



# WILDWOOD

## Meeting of the **BOARD OF PUBLIC SAFETY**

**Thursday, May 5, 2016 at 6:30 p.m.**

WILDWOOD CITY HALL

COUNCIL CHAMBERS

16860 Main Street

1. Roll Call

2. Approval Of Minutes

Documents: [DRAFT MEETING MINUTES APRIL 07.PDF](#)

3. OLD BUSINESS

3.I. Intersection Of Dartmouth Crossing Drive At Dartmouth Bend Drive / Dartmouth Crossing Ct.

Documents: [INTERSECTION OF DARTMOUTH CROSSING DRIVE AT DARTMOUTH BEND DRIVE AND DARTMOUTH CROSSING CT.PDF](#)

3.II. Emergency Response Database - Doctors, Nurses, Paramedics And Amateur Radio Operators

Documents: [EMERGENCY RESPONDER TRAINING - CERT PROGRAM.PDF](#)

4. NEW BUSINESS

4.I. 2015 Traffic Accident Analysis

4.II. Internet Exchange Location At City Hall

Documents: [INTERNET EXCHANGE LOCATION AT CITY HALL.PDF](#)

4.III. UAS (Drones)

Documents: [INFORMATIONAL REPORT ON UAS \(DRONES\).PDF](#)

5. BICYCLE ADVISORY COMMITTEE

5.I. No Items

6. NOT READY FOR ACTION

6.I. Speed Cushions On Green Pines Drive

6.II. Bicycling Safety Education

7. Other

7.I. None

8. Adjournment

**If you would like to submit a comment regarding an item on this meeting agenda, please visit the [Form Center](#).**

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**WILDWOOD**

Meeting of the

**BOARD OF PUBLIC SAFETY**

**Thursday, April 7, 2016 at 6:30 pm**

Wildwood City Hall Council Chambers  
16860 Main Street

Committee Members in Attendance:

Marshal William Garrett  
Council Member Dave Bertolino  
John Gagnani  
Captain Tim Tanner (Wildwood Police)  
Deputy Chief John Bradley (Metro West Fire Protection District)

Committee Member Absent:

Walt Guller

Also Present:

Mayor Tim Woerther  
Director of Public Works Rick Brown  
Mike Thiemann (Metro West Fire Protection District)

**I. ROLL CALL**

A roll call was taken at 6:30pm. With the above noted as present.

**II. APPROVAL OF MINUTES**

A motion was made by Board Member Gagnani seconded by Board Member Bradley to approve the minutes from the March 10, 2016 meeting. All voted in favor and the motion was approved.

**III. OLD BUSINESS**

**A. Intersection of Dartmouth Crossing Drive at Dartmouth Bend Drive / Dartmouth Crossing Court**

Per last meeting's request, Captain Tanner provided the crash history for Dartmouth Crossing Drive with Dartmouth Bend Drive/Dartmouth Crossing Court. The history report shows a total of four accident reports from 2013-2015, all incidents were of drivers backing into parked vehicles.

Mr. Knox, a resident who resides near the intersection was in attendance. He has received nine neighbors' signatures on a petition to request a stop sign at this intersection. The main concern seems to be high school students driving in and out frequently. Mr. Knox mentioned there is a bus stop at this intersection and eight years ago a child was hit by a high school driver. Mr. Knox also noted that he had his parked trailer hit by a student, stones in his yard are often hit, and there is frequent traffic at this intersection. Unfortunately he said the "No Outlet" sign has not helped decrease the flow of traffic.

The Board is concerned that adding a stop sign may set the precedence for many unnecessary stop sign requests. They do not feel a stop sign will solve the ultimate problem. However they are open to other options to modifying the intersection for safety. Mayor Woerther asked if this would qualify as a "Keep Kids Alive" zone and the board agreed this should be considered, and the streets could qualify based on their proximity to the high school.

Mr. Knox did ask if they can get at least one stop sign up at this intersection. Majority of the

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Board members agree that a stop sign will not fix the problem and that a one way stop would cause much confusion from every direction. A summary of other suggestions were as follows:

Yield Sign- This may cause too much confusion at the intersection.

Keep Kids Alive Drive Zone- The streets could qualify and higher fines may slow down drivers.

No parking at all Times Ordinance- Residents would dislike.

Small Island- An island would be a challenge due to narrow roads, and larger vehicles such as a school bus would have difficult maneuvering around.

Slow Kids at Play Sign- Can easily be added along with more speed limit signs.

