Parks & Golf Services
Department Policy & Procedures

POLICY: RADIO-CONTROLLED MODEL SPORTS & UNMANNED AIRCRAFT SYSTEMS

Approved: RWB Effective Date: 10-22-18

PURPOSE: To provide park facilities for and manage various radio-controlled* model sports activities and unmanned aircraft systems in City of St. Peters parks.

POLICY: The Parks & Golf Services Department will provide park facilities for those wanting to participate in radio-controlled model sports activities. Radio-controlled models include: airplanes, gliders, automobiles, boats, helicopters, and unmanned aircraft (commonly known as drones).

The Group Manager of Parks & Golf Services will approve locations for model sports based on safety and other activities in the area. The Group Manager may limit the time and place of such activity, as well as require a certificate of insurance for such usage.

Radio-controlled models equipped with cameras or recording devices of any kind may not be used in any part of a park or park facility where there is an expectation of privacy *(Missouri Revised Statutes 565.250)*.

Modelers are required to adhere to all FCC & FAA regulations pertaining to radio-controlled models, including certifications and licensing of unmanned aircraft. Modelers are also required to adhere to all other federal and state laws; as well as local laws including City Code Section 210.037: Prohibiting Constructive Invasion of Privacy; Chapter 245: Regulation of Unmanned Aircraft Systems; and Chapter 210 Sections 130 & 390: Public Peace and Regulation of Noise Levels.

PROCEDURE: All persons wanting to operate a radio-controlled model in a St. Peters Park must obtain written authorization from the Parks & Golf Services Department. Written authorization will be in the form of a Park Use Permit, which will state the specific park location, date and time of usage. Any applicable fee must be paid prior to issuance of a permit.

PERMITS MAY BE REQUESTED FOR THE FOLLOWING PARK FACILITIES:

PARK	FACILITY	SPORT	OTHER
Laurel Park	Lake	Watercraft	Electric engines only (no gas powered)
Lakeside Park	Lake at Marina	Watercraft	Electric engines only (no gas powered)
Lone Wolff Park	Tractor Pull Arena	Automobiles	
Rabbit Run Park	Field 3	Automobiles	
Sports Center	Soccer Fields	Aircraft	Includes planes, gliders, helicopters or unmanned aircraft
Woodlands Sports Park	Soccer Fields	Aircraft	Includes planes, gliders, helicopters or unmanned aircraft
Woodlands Sports Park	Lake	Watercraft	Electric engines only (no gas powered)

*For the purpose of this policy, remote-controlled models follow the same rules and regulations as radio-controlled models.

ORDINANCE NO. 6737

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, AMENDING ST. PETERS CITY CODE, BY ENACTING A NEW SECTION 210.037; PROHIBITING CONSTRUCTIVE INVASION OF PRIVACY IN THE CITY; ENACTING A NEW CHAPTER 245; AND PROVIDING FOR THE REGULATION OF UNMANNED AIRCRAFT SYSTEMS IN THE CITY

WHEREAS, unprecedented advances in Unmanned Aircraft technology have empowered surveyors, realtors, inspectors, biologists and preservationists, farmers and agricultural researchers, photographers and others to document the world around them in ways that oftentimes replace more hazardous operations; and

WHEREAS, after studying various alternatives for the regulation of safety, privacy, nuisance, trespass, and related police powers raised by Unmanned Aircraft, and taking account the approaches adopted by cities across the nation, which include criminalizing or prohibiting the use of Unmanned Aircraft; and

WHEREAS, the FAA has declared that "laws traditionally related to State and local police power— including land use, zoning, privacy, trespass, and law enforcement operations—generally are not subject to Federal regulation"; and

WHEREAS, the FAA has declared that the operation Unmanned Aircraft near or over the perimeter or interior of certain locations may violate State or local trespassing laws; and

WHEREAS, the use of Unmanned Aircraft Systems pose a potential threat to the persons, property, privacy, and general health and welfare of residents; and

WHEREAS, advances in technology now allow a means to balance innovation and address all of the above stated land use, safety, nuisance, privacy, and trespass concerns; and

WHEREAS, the Board of Aldermen hereby determines that it is to the benefit of the health, safety, and welfare of the residents to regulate the operation of Unmanned Aircraft Systems in the City, and to prohibit constructive invasion of privacy in the City.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

Section No. 1. That Article VII of Chapter 210 of the St. Peters City Code, be and is hereby amended by enacting a new section 210.037, to read as follows:

SECTION 210.037. Constructive Invasion of Privacy.

