulgated thereunder, including, but not limited to, any temporary flight restrictions or notices to airmen issued by the Federal Aviation Administration.
- C. **Operations Authorized by State of Kansas – Exception.** Nothing in this Article shall be construed to prohibit the use of a UAV by a law enforcement agency in accordance with Kansas statutes.

SECTION 10-214 Section 5 is hereby added to the Code of Ordinances of the City of Mission Woods, Kansas, and shall read as follows:

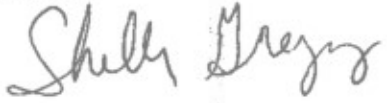
10-214. Severability. Severability is intended throughout and within the provisions of this Article. If any section, subsection, clause, phrase or portion of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Article.

Section 2. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body, and **APPROVED** by the Mayor this 6th day of March, 2018.


Robert Tietze, Mayor

Attest:

A handwritten signature in cursive script that reads "Shelley Gregory". The signature is written in black ink and is positioned above the printed name.

Shelley Gregory, City Clerk