The Director of the Public Works Department, Rick Brown, stated this is a very unique situation. It would be a good idea for the city to create a policy on T Intersections, and he will further research a policy.

The Board recommended Mr. Knox obtain more signatures from neighbors in support and/or against a stop sign at this intersection to have a better understanding where the neighbors stand.

### **B. Emergency Response Database – doctors, nurses, paramedics and amateur radio operators - Mike Thiemann**

The Metro West Fire Protection District's Emergency Management Coordinator, Mike Thiemann, was in attendance and available for questions and concerns regarding the emergency response database. Board Member Gragnani asked Mike what recommendations he would have for the Board of Public Safety in regards to the database he has created, the database contains a current list of local medical professional volunteers.

Mike stated that the City of Wildwood has legal authority and responsibility of what actions to take for emergency management and the Fire District is a supplement to that. In the event of a local disaster, the Fire Chief would work with city officials and create objectives. First responders will respond to areas of need based upon the objectives made. If roads were blocked and responders could not make it to the appropriate hospitals or clinics, a triage would be created and resources would be funneled to the triage. There is already a policy in place that City Hall would be the Emergency Operations Center.

To better prepare the city in the event of a disaster such as tornado or a catastrophic event such as a Electro Magnetic Bomb, Board Member Gragnani wanted to know how the city could best activate the list of volunteers (from the emergency database) to aide with disaster relief.

Mike highly recommended the board look into a Medical Reserve Corps, a national network of local groups of volunteers. St Louis County has a Medical Reserve Corps program which should be looked at as an example and a good starting point.

Board Member Gragnani asked what we can do now with these volunteers to have them ready and prepared. Mike highly recommends that the volunteers currently listed in the emergency response database, along with any other interested members in the community to attend CERT (Community Emergency Response Team) training. CERT training is a national program and is delivered locally by the Metro West Fire Protection District to adults over 18.

Mike is going to obtain the dates for the next CERT classes and email it to the board. The Board

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can then engage with the volunteers and community to start registering for upcoming classes.

## **IV. NEW BUSINESS**

No agenda items

## **V. BICYCLE ADVISORY COMMITTEE**

No agenda items

## **VI. NOT READY FOR ACTION**

- A. Speed Cushions On Green Pines Drive**
- B. Bicycling Safety Education**

## **VII. OTHER**

No agenda items

## **VIII. ADJOURNMENT**

A motion was made by Marshall Garrett and seconded by Board Member Bradley, to adjourn. All were in favor. The meeting adjourned at 7:35pm.

Respectfully Submitted,  
Bree Kelchen  
Administrative Assistant



## Department of Public Works

### MEMO

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: May 2, 2016

Re: Intersection Control: Dartmouth Crossing Drive with Dartmouth Bend Drive/ Dartmouth Crossing Court

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At the April meeting of the Board of Public Safety, there was much discussion regarding a request for the installation of a new stop sign proposed for the intersection of Dartmouth Crossing Drive with Dartmouth Bend Drive/ Dartmouth Crossing Court. As this issue is on the agenda again for the May meeting, I wanted to provide additional information that was requested as well as clarify a few points.

#### Keep Kids Alive Speed Zone

At the April meeting, a suggestion was made to consider the implementation of a Keep Kids Alive Drive 25 speed zone. After checking into this, a speed zone has already been enacted on Dartmouth Crossing Drive.

#### Slow Children at Play

A suggestion was made to provide a "Slow Children at Play" sign. After into checking this, a sign has already been installed on northbound Dartmouth Crossing Drive at Dartmouth Bend Drive/ Dartmouth Crossing Court in conjunction with a Speed Limit 25 MPH sign.

#### Raised Median Island

The Department has evaluated the potential to install a raised median at this location. We believe such an installation is feasible and has the potential to slow traffic. The raised median would require that a vehicle remain in their lane and eliminate the potential for a vehicle to "cut the corner" at higher speeds. See **Figure 1** for details of the proposed installation, which would incorporate a raised 5' wide median about 15-20' in length. It should be noted that the Department is currently evaluating the implementation of similar median islands in conjunction with new subdivisions.

#### Stop Sign Policy

The Department was able to contact other nearby West County cities and request their policies regarding the implementation of stop signs. I am providing a brief summary of the response

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received below in **Table 1**. Of those municipalities contacted, Chesterfield and Ballwin have implemented formal stop sign policies. (Please see **Figure 2** and **Figure 3**.)

