




## REPORT TO CITY COUNCIL

**DATE:** FEBRUARY 28, 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:** ADOPTION OF ORDINANCE NO. 18-437, OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REVISING REGULATIONS APPLICABLE TO PARK RULES AND REGULATIONS, AND AMENDING ARTICLE IV OF THE AGOURA HILLS MUNICIPAL CODE

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At the February 14, 2018, City Council Meeting, the City Council introduced, read by title only, and waived further reading of Ordinance No. 18-437, with a 4-0 vote.

The Ordinance would update the Park Rules and Regulations and Article IV of the Agoura Hills Municipal Code. The updates to the Agoura Hills Municipal Code included additional definitions of Drone and Public Unmanned Aircraft System (UAS) and a change to Section 4910 to include both rockets, drones, and Motorized Craft instead of Model Airplanes.

This amendment to both the Park Rules and Regulations and the Municipal Code assists the City of Agoura Hills in protecting people who visit the City's parks and public facilities. This amendment reassures the residents of Agoura Hills that current and acceptable standards are being used and that enforcement will include certain restrictions and/or fines if the said parties are not in compliance.

### RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 18-437.

Attachment: (1) Ordinance No. 18-437

**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) 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 14<sup>th</sup> day of February 2018.

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

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William D. Koehler, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

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Candice K. Lee, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF AGOURA HILLS        )

I, Kimberly M. Rodrigues, City Clerk of the City of Agoura Hills, California, do hereby certify that the foregoing is a full, true, and correct copy of **Ordinance No. 18-437** introduced at a regular meeting of the City Council of the City of Agoura Hills held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and, thereafter, adopted by the City Council at a regular meeting held on the \_\_\_\_ of \_\_\_\_\_, 2018, and that said Ordinance was published or posted pursuant to law.

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Kimberly M. Rodrigues, MMC, City Clerk