A. Regardless of whether there is a physical trespass pursuant to section 210.240 or section 210.245 of this Code, a person is liable for constructive invasion of property when a person:

1. Knowingly attempts to capture or knowingly captures; in a manner that is offensive to a reasonable person;

    i. any type of visual image, visual recording, sound recording, or other physical impression; of another engaging in private, personal, or familial activity; in a place in which that person has a reasonable expectation of privacy;

    ii. and that impression could not have been achieved without a trespass unless the device was used.

B. This section shall not be construed to impair or limit any otherwise lawful activities of law enforcement personnel or employees of governmental agencies or other entities, either public or private, who, in the course and scope of their employment, and supported by an articulable suspicion, attempt to capture any type of visual image, sound recording, or other physical impression of a person during an investigation, surveillance, or monitoring of any conduct to obtain evidence of suspected illegal activity or other misconduct, the suspected violation of any administrative rule or regulation, a suspected fraudulent conduct, or any activity involving a violation of law or business practices or conduct of public officials adversely affecting the public welfare, health, or safety.

Section No. 2. That Title II of the St. Peters City Code be and is hereby amended by enacting a new Chapter 245, to read as follows:

CHAPTER 245 UNMANNED AIRCRAFT SYSTEMS

SECTION 245.010. Regulation of Unmanned Aircraft Systems.

A. *Definitions.* For purposes of this chapter, the following words and phrases shall have the following meanings:

CITY ADMINISTRATOR: the City Administrator of the City or his or her designee.

UNMANNED AIRCRAFT: An aerial vehicle that:

(a) Does not carry a human operator and is operated without the possibility of direct human intervention from within or on the aircraft;

(b) Uses aerodynamic forces to provide vehicle lift;

(c) Can fly autonomously or be piloted remotely; and

(d) Can be expendable or recoverable.

UNMANNED AIRCRAFT SYSTEMS (UAS): An unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system. To be part of a UAS, the unmanned aircraft must be:

(a) capable of sustained flight in the atmosphere;

(b) flown within the visual line of sight of the person operating the aircraft; and

(c) flown for hobby or recreational purposes.

VISUAL OBSERVER: A person who is designated by the operator of an Unmanned Aircraft System to assist the operator to see and avoid other air traffic or objects aloft or on the ground.

B. All operators of Unmanned Aircraft Systems shall adhere to applicable federal and State regulations, rules, and laws regarding their use, and as may be amended from time to time, and implemented thereafter.

C. The Unmanned Aircraft System must remain within visual line of sight of the operator of the Unmanned Aircraft System. Alternatively, the unmanned aircraft must remain within the visual line of sight of a visual observer, provided that the operator of the Unmanned Aircraft System and the visual observer maintain effective communication with each other at all times.

D. Operators of Unmanned Aircraft Systems shall not intentionally operate Unmanned Aircraft Systems over persons unprotected by shelter or moving vehicles, or within twenty-five (25) feet from any person, building, or vehicle.

E. Operators of Unmanned Aircraft Systems shall not operate an Unmanned Aircraft System in adverse weather conditions, such as in high winds or reduced visibility.

F. Operators of Unmanned Aircraft Systems shall not operate an Unmanned Aircraft System, nor shall a visual observer observe the operation of an Unmanned Aircraft System, under the influence of alcohol or controlled substances.

G. Operators of Unmanned Aircraft Systems shall ensure the operating environment is safe and shall not operate Unmanned Aircraft Systems in a reckless or negligent manner so as to endanger the life or property of another or constitute an unreasonable interference with enjoyment of life, quiet, comfort, or outdoor recreation of an individual or individuals of ordinary sensitivity or habits.

H. Operators of Unmanned Aircraft Systems shall not without the consent of the owner of the property, public utility, or appropriate governmental entity operate an Unmanned Aircraft System within twenty-five (25) feet of or over sensitive infrastructure or property, such as power stations, utility lines, water treatment facilities, correctional facilities, streets or highways with a speed limit of 35 miles per hour or more, government facilities, or other public utility facilities.

I. It shall be unlawful to knowingly operate an Unmanned Aircraft System directly over the private property of another without the property owner's consent, if such operation of the Unmanned Aircraft System (a) enters into the immediate reaches of the air space next to private property and (b) if it interferes substantially with the property owner's use and enjoyment of his/her property.

J. All Unmanned Aircraft Systems shall be limited to daylight-only operations, or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time), with anti-collision lighting visible from a distance of three (3) statute miles.