<b>Table 1</b>		
<b><u>Stop Sign Procedures and Policies</u></b>		
<b><u>City/Agency</u></b>	<b><u>Formal Policy (Yes or No?)</u></b>	<b><u>Considerations</u></b>
Chesterfield	Yes	Policy in place (being revised). Evaluated by City Engineer with input from subdivision trustees.
Ballwin	Yes	Requests are evaluated by Police and City Engineer.
Des Peres	No	Requests are evaluated by Public Works Director.
Ellisville	No	They handle on a case by case basis with Police providing input.
St. Louis County	No	Evaluated by Department of Transportation Traffic Engineering staff. To warrant a stop sign on residential street, there must be permanent sight distance obstructions.

I will be available for discussion of this item at the May 5, 2016 Board of Public Safety meeting.

RCB



**Figure 1**

Proposed Raised Median Installation

**FIGURE 2**

**CITY OF CHESTERFIELD  
POLICY STATEMENT**

<b>PUBLIC WORKS</b>		<b>NO.</b>	23
<b>SUBJECT</b>	Stop signs	<b>INDEX</b>	PW
<b>DATE ISSUED</b>	9/5/1995	<b>DATE REVISED</b>	6/15/2016

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**POLICY**

A resident desirous of the installation of a stop sign should make a request, in writing, to the City Engineer. The City Engineer shall first determine whether the stop sign would be located on a public or private street. If the street is private, the City Engineer shall communicate to the resident that the street is private and that the petitioner should contact the street owner or subdivision trustee. If the street is public, the City Engineer should next verify that the roadway is not a State or County roadway. If it is a State or County roadway, the City should forward the request to the appropriate governmental agency and request that an analysis be conducted to determine whether warrants have been met for the installation of a stop sign, and that those results are communicated to any resident who has requested a stop sign.

If the request is for a stop sign on a public street under the jurisdiction of the City of Chesterfield, the City Engineer shall determine if the street is a Subdivision Street or a Through Street as detailed within Schedule V of the Model Traffic Ordinance.

Non-through streets (residential subdivisions/side streets)

The City Engineer shall review the request to ensure that the installation of a stop sign would not violate traffic principles and sound engineering judgement. If that is the case and the sign should not be installed, the City Engineer shall notify petitioner in writing with a courtesy copy to the Subdivision Trustees. If the sign would not violate traffic principles, the City Engineer shall notify the Subdivision Trustees of the request and ask that they survey the area residents to determine whether a majority of the residents support the installation of a stop sign. If the majority of residents do support the stop sign, a letter must be returned to the City Administrator, indicating that the subdivision supports the installation of a stop sign. An ordinance will then be prepared and forwarded directly to City Council for consideration for approval.

Through/collector streets

The City Engineer shall review the request, conduct a traffic study (if necessary), request an accident history, and determine whether any of the following criteria have been met:

1. The intersection meets the warrants for a stop sign as detailed within the Manual on Uniform Traffic Control Devices (MUTCD); or,
2. The secondary road intersects with the through street in such a manner that the application of the normal right-of-way yield is unduly hazardous due to a sight distance or other problem; or,
3. The City Engineer believes that there is some characteristic of the intersection which causes a safety concern that would be addressed through the installation of a stop sign on the through street.

If any of the above criteria are met an ordinance will be prepared and forwarded directly to City Council. Otherwise, the petitioner will be notified that the intersection does not meet the warrants for a stop sign.

**RECOMMENDED BY:**

\_\_\_\_\_  
**Department Head/Council Committee (if applicable)**

\_\_\_\_\_  
**Date**

**APPROVED BY:**

\_\_\_\_\_  
**City Administrator**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City Council (if applicable)**

\_\_\_\_\_  
**Date**

### FIGURE 3

## CITY OF BALLWIN STOP SIGN INSTALLATION OFFICIAL POLICY

Approved: February 24, 1997

This policy establishes warrants that must be met to justify the installation of stop signs on city-maintained streets. Requests for stop signs on city-maintained streets shall be submitted in writing to the City Administrator. Upon receipt of the request, the Police and Public Works Departments will determine if the location satisfies these warrants.

### **SECTION 1 - CLASSIFICATIONS:**

#### Federal, State and County Roadway Systems:

Streets maintained by the United States Government, State of Missouri, or St. Louis County.

#### City Arterial Roadway Systems:

Streets or combinations of street segments that intersect a Federal, State, County or other local arterial roadway at each end, but not the same street, and where parking is prohibited.

#### Collector Roadway Systems:

Streets or combination of street segments of streets that intersect a Federal, State, County, or other local arterial roadway at each end (but not the same street) and where parking is allowed.

