




REPORT TO CITY COUNCIL

DATE: FEBRUARY 14, 2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: JOHN TREICHLER, ADMINISTRATIVE AIDE 
AMY BRINK, DIRECTOR OF COMMUNITY SERVICES 

SUBJECT: INTRODUCE FIRST READING OF ORDINANCE NO. 18-437 OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 9 (PARK RULES AND REGULATIONS) OF ARTICLE IV (PUBLIC PEACE) OF THE AGOURA HILLS MUNICIPAL CODE REGARDING THE USE OF UNMANNED AIRCRAFT, MODEL AIRPLANES, AND OTHER MOTORIZED CRAFT IN CITY PARKS AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The items being presented to City Council for consideration are related to the updating of the Park Rules and Regulations and Article IV of the Agoura Hills Municipal Code.

As the popularity of Unmanned Aircraft Systems (UAS) or Drones have become more prevalent, the City of Agoura Hills wanted to take the time to implement some necessary changes to our current processes, including updating Section 4900 in the Municipal Code and the Parks Reservation Policy. At this time, the City feels that it is important to update the language and policies used to reflect current and future trends, with the hopes of protecting all visitors and guests that may frequent city-owned properties.

The following changes have been proposed:

- Add additional definitions including Drone and Public Unmanned Aircraft System (UAS)
- Change Section 4910 to read Motorized Craft and Unmanned Aircraft instead of Model Airplanes and add rockets and Drones to definition

Updating the Park Rules and Regulations will help to provide the City of Agoura Hills a solid platform on protecting any visitors who may visit the City's listed parks and or properties. This reassures the residents of Agoura Hills that we are using current and acceptable standards and will enforce certain restrictions and/or fines if the said parties are not in compliance.

RECOMMENDATION

Staff respectfully recommends the City Council introduce, read by title only, waive further reading of Ordinance No. 18-437, amending Chapter 9 (Park Rules and Regulations) of Article IV (Public Peace) of the Agoura Hills Municipal Code regarding the use of unmanned aircraft, model airplanes, and other motorized craft in City parks and making a determination of exemption under the California Environmental Quality Act (CEQA).

Attachment: (1) Ordinance No. 18-437
(2) Parks Reservation Policy Information Sheet

ORDINANCE NO. 18-437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 9 (PARK RULES AND REGULATIONS) OF ARTICLE IV (PUBLIC PEACE) OF THE AGOURA HILLS MUNICIPAL CODE REGARDING THE USE OF UNMANNED AIRCRAFT, MODEL AIRPLANES, AND OTHER MOTORIZED CRAFT IN CITY PARKS AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

A. The City Council of the City of Agoura Hills recognizes that unprecedented advances in drone technology has empowered realtors, inspectors, biologists and preservationists, farmers and agricultural researchers, photographers, recreational pilots, and others to document the world around them in ways that often replace more hazardous operations.

B. Notwithstanding the City's support for new technology and innovation, the City Council recognizes the legitimate concerns regarding safety, privacy, nuisance, noise, and trespass, which may be related to unmanned aircraft and other motorized craft.

C. While some of these concerns can be addressed through existing State and local laws, the City has exclusive authority over land use and zoning decisions within the City. Cities maintain the ability to regulate activities that take place on City land, including the take-off and landing of unmanned aircraft on City property and in City parks.

D. In order to preserve the public's enjoyment of and safety within the City's parks, the City Council finds that it is in the interest of the health, welfare, and safety of the people of Agoura Hills to clarify the rules regarding the use of motorized craft in City parks and the take-off and landing of unmanned aircraft within City parks.

Section 2. CEQA. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to the General Rule (14 Cal. Code Regs. § 15061(b)(3)) because this Ordinance updates and clarifies existing regulations regarding the use of unmanned aircraft and other motorized crafts in City parks. The City Council finds, consistent with City staff's conclusion, that it can be seen, with certainty, that there is no possibility that the proposed Municipal Code text amendments may have a significant effect on the environment. Staff is hereby directed to prepare and file a notice of exemption pursuant to Guidelines Section 15062.

Section 3. Code Amendment. Section 4900 (Definitions) of Chapter 9 (Park Rules and Regulations) of Article IV (Public Peace) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

“4900. – Definitions.

The following words and phrases for the purpose of this chapter are defined and shall be construed as set out in this section:

- (a) *Agent* means the City Manager or persons designated by the City Council to establish regulations or grant permits for the carrying out of the provisions of this chapter.
- (b) *Unmanned Aircraft* means an aircraft that is operated without a human pilot onboard and without the possibility of direct human intervention from within or on the aircraft. This definition includes devices commonly referred to as drones.
- (c) *Motor vehicle* means a vehicle, which is self-propelled, including but not limited to automobiles, trucks, motorcycles, golf carts, motorized bicycles, mopeds, and motor-driven cycles.
- (d) *Park* means any recreation area or facility, historic park or site, picnic area, reservoir, golf course, roadside rest area, riding or hiking trail, and any building, structure, or other facility located therein, owned, managed, operated or controlled by the city.
- (e) *Person* means any natural person other than a City employee, contractor, or concessionaire or employee or agent of the above performing services within the scope of said employment, contract, or concession.
- (f) *Public Unmanned Aircraft System (UAS)* means an unmanned aircraft or unmanned aircraft system that is used or operated on behalf of any government agency that meets the qualifications as defined in Section 40102 of Title 49 of the United States Code.”

Section 4. Code Amendment. Section 4910 (Motorized Craft) of Chapter 9 (Park Rules and Regulations) of Article IV (Public Peace) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

“4910. – Motorized Craft and Unmanned Aircraft.

