



Agenda Item Summary Sheet

Item No: F-2
Meeting Date: May 6, 2015

Item Title: Public Hearing to consider Draft Ordinance, Addition to Town Code Sec. 26-14.
Unmanned Aircraft Systems

Item Summary:

Attached for your review is an addition to Town Code Sec. 26-14, which sets forth regulations for the use of unmanned aircraft systems in the Town of Nags Head.

Attached please find:

- Memo with additional details
- Draft Ordinance

Number of Attachments: 2

Specific Action Requested:

Provided for Board consideration of a draft addition to Town Code Sec. 26-14. *Unmanned Aircraft Systems*.

Submitted By: Administration

Date: April 27, 2015

Finance Officer Comment:

Insufficient information to determine precise fiscal impact.

Signature: Kim Kenny

Date: April 27, 2015

Town Attorney Comment:

Staff has incorporated our comments into the draft ordinance – In addition, I will participate in the discussion as needed.

Signature: John Leidy

Date: April 27, 2015

Town Manager Comment and/or Recommendation:

I concur with the proposed ordinance amendment.

Signature: Cliff Ogburn

A handwritten signature in black ink, appearing to read "Cliff Ogburn".

Date: April 27, 2015

MEMORANDUM

TO: Mayor and Board of Commissioners

FROM: Roberta Thuman, Public Information Officer

DATE: April 27, 2015

SUBJECT: Draft Addition to Town Code Sec. 26-14. Unmanned Aircraft Systems

Attached for your consideration is a draft ordinance to amend Town Code Sec. 26-14 to add regulations for unmanned aircraft systems in Nags Head.

The growing popularity of unmanned aircraft systems (UAS), colloquially known as drones, for video or photography purposes, as well as for other purposes, has the potential to negatively impact the health, safety, and/or welfare of Nags Head's citizens, visitors, and businesses. With that in mind, we offer an ordinance that does not ban drones, but simply establishes rules for managing the safety of their use.

While the ordinance includes regulations for the use of unmanned aircraft and their systems, it also provides regulations specifically relating to small unmanned aircraft and their systems (sUAS), which are defined as weighing less than 55 pounds. The ordinance thus applies to both recreational and commercial use, but it is crafted to rely on federal and/or state law, as appropriate, to determine if that use is legal, to include use on/over private property.

The ordinance tracks with current federal and state law for UAS in general, as well as salient points from the current FAA Rule-making Decision Process for commercial use of UAS, without duplication or unnecessary repetition of those laws. The ordinance was written so that as federal and state regulations change, as is often the case in this developing field, new modifications should not affect the Town's ordinance.

The ordinance permits small unmanned aircraft that are unpowered or are powered by electric or rubber power sources but prohibits certain dangerous or noisy power sources not appropriate for a small community environment. This allows for the prevailing recreational uses, the potential commercial uses, and for the small gliders and other safe and easy to use model or toy aircraft.

In summary, the ordinance also:

1. Requires government agencies to coordinate with the town manager prior to their use of a UAS, unless they are operating under a state of emergency.
2. Sets guidelines for operating a UAS around the helicopter landing pad at The Outer Banks Hospital.
3. Prohibits operation of sUAS between dusk and dawn.
4. Requires prior written approval from the town manager for use of sUAS on or over the ocean, beach, and estuarine waters.

5. Requires prior written approval from the town manager for use of sUAS on or over public property.
6. Sets parameters for use of sUAS in the vicinity of public safety incidents.
7. Establishes regulations for the safe operation of sUAS.
8. Prohibits sUAS that carry pyrotechnic devices that explode, burn, or produce smoke and that drop any objects.
9. Establishes radio/remote control aircraft requirements for sUAS.

Thank you for your consideration.