#### Residential Streets:

All other streets whose purpose is to serve the adjoining properties or other subdivision streets.

### **SECTION 2 - STOP SIGN WARRANTS:**

#### Federal, State, County and City Arterial Roadway Systems:

Warrants established by the appropriate agency (Manual of Uniform Traffic Control Devices).

#### Collector Roadway Systems:

The Chief of Police and the City Engineer shall determine if the following warrants have been satisfied and prepare a joint recommendation.

1. Federal warrants for stop sign installation contained in the Manual of Uniform Traffic Control Devices shall be met.

2. Existing conditions meet the federal warrants listed in the Manual of Uniform Traffic Control Devices, or

3. Accident history at the intersection in question for the current year and the year just past reflects three (3) or more reported accidents of the type susceptible to correction by the installation of a stop sign, including right and left turn and right angle collisions indicate an accident problem, or

4. Where the application of the normal right-of-way yield is unduly hazardous due to a sight distance problem, or

5. Where other concerns are expressed by the City Engineer following an engineering study of the location in question, and where installation of a stop sign is determined to be the appropriate action. Traffic volumes shall be considered if the volumes on the lessor, or cross street, exceeds 50% of the volume on the City arterial or collector roadway.

Residential streets:

Residential stop signs will be considered if the following conditions are met:

1. An accident problem exists, as indicated by five or more reported accidents of a type susceptible to correction by a multiway stop installation occurring within a 12-month period. Such accidents include right and left-turn collisions as well as right-angle collisions.

OR

2. These minimum traffic volumes exist:

(a) The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any 8 hours of an average day, and

(b) The combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour, but

(c) When the 85-percentile approach speed of the major traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

3. A field investigation by staff is conducted to validate enforcement and physical factors, such as sight visibility.

4. A petition of support is presented to the City Clerk indicating that a significant number of property owners or residents who may be affected by the stop signs are supportive of this measure.

OR

5. Notwithstanding the above, the Board of Aldermen reserves the right to consider stop sign requests based on unique factors such as significant pedestrian activity, proximity of other traffic control devices and/or overriding safety considerations. Approval requires a super majority affirmative vote of the Board of Aldermen.

### **SECTION 3 - DESIGNATIONS:**

#### Federal, State, and County Roadway Systems:

Manchester Road (MO Route 100), Clayton Road, Baxter Road, New Ballwin Road (south of Twigwood Drive) and Oak Street.

#### City Arterial Roadway Systems:

Holloway Road, Kehrs Mill Road, Henry Road, Steamboat Lane, Hillsdale Drive, West Skyline Drive, Ries Road, Ramsey Lane, Old Ballwin Road, New Ballwin Road, and Reinke Road.

#### Collector Roadway Systems:

Castle Pines Dr./Ct., Mayfair Drive (between Clayton Road and Nottingham Drive), Nottingham Drive (between Mayfair Drive and Del Ebro Drive), Del Ebro (between Nottingham Drive and Kehrs Mill Road), Claymont Drive, Sudbury Drive, Greenbriar Drive, Country Club Drive, Clear Meadows Drive, Hill Trail Drive, Wildwood Parkway, Trail Wood Drive, Old Oaks Drive, Iron Lantern Drive, Gatehall Drive (between Iron Lantern Drive and Henry Road), Forest Leaf Drive (between Baxter Road and Brass Lamp Drive), Brass Lamp Drive, Spring Meadows Drive, Clayworth Drive, Shady Meadows Drive, Seven Trails Drive, Dutch Mill Drive, Windcliffe Drive, Towercliffe Drive, Portwind Drive (between Windcliffe Drive and Treasure Cove), Treasure Cove, Cleta Drive, Twigwood Drive, Rustic Valley Drive, Westglen Village Drive, Westrun Drive, Aspen Village Drive, Woodrun Drive (between Westrun Drive and New Ballwin Road), St. Joseph Drive, Ballwin Commons Drive, Mimosa Drive, Burtonwood Drive, and Portsdown Drive (between Mimosa Drive and Burtonwood Drive).

Residential streets: All other streets.



## Department of Public Works

### MEMO

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: May 2, 2016

Re: Emergency Response Database – CERT Training Dates

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At last month's meeting, we discussed the need for those on our Emergency Response list to be trained through the Community Emergency Response Team (CERT) training. Following up on this discussion item, Mike Thiemann with Metro West, has forwarded the following possible dates for the training (please see below).

