

ORDINANCE NO. 21

Series 2018

AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER BY USE OF AN UNMANNED AIRCRAFT SYSTEM (UAS)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 5-14-4 of the Breckenridge Town Code is amended to read as follows:

5-14-4: UNLAWFUL ACTS: It is unlawful to operate a UAS:

- A. In a reckless or careless manner so as to endanger the life or property of another. In any proceeding alleging a violation of this Section, the factfinder shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing UASs.
- B. If the UAS is equipped with a firearm or other deadly weapon.
- C. For the purpose of conducting surveillance, unless permitted by law.

Section 2. Chapter 14 of Title 5 of the Breckenridge Town Code is amended by the addition of a new Section 5-14-4-1, to be entitled "Obstructing a Peace Officer, Firefighter, Emergency Medical Services Provider, Rescue Specialist, or Volunteer By Use Of UAS," which shall read in its entirety as follows:

5-14-4-1: OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER BY USE OF UAS:

- A. Except as provided in Subsection C of this Section, it is unlawful for any person to intentionally, knowingly, or recklessly operate a UAS in a manner that obstructs, impairs, or hinders:
  - 1. the enforcement of the penal law or the preservation of the peace by a peace officer, acting under color of his or her official authority;
  - 2. the prevention, control, or abatement of fire by a firefighter, acting under color of his or her official authority;
  - 3. the administration of medical treatment or emergency assistance by an emergency medical service provider or rescue specialist, acting under color of his or her official authority; or
  - 4. the administration of emergency care or emergency assistance by a volunteer, acting in good faith to render such care or assistance without compensation at the place of an emergency or accident.
- B. It is not a defense to a prosecution under this Section that the peace officer was acting in an illegal manner, if he or she was acting under color of his or her official authority. A peace officer "acts under color of his or her official authority" if, in the regular course of assigned duties, he or she makes a judgment in good faith based on surrounding facts and circumstances that he or she must act to enforce the law or preserve the peace.
- C. Subsection A of this Section does not apply if the person who operates the UAS: (a) obtains permission to operate the UAS from a law enforcement agency or other entity that is coordinating the response of peace officers, firefighters, emergency medical service providers, rescue specialists, or volunteers to an emergency or accident; (b) continues to communicate with such entity during the operation of the UAS; and (c) complies immediately with any instructions from the entity concerning the operation of the UAS.

D. As used in this Section, unless the context clearly requires otherwise:

“Peace Officer” has the meaning provided in Section 6-3-5 of this Code.

“Firefighter” means an officer or member of a fire department or fire protection or fire-fighting agency of the state, or any municipal or quasi-municipal corporation in this state, whether that person is a volunteer or receives compensation for services rendered as such firefighter.

“Emergency Medical Service Provider” means a member of a public or private emergency medical service agency, whether that person is a volunteer or receives compensation for services rendered as such emergency serve provider.

“Rescue Specialist” means a member of a public or private rescue agency, whether that person is a volunteer or receives compensation for services rendered as such rescue specialist.

“Volunteer” means a person performing services to assist a peace officer, firefighter, emergency service provider, or rescue specialist at the site of an emergency or accident without compensation, other than reimbursement for actual expenses incurred.

Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 6. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 28th day of August, 2018.

This ordinance was published in full on the Town of Breckenridge website on August 29, August 30, August 31, September 1 and September 2, 2018.

A public hearing on this ordinance was held on September 11, 2018.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 11th day of September, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney

9/11/18

Date

This Ordinance was published on the Town of Breckenridge website on September 13, September 14, September 15, September 16 and September 17, 2018. This ordinance shall become effective on October 17, 2018.