

ORDINANCE NO. 302-23

**AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE
REGARDING SMALL UNMANNED AIRCRAFT SYSTEMS, AMENDING
THE WESTLAKE VILLAGE MUNICIPAL CODE ADDING CHAPTER 4.12
AND APPROVING A CEQA EXEMPTION DETERMINATION**

**THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings and Intent.

A. Over the past decade small unmanned aircraft systems have grown in popularity nationwide.

B. The Federal Aviation Administration has adopted regulations (14 C.F.R. Part 107) to provide for the registration, airman certification, and operation of civil small unmanned aircraft systems.

C. The Legislature has enacted AB 856 (2015) to amend Civil Code Section 1708.8 to expand civil liability for physical invasion of privacy to include a person knowingly entering into the airspace above the land of another person without permission.

D. The Legislature has enacted AB 1680 (2016) to amend Penal Code Section 402 to prohibit the use of an unmanned aerial vehicle to impede police officers, firefighters, emergency personnel, or military personnel in the performance of their duties in coping with an emergency.

E. The Legislature has enacted AB 1129 (2019) to amend Penal Code Section 647 to prohibit the use of an unmanned aircraft system to view the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person inside.

F. The purpose of this Ordinance is to protect the health, safety, and general welfare of City residents, workers, and visitors by supplementing these federal and state laws with local police power regulations related to land use, zoning, privacy, trespass, and law enforcement operations.

G. The City Council intends to regulate small unmanned aircraft systems in a manner that does not conflict with federal or state law.

Section 2. Code Amendment. Article 4 (Public Peace) of the Westlake Village Municipal Code is amended by adding a new Chapter 4.12 to read as follows:

**"CHAPTER 4.12.
SMALL UNMANNED AIRCRAFT SYSTEMS**

4.12.010. Title.

This Chapter shall be known and may be cited as the Small Unmanned Aircraft Systems Ordinance.

4.12.020. Purpose.

The purpose of this Chapter is to regulate small unmanned aircraft systems (drones) to protect the health, safety, and welfare of the public. This Chapter supplements, and shall be interpreted so as not to conflict with, federal and state laws applicable to small unmanned aircraft systems.

4.12.030. Applicability.

This Chapter applies to civil small unmanned aircraft systems and to recreational small unmanned aircraft systems as such devices are classified by federal law.

4.12.040. Definitions.

For the purposes of this Chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply. Whenever a reference is made to a law other than this Code, the reference applies to the then-current version of such law.

A. "Emergency" shall include a condition or situation involving injury to persons, damage to property, or peril to the safety of persons or property, which results from a fire, an explosion, an airplane crash, flooding, windstorm damage, a railroad accident, a traffic accident, a powerplant accident, a toxic chemical or biological spill, or any other human-caused event.

B. "Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

C. "UAS" shall mean a small unmanned aircraft and associated elements (including any communication links and components that control the aircraft) that are required for the safe and efficient operation of the aircraft in the national airspace system. "UAS" includes both: (i) a UAS operated in accordance with 14 C.F.R. Part 107

for any purpose other than a strictly recreational purpose, including commercial purposes or in the furtherance of, or incidental to, any business or media service or agency; and (ii) a UAS operated in accordance with 49 U.S.C. Section 44809 strictly for recreational purposes.

D. "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

4.12.050. Operating Regulations.

A. No person shall takeoff or land a UAS in any City park, in a parking lot designated for a City park, or from a sidewalk adjacent to a City park.

B. No person shall attach to a UAS, operate a UAS with, or discharge from a UAS any of the following items: a firearm; ammunition; an incendiary device; an explosive; a flamethrower; fireworks; a water bomb; or any other item capable of causing bodily injury, death, or property damage.

C. No person shall takeoff, land, or operate a UAS within a 1,000 foot horizontal distance of any emergency vehicle that is operating with lights or sirens.

D. No person shall takeoff, land, or operate a UAS within a 1,000 foot horizontal distance of the scene of an emergency where law enforcement officers, firefighters, emergency personnel, or military personnel are responding to an emergency.

E. No person shall operate a UAS for the purpose of conducting surveillance unless expressly permitted by law or court order.

F. No person shall operate a UAS in a manner that is intended to or actually serves to frighten, harass, injure, intimidate, or threaten an individual of ordinary sensibilities, whether that individual is located on public or private property. Without limitation, this prohibition applies to the use of a UAS to follow, live-stream, photograph, or record an individual who has not consented to such activity.

G. No person shall operate a UAS to capture, record, or transmit any visual image or audio recording of an individual or private property under circumstances in which that individual or the property owner has a reasonable expectation of privacy. Without limitation, this prohibition applies to the use of a UAS to live-stream, photograph, or record inside the premises or curtilage of a private residence, office, hotel room or inside an enclosed yard or exterior deck.

H. No person shall operate a UAS less than 300 feet above ground level within the airspace overlaying an event conducted or sponsored by the City.

I. No person shall operate a UAS over the airspace of a fireworks discharge site for a City-sponsored fireworks show during the preparation and performance of such show, or within the airspace of an on-going City-sponsored fireworks show.

4.12.060. Operator Responsibilities.

A. Any person who causes injury to another person while operating a UAS shall provide the following information to the Los Angeles Sheriff's Department, Los Hills Station within 24 hours of the incident:

1. The location of the incident.
2. The UAS operator's name and current residential address.

B. Any person who causes damage to the property of another person while operating a UAS shall immediately provide the owner or person in charge of the damaged property with the UAS operator's name and current residential address and a statement of the circumstances of the incident resulting in the property damage. If the owner or person in charge of the damaged property cannot reasonably be ascertained or located, then the UAS operator shall both: (i) immediately provide such information in a writing securely left in a conspicuous place on the damaged property; and (ii) provide such information to the Los Angeles Sheriff's Department, Lost Hills Station, within 24 hours of the incident.

C. UAS operators shall provide their remote pilot certificate with a UAS rating and their identification containing the information listed at 14 C.F.R Section 107.67(b)(1) through (3) for inspection upon request from any law enforcement officer.

4.12.070. Exemptions.

This Chapter shall not apply to:

A. A UAS operated by a public agency, law enforcement agency, or public safety entity.

B. A UAS operated as a public aircraft operation (as that term is defined in 49 U.S.C. Section 40102(a)(41)) with a certificate of authorization issued by the Federal Aviation Administration."

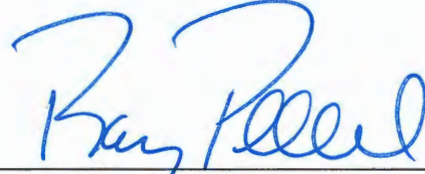
Section 3. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment because the adoption of this Ordinance will impose greater limitations on small unmanned aircraft system operations. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion

thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 24th day of May, 2023.



Ray Pearl, Mayor

ATTEST:



Antoinette Mann, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF WESTLAKE VILLAGE)

I, ANTOINETTE M. MANN, City Clerk of the City of Westlake Village, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance No. 302-23 which was introduced by the City Council of the City of Westlake Village at a regular meeting held on May 10, 2023, and adopted by the City Council of the City of Westlake Village at a Regular Meeting held on March 24, 2023 by the following vote:

AYES: Councilmembers Halpern, Mayor Pro Tem Davis and Mayor Pearl
NOES: None
ABSENT: Councilmember McSweeney and Councilmember Honig
ABSTAIN: None

I further certify that said Ordinance No. 302-23 was published as required by law in the ACORN, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Westlake Village, California.



Antoinette M. Mann, City Clerk
City of Westlake Village, California



Date Attested