In addition, Mike is recommended that we utilize City Hall for the training (rather than their Disaster Operations Center in Ellisville). The City Hall is available for use on the proposed dates with the exception of one conflict – June 9<sup>th</sup> would be a regular meeting of the Board of Public Safety.

#### **May 26 – 6:30pm – 10pm**

##### **Welcome & Overview, Disaster Psychology**

All Agencies for welcome, each agency will have 10 minutes to introduce themselves and their involvement in the training. Metro West will present the Disaster Psychology lecture.

#### **June 2 – 6:30pm – 10pm**

##### **Disaster Preparedness & Terrorism**

St. Louis Count OEM and Precinct will present the Disaster Preparedness & Terrorism Presentation. If OEM cannot we have other options and can accommodate.

#### **June 6 – 6:30pm – 10pm**

##### **Disaster Medical Operations**

Metro West will present.

#### **June 9 – 6:30pm – 10pm**

##### **Disaster Fire Suppression & Live Fire Exercise**

Metro West will present.

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**June 16 – 6:30pm – 10pm**

**Light Search & Rescue Lecture & Incident Command Overview**

Metro West will present.

**June 18 – 8:30am – 12pm**

**Review & Full Scale Disaster Exercise**

All agencies will assist in coordination of the final exercise.

Please be prepared to discuss the proposed dates for CERT Training at our May 5, 2016 Board of Public Safety meeting.

RCB



## Department of Public Works

### MEMO

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: May 2, 2016

Re: Proposed Internet Purchase Exchange Location

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Last month, Ward Seven Council Member Jeff Levitt made a suggestion that the City consider the implementation of an Internet Exchange Location. This idea has been implemented at the City of Sunset Hills, which has established an Internet Exchange Location to provide a safe location for individuals to complete transactions from online sites like eBay and Craigslist. In the case of the City of Sunset Hills, they have offered the use of their Police Station as an Internet Exchange Location.

It has been requested that the Board of Public Safety consider this suggestion as it is believed to be a good service to offer in Wildwood. If offered, we would likely only encourage it during normal daytime business hours, Monday through Friday, when City Hall is open and the Wildwood Precinct has the staff available - typically a Police Officer or Police Aide/Receptionist - in the station.

Please be prepared to discuss this recommendation at the May 5, 2016 Board of Public Safety meeting.

Below is information that was posted on the City of Sunset Hills website:

#### ***Internet Exchange Location***

*Whether you are in the market to buy, sell, or trade, chances are you will turn to the internet for help. This growing trend is evident with the increasing amount of websites that facilitate these transactions. Craigslist and Facebook are two of the more popular sites available. These sites encourage buyers and sellers to meet locally to avoid the hassle and time restraints of using the mail. While the vast majority of users are honest and safe, there is a chance that you could encounter someone with ill intentions. When using these sites, there are certain precautions that you should take to avoid being scammed or harmed in any way.*

*The Sunset Hills Police Department is also happy to provide you with a couple of safe zone options for these transactions. You are welcome to use our front parking lot (3905 S. Lindbergh). Also, feel free to use the lobby of the Police Department. If the doors are locked, you can ring the doorbell and someone will let you in, regardless of the time.*

*If you choose not to use the Internet Exchange Location, please keep the following in mind:*

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- *Trust your instincts – if something does not feel right, leave.*
- *Don't go alone-criminals do not like to be outnumbered.*
- *Insist on meeting in a public place.*
- *Do not invite strangers to your house, and do not go to theirs.*
- *Be cautious when buying/selling high value items.*
- *Perform all transactions during daylight hours.*
- *If it sounds too good to be true, it probably is.*
- *Tell a friend or family member about your intentions.*
- *Take your cell phone – we suggest calling a friend and keeping them on the phone while you are meeting the buyer/seller.*



RCB



## MEMO

To: Board of Public Safety

From: Rick Brown, Director of Public Works

Date: May 3, 2016

Re: Use of Unmanned Aircraft Systems (UAS)

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As you may recall, last fall the issue of Drones or Unmanned Aircraft Systems (UAS) was forwarded to the Board of Public Safety at the request of the Planning and Zoning Commission. The Department of Planning, is requesting to amend Chapter 415 of the City of Wildwood's Code of Ordinances by adding new requirements to Section 415.380, Miscellaneous Regulations, to ensure the use of drones complies with air space rights associated with public and privately-owned properties in the City of Wildwood. At the September 2015 meeting, the Board approved a motion to move forward with the preparation of the requested ordinance modifications.