K. Except as may be otherwise expressly permitted by federal or state law, it shall be unlawful to operate any Unmanned Aircraft Systems weighing in excess of fifty-five (55) pounds (25 kilograms) in the City.

1. The City Administrator is hereby authorized to promulgate policies and procedures for the operation of Unmanned Aircraft Systems upon and over property owned or controlled by the City, consistent with this ordinance. Such policies and procedures shall provide for reasonable restrictions on the time, place, and manner in which a person may land, launch, or otherwise operate an Unmanned Aircraft System so as not to interfere with the health, safety, and welfare of City residents. Such restrictions may not place an undue burden on recreational or commercial operation of Unmanned Aircraft Systems. Such policies and procedures may require certain conditions be fulfilled prior to the take-off, landing, or operation of an Unmanned Aircraft System from certain designated properties owned or controlled by the City.

SECTION 245.015. Certificate of Waiver.

A. The City Administrator is hereby authorized to issue a certificate of waiver permitting a temporary deviation from the regulations of subsections (C), (D) and (J) of section 245.010 under the terms and conditions as set forth by the City Administrator in the certificate of waiver and as provided for herein:

1. An applicant requesting a certificate of waiver permitting a deviation from Section 245.010(C) of this Chapter must set forth in the application a method for ensuring each of the following:

i. That the operator will be able to continuously know and determine the position, altitude, and movement of the Unmanned Aircraft Systems and ensure the Unmanned Aircraft Systems remains in the area of intended operation;

ii. That the operator will be able to avoid other aircraft, people on the ground, and ground-based structures and obstacles at all times;

iii. That the operator will be alerted of any degraded Unmanned Aircraft Systems function; and

iv. That all required persons participating in the operation of the Unmanned Aircraft Systems will have relevant knowledge of all aspects of operating Unmanned Aircraft Systems that are not in the visual line of sight of the operator.

2. An applicant requesting a certificate of waiver permitting a deviation from Section 245.010(D) of this Chapter must set forth in the application a method for ensuring each of the following:

    i. That any malfunction of the Unmanned Aircraft Systems will not cause injuries to non-participating persons on the ground;

    ii. That risk to non-participants will be mitigated by the applicant through an operational risk assessment, testing, and data, all of which address design features, operational limitations, or a combination thereof specific to the operation;

    iii. That the applicant will address the risk from exposure to rotating parts and sharp edges which could injure a non-participating person; and

    iv. That the operator has adequate knowledge, experience, and ability to safely operate an unmanned aircraft over non-participating persons including recent flight experience within the last thirty (30) days.

3. An applicant requesting a certificate of waiver permitting a deviation from 245.010(J) must set forth in the application a method for ensuring each of the following:

    i. That the operator will be able to maintain visual line of sight during darkness;

    ii. That the operator will be able to see and avoid other aircraft, people on the ground, and ground-based structures and obstacles during the darkness;

    iii. That the operator will be able to continuously know and determine the position, altitude, attitude, and movement of his or her Unmanned Aircraft Systems; and

    iv. That all required persons participating in the Unmanned Aircraft Systems operation will have knowledge to recognize and overcome visual illusions caused by darkness, and understand physiological conditions which may degrade night vision.

B. An application for a certificate of waiver must be submitted on forms provided by the City Administrator, and contain, at a minimum, the following:

1. The name, age, telephone number and address of the operatory of the Unmanned Aircraft System;
2. The name, age, telephone number and address of the visual observer or observers, if applicable;
3. A complete description of the proposed operation of the Unmanned Aircraft System including the location, dates and times of operation of the Unmanned Aircraft System;

4. A justification that the operation of the Unmanned Aircraft System can safely be conducted under the terms of a certificate of waiver; and
5. Such other information as may be required by the City Administrator.

C. The City Administrator may prescribe such additional terms, conditions and limitations for any certificate of waiver issued by the City Administrator that the City Administrator considers necessary to protect the health, safety and welfare of the residents of the City.

D. A person who receives a certificate of waiver issued under this section:

1. May deviate from the regulations of this Chapter to the extent specified in the certificate of waiver; and

2. Must comply with any terms, conditions or limitations that are specified in the certificate of waiver.

Section No. 3. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

Section No. 4. Savings. Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

Section No. 5. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Read two times, passed, and approved this 27th day of April, 2017.

As Presiding Officer and as Mayor
Len Pagano, Mayor

Attest: Patricia E. Smith
Patricia E. Smith, City Clerk

No. 6737