- (a) No person shall operate any radio or remote controlled cars, boats, rockets, model airplanes, or other similar motorized craft in any City park, except in an area specifically designated for such activity.

- (b) No person shall take off or land an unmanned aircraft in any City park, including, but not limited to, Chumash Park, Forest Cove Park, Morrison Park, Old Agoura Park, Reyes Adobe Park, Reyes Adobe Historical Site, Sumac Park, the City Hall & Library property, and the Recreation & Event Center property.
- (c) No person shall take off or land an unmanned aircraft from the public right-of-way during a City-sponsored event, without prior authorization from the City. Authorization shall be granted on a first-come, first-served basis, with a maximum of 10 permits to be issued per City-sponsored event. Persons who take off or land an unmanned aircraft from the public right-of-way during a City-sponsored event pursuant to the City's prior authorization must have a copy of the authorization form on his or her person at all times during the event.
- (d) This section shall not apply to the use of a public unmanned aircraft system, the use of which is required to protect the public health and safety."

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. Certification and Publication. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Agoura Hills, California, on this 14th day of February 2018.

AYES: (0)
 NOES: (0)
 ABSENT: (0)
 ABSTAIN: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney



**CITY OF AGOURA HILLS
PARKS RESERVATION POLICY
INFORMATION SHEET**

PARK RULES

1. Park hours are 7:00 a.m. to astronomical sunset.
2. Dogs & cats must be on leashes at all times. Removal of animal feces is the responsibility of the animal's custodian or owner.
3. Firearms are not permitted in the park. **(AHMC 4911)**
4. Vehicles may not be driven off of the driveways or parking areas.
5. Please stay off bikes, scooters and skateboards in the parks.
6. Fires authorized by permit only in designated areas. You can either use the barbeques provided at Forest Cove, Morrison, Old Agoura, Reyes Adobe or Sumac parks, or you may bring your own barbeque to any of the parks, as long as you bring a fire extinguisher as well. **(AHMC 4901)**
7. Alcoholic beverages are not permitted in the park. **(AHMC 4913)**
8. Horses are permitted only in the designated areas. Horse/pony rides are permitted in the Old Agoura Equestrian Arena and on riding trails, but not on the grass areas of the parks. **(AHMC 4905)**
9. Motorcycles, scooters & motorized bicycles may be operated only on driveways and in parking lots.
10. Overnight camping and overnight parking are prohibited. **(AHMC 4917)**
11. Rockets, model airplanes, and drones are not permitted in the parks. **(AHMC 4910)**
12. All litter must be removed or deposited in trash receptacles. **(AHMC 4919)**
13. Do not drink irrigation water. To support conservation, we irrigate with reclaimed water.
14. No person shall disturb the peace of the parks by making any loud, obscene, or unusual noises. **(AHMC 4904)**
15. No person shall solicit, sell, hawk or peddle goods in the parks. **(AHMC 4912)**
16. Fireworks are illegal in the parks. **(AHMC 4903)**
17. The following are prohibited in all City of Agoura Hills Parks: Inflatable devices (i.e. jolly jumps, lazertag barriers, moon bounces, water slides), children's rides, sumo wrestling/suits, hamster balls (aka Zorbs), speed pitch, dunk tanks, trackless trains, golfing, archery, petting zoos (also animal shows, puppy parties, etc.), and pony rides anywhere other than Old Agoura Equestrian Arenas.
18. Other ordinances governing use of City of Agoura Hills public parks apply.

****All Park Rules and Regulations are located in the Agoura Hills Municipal Code Section 4900.***

ADDRESSES/DIRECTIONS TO THE PARKS

Chumash Park * 5550 Medea Valley Drive

- Children's play area
- Picnic facilities
- Restrooms
- Softball field

Take Kanan Rd. north to Thousand Oaks Blvd. and turn right. Turn right again at Argos, and drive down two blocks. Park will be on the right.

Forest Cove Park * 5451 Forest Cove Lane

- Children's play area
- Outdoor basketball court
- Picnic facilities & BBQ
- Restrooms
- Softball field

Forest Cove Lane is off of Thousand Oaks Blvd. between Kanan Rd. and Reyes Adobe. Turn south on Forest Cove Lane, and drive down two blocks. Park will be on the right.

Morrison Park * Thousand Oaks Blvd. & Forest Cove Lane

- Children's play area
- Picnic facilities & BBQ
- Full Court Basketball
- Restrooms

Park is located on the north-east corner of Thousand Oaks Blvd. and Forest Cove Lane.

Old Agoura Park * 5301 Chesebro Rd.

- Baseball field
- Children's play area
- Equestrian Facilities
- Outdoor basketball half-court
- Picnic facilities & BBQ
- Restrooms

Take Palo Camado Cyn. exit north off of the 101 freeway. Park is on the corner of Driver Rd. & Chesebro Rd.

Reyes Adobe Park * 31400 Rainbow Crest Drive

- Children's play area
- Picnic facilities and BBQ
- Restrooms

Take the Reyes Adobe exit north off of the 101 freeway. Turn left on Rainbow Crest Drive. Park is on the corner of Rainbow Crest Drive & Reyes Adobe Rd.

Sumac Park * 6000 Calmfield Ave.

- Children's play area
- Picnic facilities & BBQ
- Restrooms

Take Kanan Rd. north to Laro Drive and turn left. Laro Drive dead ends at Sumac Park.

Report all misuses of the park and acts of vandalism to the Agoura Hills Recreation and Event Center at (818) 597-7361, or the Sheriff's Department at (818) 878-1808.