However, before this item is re-introduced to the Planning and Zoning Commission, it has been requested by the Department of Planning, that the Board of Public Safety provide a formal letter of recommendation on this matter. Therefore, I have prepared the attached information report for your review and approval. Once the information report is deemed acceptable, and is approved by the Board, it will be forwarded back to the Planning and Zoning Commission as a formal letter of recommendation from the Board of Public Safety.

I will be available for discussion of this item at the May 5, 2016 Board of Public Safety meeting.

RCB



## INFORMATION REPORT

Prepared by the Department of Public Works

May 5, 2016 Meeting

**Nature of Request:** The City of Wildwood Planning and Zoning Commission, c/o Department of Planning, is requesting to amend Chapter 415 of the City of Wildwood's Code of Ordinances by adding new requirements to Section 415.380 Miscellaneous Regulations to ensure the use of drones in all zoning district designations complies with air space rights associated with public and privately-owned properties in the City of Wildwood. (Wards – All)

**Recommendation:** The Department of Public Works is recommending the Board of Public Safety approve the above request.

### BACKGROUND

The use of Unmanned Aerial Systems (UAS), or as they are more commonly known, drones, in airspace across the world is not a new phenomenon, but has surprisingly changed from defense-related activities and governmental services to commercial applications and now personal use much more quickly than many had anticipated. The use of drones for commercial purposes is being addressed by the federal government, albeit somewhat slowly, which has led to the individual States and local governments creating legislative initiatives to better protect private properties from a number of potential privacy issues. This approach on the part of the federal government mirrors to a degree its response to the telecommunications industry and the development of its network of towers and other facilities in the mid-1980, within St. Louis County.

UAS's come in a variety of shapes and sizes and serve diverse purposes. It should be noted that there are three different types of UAS's:

- Public (Government)
- Civil Operations (Commercial)
- Model Aircraft

## **CURRENT REGULATIONS**

In 2012, under Public Law 112-95, the FAA Modernization and Reform Act (FMRA), the FAA is required to develop a comprehensive plan to safely accelerate the integration of civil, unmanned aircraft systems into the national airspace system. Federal regulation of UAS's is currently evolving. The FAA is taking an incremental approach to this task; however, regulations for small, commercial UAS's (under 55 lbs.) are now being finalized.

### **Small UAS Notice of Proposed Rulemaking (NPRM)**

The Department of Transportation's Federal Aviation Administration has proposed a framework of regulations that would allow routine use of certain small unmanned aircraft systems (UAS) in today's aviation system, while maintaining flexibility to accommodate future technological innovations. The FAA's proposal offers safety rules for small UAS (under 55 pounds) conducting non-recreational operations. The rule would limit flights to daylight and visual-line-of-sight operations. It also addresses height restrictions, operator certification, optional use of a visual observer, aircraft registration and marking, and operational limits.

The new rules would not apply to model aircraft. However, model aircraft operators must continue to satisfy all of the criteria specified in Sec. 336 of Public Law 112-95, including the stipulation that they be operated only for hobby or recreational purposes.

The 60-day public comment period for the small UAS Notice of Proposed Rulemaking closed on April 24, 2015.

### **Model Aircraft Operations**

Model aircraft operations are for hobby or recreational purposes only. As noted above, the statutory parameters of a model aircraft operation are outlined in Section 336 of Public Law 112-95 (the FAA Modernization and Reform Act of 2012). Individuals who fly within the scope of these parameters do not require permission to operate their UAS; however, any flight outside these parameters (including any non-hobby, non-recreational operation) requires FAA authorization. For example, using a UAS to take photos for your personal use is recreational; using the same device to take photographs or videos for compensation or sale to another individual would be considered a non-recreational operation.

The FAA has partnered with several industry associations to promote "Know Before You Fly", a campaign to educate the public about using unmanned aircraft safely and responsibly. Individuals flying for hobby or recreation are strongly encouraged to follow safety guidelines, which include:

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Don't fly near people or stadiums
- Don't fly an aircraft that weighs more than 55 lbs

- Don't be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

Although the Federal Aviation Administration (FAA) has promulgated regulations through its register process for UAS operated for commercial purposes, those regulations do not apply directly to the hobbyist as this was omitted under the requirements of Public Law 112-95. While, these items have been applauded by the hobby industry for their relative reasonableness, there may be concerns about the extent of flexibility that might exist therein and enforcement effectiveness. Several federal legislators expressed concerns about how the privacy issues were not addressed

Additionally, other organizations have partnered with the Federal Aviation Administration (FAA) to promulgate supplemental rules under a combined campaign named “Know Before You Fly” and these components include the following:

