

Chapter 14

UNMANNED AIRCRAFT SYSTEMS

5-14-1: AUTHORITY:

The Town Council hereby finds, determines, and declares that it has the power to adopt this chapter pursuant to: a) section 31-15-103, Colorado Revised Statutes (concerning municipal police powers); b) section 31-15-401, Colorado Revised Statutes (concerning municipal police powers); c) the authority granted to home rule municipalities by article XX of the Colorado Constitution; and d) the powers contained in the Breckenridge Town Charter. Such powers are traditional local government powers. (Ord. 33, Series 2017)

5-14-2: PURPOSE AND INTENT:

It is the purpose and intent of this chapter to address the unregulated use of unmanned aircraft systems, sometimes known as "drones", throughout the Town. The unregulated use of unmanned aircraft systems: a) pose threats to the public health, safety, and welfare of the residents and many visitors to the Town that include, but are not limited to, potential hazards to persons and property on the ground; and b) give rise to additional serious concerns that include, but are not limited to, privacy and law enforcement operations. (Ord. 33, Series 2017)

5-14-3: DEFINITIONS:

For purposes of this chapter, the following terms shall have the following meanings:

CRITICAL INFRASTRUCTURE: Has the meaning provided in 18 USC section 2339D which is:

Critical infrastructure means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production, storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transportation systems and services (including highways, mass transit, airlines, and airports).

DEADLY WEAPON: Has the meaning provided in section [6-3-5](#) of this Code.

FAA: The Federal Aviation Administration.

FIREARM: Has the meaning provided in section [6-3-5](#) of this Code.

OPERATE: To pilot, steer, direct, fly, or manage a UAS through the air whether remotely or otherwise. The term "operate" includes managing or initiating a computer system that pilots, steers, directs, flies, or manages a UAS.

SURVEILLANCE: 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, leased, or otherwise lawfully occupied by such other person, business, or entity, or into the airspace above real property owned, leased, or otherwise lawfully occupied by such other person, business, or entity, occurs in connection with such surveillance.

UAS: An aircraft, powered aerial vehicle, or other device without a human pilot aboard, the flight of which is controlled either autonomously by onboard computers or by the remote control of a pilot operator on the ground or in another vehicle or aircraft, and all associated equipment and apparatus. (Ord. 33, Series 2017)

5-14-4: UNLAWFUL ACTS:

It is unlawful to operate a UAS:

- A. In a reckless or careless manner so as to endanger the life or property of another. In any proceeding alleging a violation of this section, the factfinder shall consider the standards for safe operation of aircraft prescribed by Federal Statutes or regulations governing UASs.
- B. If the UAS is equipped with a firearm or other deadly weapon.
- C. For the purpose of conducting surveillance, unless permitted by law. (Ord. 21, Series 2018)

5-14-4-1: OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER BY USE OF UAS:

- A. Except as provided in subsection C of this section, it is unlawful for any person to intentionally, knowingly, or recklessly operate a UAS in a manner that obstructs, impairs, or hinders:
1. The enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his or her official authority;
 2. The prevention, control, or abatement of fire by a firefighter, acting under color of his or her official authority;
 3. The administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, acting under color of his or her official authority; or
 4. The administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.
- B. It is not a defense to a prosecution under this section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority. A peace officer "acts under color of his or her official authority" if, in the regular course of assigned duties, he or she makes a judgment in good faith based on surrounding facts and circumstances that he or she must act to enforce the law or preserve the peace.
- C. Subsection A of this section does not apply if the person who operates the UAS: 1) obtains permission to operate the UAS from a law enforcement agency or other entity that is coordinating the response of peace officers, firefighters, emergency medical service providers, rescue specialists, or volunteers to an emergency or accident; 2) continues to communicate with such entity during the operation of the UAS; and 3) complies immediately with any instructions from the entity concerning the operation of the UAS.
- D. As used in this section, unless the context clearly requires otherwise:

EMERGENCY MEDICAL SERVICE PROVIDER: Means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency service provider.

FIREFIGHTER: Means an officer or member of a Fire Department or fire protection or fire-fighting agency of the State, or any municipal or quasi-municipal corporation in this State, whether that person is a volunteer or receives compensation for services rendered as such firefighter.

PEACE OFFICER: Has the meaning provided in section [6-3-5](#) of this Code.

RESCUE SPECIALIST: Means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for services rendered as such rescue specialist.

VOLUNTEER: Means a person performing services to assist a peace officer, firefighter, emergency service provider, or rescue specialist at the site of an emergency or accident without compensation, other than reimbursement for actual expenses incurred. (Ord. 21, Series 2018)

5-14-5: UNLAWFUL TO LAUNCH, LAND, OR OPERATE A UAS FROM OR ON TOWN-OWNED REAL PROPERTY:

It is unlawful to launch or land a UAS from any real property owned by the Town without the prior written permission of the Town Manager or the Town Manager's designee. (Ord. 33, Series 2017)

5-14-6: UNLAWFUL TO HARASS OR ANNOY WILDLIFE:

It is unlawful to intentionally or knowingly harass, annoy, or disturb wildlife by the use of a UAS. (Ord. 33, Series 2017)

5-14-7: EXEMPTIONS:

Nothing in this chapter shall be construed to prohibit, limit, or otherwise restrict:

- A. The use of a UAS for lawful purposes and in a lawful manner by any of the following persons acting in the course and scope of their assigned duties: 1) any law enforcement or emergency services personnel of the Town; 2) any other local, State, or Federal government law enforcement or emergency services personnel; or 3) any authorized military personnel of the State or Federal government.

- B. The use of a UAS by the owner or operator of a critical infrastructure facility to monitor, operate, or maintain the reliability and integrity of the facility, or to determine if repairs are necessary to the facility.

- C. The use of a UAS to the extent this chapter conflicts with or is preempted by any law, rule, or regulation of the FAA. (Ord. 33, Series 2017)

5-14-8: VIOLATION; PENALTY:

- A. It is unlawful and a misdemeanor offense to violate any provision of this chapter. A person who is convicted of violating any provision of this chapter shall be punished as provided in section [1-4-1](#) of this Code.

- B. In addition to the penalty set forth in subsection A of this section, the Town may impound any UAS that is operated in violation of this chapter. (Ord. 33, Series 2017)

5-14-9: RULES AND REGULATIONS:

The Town Manager may from time to time adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this chapter. Such regulations shall be adopted in accordance with the procedures established by [title 1, chapter 18](#) of this Code. Pursuant to section [1-18-6](#) of this Code, the Town Council authorizes the Town Manager's rules and regulations promulgated pursuant to this section to be enforced in the Town's Municipal Court. (Ord. 33, Series 2017)