- a. Follow community-based safety guidelines, as developed by organizations such as the [Academy of Model Aeronautics](#) (AMA).
- b. Fly no higher than 400 feet and remain below any surrounding obstacles when possible.
- c. Keep your sUAS in eyesight at all times, and use an observer to assist if needed.
- d. Remain well clear of and do not interfere with manned aircraft operations, and you must see and avoid other aircraft and obstacles at all times.
- e. Do not intentionally fly over unprotected persons or moving vehicles, and remain at least 25 feet away from individuals and vulnerable property.
- f. Contact the airport and control tower before flying within five miles of an airport or heliport. (Read about best practices [here](#))
- g. Do not fly in adverse weather conditions such as in high winds or reduced visibility.
- h. Do not fly under the influence of alcohol or drugs.
- i. Ensure the operating environment is safe and that the operator is competent and proficient in the operation of the sUAS.
- j. Do not fly near or over sensitive infrastructure or property such as power stations, water treatment facilities, correctional facilities, heavily traveled roadways, government facilities, etc.
- k. Check and follow all local laws and ordinances before flying over private property.
- l. Do not conduct surveillance or photograph persons in areas where there is an expectation of privacy without the individual’s permission (see AMA’s [privacy policy](#)).

Some of these guidelines reflect the regulations and rules of the federal government, but all of them, regardless of origins, define a hobby or enterprise that needs to be appropriately regulated to protect the public’s health, safety, and general welfare.

## **Summary of the Small UAS Notice of Proposed Rulemaking**

### **Operational Limitations**

- Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the operator or visual observer.
- At all times the small unmanned aircraft must remain close enough to the operator for the operator to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.

- Small unmanned aircraft may not operate over any persons not directly involved in the operation.
- Daylight-only operations (official sunrise to official sunset, local time).
- Must yield right-of-way to other aircraft, manned or unmanned.
- May use visual observer (VO) but not required.
- First-person view camera cannot satisfy “see-and-avoid” requirement but can be used as long as requirement is satisfied in other ways.
- Maximum airspeed of 100 mph (87 knots).
- Maximum altitude of 500 feet above ground level.
- Minimum weather visibility of 3 miles from control station.
- No operations are allowed in Class A (18,000 feet & above) airspace.
- Operations in Class B, C, D and E airspace are allowed with the required ATC permission.
- Operations in Class G airspace are allowed without ATC permission
- No person may act as an operator or VO for more than one unmanned aircraft operation at one time.
- No careless or reckless operations.
- Requires preflight inspection by the operator.
- A person may not operate a small unmanned aircraft if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a small UAS.
- Proposes a microUAS option that would allow operations in Class G airspace, over people not involved in the operation, provided the operator certifies he or she has the requisite aeronautical knowledge to perform the operation.

#### **Operator Certification and Responsibilities**

- Pilots of small UAS would be considered “operators”
  - Operators would be required to:
    - Pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center.
    - Be vetted by the Transportation Security Administration.
    - Obtain an unmanned aircraft operator certificate with a small UAS rating (like existing pilot airman certificates, never expires).
    - Pass a recurrent aeronautical knowledge test every 24 months.
    - Be at least 17 years old.
    - Make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the proposed rule.
    - Report an accident to the FAA within 10 days of any operation that results in injury or property damage.
    - Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is safe for operation.

#### **Aircraft Requirements**

- FAA airworthiness certification is not required. However, the operator must maintain a small UAS in condition for safe operation and prior to flight must inspect the UAS to ensure that it is in a condition for safe operation. Aircraft registration is required.

- Aircraft markings are required (same requirements that apply to all other aircraft). If aircraft is too small to display markings in standard size, then the aircraft simply needs to display markings in the largest practicable manner.

### **Model Aircraft**

- Proposed rule would not apply to model aircraft that satisfy all of the criteria specified in Section 336 of Public Law 112-95.
- The proposed rule would codify the FAA’s enforcement authority in part 101 by prohibiting model aircraft operators from endangering the safety of the NAS.

### **FAA Requirements for UAS Registration**

Anyone who owns a small unmanned aircraft that weighs more than 0.55 lbs. (250g) and less than 55 lbs. (25kg) must register with the Federal Aviation Administration’s UAS registry before they fly outdoors. People who do not register could face civil and criminal penalties.

### **Who must register a UAS?**

- The owner must be:
  - 13 years of age or older. (If the owner is less than 13 years of age, a person 13 years of age or older must register the small unmanned aircraft.)
  - A U.S. citizen or legal permanent resident.

### **Which unmanned aircraft do I have to register?**

- Owners must register their UAS online if it meets the following guidelines:
  - Weighs more than 0.55 lbs. (250 g) and less than 55 lbs. (25 kg). Unmanned Aircraft weighing more than 55 lbs. cannot use this registration process and must register using the Aircraft Registry process.
- Owners must register their UAS by paper if it meets the following guidelines:
  - Your Aircraft weighs more than 55 lbs
  - You intend to operate your aircraft outside of the United States
  - Your aircraft is owned by a trustee
  - The aircraft owner uses a voting trust to meet U.S. Citizenship requirements

### **CURRENT REQUEST**

To this end, the Planning and Zoning Commission is seeking the direction of the Board of Public Safety on whether Wildwood should memorialize the appropriate regulations and rules, as part of its Zoning Ordinance, and, thereby, add a local enforcement component to their application for the public’s health, safety, and general welfare. Principal among the issues of discussion on this matter are individuals’ right to privacy and security from trespass. These rights, although not viewed by hobbyists as being effected by the use of small drones, remain one (1) of the major focus points of discussion across the country.

### **ANALYSIS**

The general public, a wide variety of organizations, including private sector (e.g., commercial companies), non-governmental (e.g., volunteer organizations), and governmental entities (e.g., local agencies) continue to demonstrate significant interest in UAS. The benefits offered by this type of aircraft are substantial and the

FAA is committed to integrating UAS into the National Airspace System (NAS). This introduction, however, appears focused primarily on safety and security considerations with regard to the NAS by commercial UAS operators, and less so the everyday use of UAS by the hobbyist, and without any concern for privacy issues.

There is evidence of a considerable increase in the unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS) by individuals and organizations, including companies. It is important to note that the FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The FAA recognizes though that State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate, and, as appropriate, pursue enforcement actions to stop unauthorized or unsafe UAS operations.

### **Model Aircraft Operations**

An important distinction to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012, Public Law 112-95, (the Act) that pertain to “Model Aircraft” operations, which are conducted solely for hobby or recreational purposes. While flying model aircraft for hobby or recreational purposes does not require FAA approval, all model aircraft operators must operate safely and in accordance with the law. The FAA provides guidance and information to individual UAS operators (for hobby or recreational purpose) about how they can operate safely under current regulations and laws.

### **Model Aircraft that Operate in a Careless or Reckless Manner**

Section 336(b) of the Act, however, makes it clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft when the operations endanger the safety of the NAS, even if they are operating in accordance with section 336(a) and 336(c). So, for example, a Model Aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

### **Safety**

The use of drones continues to be in the news with frequently cited reports of unauthorized UAS operations in close proximity to airports, encroaching into commercial airlines’ flight paths, trespassing onto individuals’ properties, or crashing into buildings. Collectively, the instances appear to be limited, but the discussion of needed regulations and rules in this regard should be considered sooner rather than later, so as to prevent, not react to, potential issues in the City of Wildwood, if such is determined to be appropriate by the Planning and Zoning Commission and the City Council.

In the identified list of regulations and rules regarding the hobbyists’ use of drones, the important factor is controlling the aircraft and ensuring the operator maintains line of sight with it at all times. Observers, in cooperation with the operator, can be used for this purpose as well. Additionally, a consensus seems to exist that drones should not be flown over people/crowds, unless participating in the event and aware of it as well. Also creating concerns is the distraction a drone can create to the unsuspecting and unaware public. For example, a driver on a busy roadway, not expecting to encounter a UAS may react in an unsafe manner when distracted by a drone.

### **Right to Privacy / Nuisance Concerns**

An additional concern is the reasonable presumption of individual of privacy on private property. This can easily be violated when an UAS is flying overhead potentially with photographic or video capabilities. At the same time, a significant concern also exists with regard to the nuisance created by the operation of UAS's over both private and public property. It seems likely that both complaints will become common as the use of UAS is expected to increase significantly in the future.

### **SUMMARY AND RECOMMENDATION**

The numerous benefits and potential applications of drones easily justify their popularity; however, the management of them does appear to be an appropriate topic for discussion by the Planning and Zoning Commission. Therefore the Department is supportive of **PZ15-15**, which proposes to amend Chapter 415 of the City of Wildwood's Code of Ordinances by adding new requirements to Section 415.380, Miscellaneous Regulations, to ensure the use of drones in all zoning district designations complies with air space rights associated with public and privately-owned properties in the City of Wildwood.