

ORDINANCE NO. 2025-01-08-002

AN ORDINANCE OF THE CITY OF WHITE SETTLEMENT, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHITE SETTLEMENT AMENDING CHAPTER 30, "OFFENSES AND MISCELLANEOUS PROVISIONS" BY ADDING ARTICLE XIV "UNMANNED AIRCRAFT SYSTEMS" WHICH REGULATES UNMANNED AIRCRAFT SYSTEMS IN THE CITY OF WHITE SETTLEMENT AND AUTHORIZED EXTERNAL JURISDICTIONS AND PROPERTIES WHERE THE CITY OF WHITE SETTLEMENT PUBLIC SAFETY AGENCIES PARTICIPATE IN INTERLOCAL COOPERATION AGREEMENTS WITH LOCAL, STATE, FEDERAL, AND MILITARY ENTITIES, AND BY AMENDING ARTICLE XIII TO ADD RESERVED SECTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of White Settlement, Texas (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City desires to amend Chapter 30 of the White Settlement Code of Ordinances by adding a new article regulating unmanned aircraft; and

WHEREAS, the City Council finds that adopting the changes provided herein will benefit the citizens of the City of White Settlement, Texas by allowing the City of White Settlement to adopt rules and coordinate efforts with other agencies in regulating unmanned aircraft.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT, TEXAS:

SECTION 1.

That Chapter 30, 'Offenses and Miscellaneous Provisions', of the White Settlement Code of Ordinances is hereby amended by adding a new Article XIV "Unmanned Aircraft Systems" to read as follows:

"Article XIV Unmanned Aircraft Systems.

Sec. 30-351 – Purpose

The City of White Settlement encourages the safe and responsible use of Unmanned Aircraft Systems. This Ordinance is designed to regulate the launch, operation, and recovery of Unmanned Aircraft Systems within the territorial jurisdiction and authorized external jurisdictions and properties that the City provides mutual aid assistance or has entered an Interlocal Cooperation Agreement with local, state, or federal agencies and entities. The Federal Aviation Administration (FAA) establishes laws and regulations that govern national airspace.

Sec. 30-352 – Definitions

Unmanned Aircraft System: An aircraft operated without the possibility of direct human intervention from within or on the aircraft or without an onboard pilot. This definition includes devices and associated elements required to operate Unmanned Aircraft Systems (UAS), including communications links and the components that control the Unmanned Aircraft System. The term Unmanned Aircraft System may be commonly referred to as a drone, remote controlled aircraft, model aircraft, and small unmanned aerial system.

Temporary Flight Restriction: Defined areas of airspace where the Federal Aviation Administration (FAA) limits or restricts aircraft operations, including Unmanned Aircraft Systems, from operating without permission in a certain area for a limited time.

Military Operation Area: Airspace established outside of Class A airspace to separate or segregate certain non-hazardous military flight activities from Instrument Flight Rules (IFR) aircraft and to identify for Visual Flight Rules (VFR) aircraft where these activities are conducted.

No Drone Zone: Areas where a person cannot operate a drone or Unmanned Aircraft System identified and established by the Federal Aviation Administration (FAA).

Prohibited Area: A prohibited area is airspace within which no person may operate an aircraft without the permission of the using agency.

Remote Pilot Certificate (Part 107): License issued through the Federal Aviation Administration that certifies pilots to conduct commercial operations under Code of Federal Regulation Part 107.

Restricted Area: A restricted area is airspace within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

Trust Certificate: Certification issued through an approved administrator for The Recreational UAS Safety Test, allowing pilots to operate UAS for recreational purposes.

Interlocal Cooperation Agreement: An agreement to provide law enforcement assistance, responses, investigative resources, and other staffing to support another local, state, federal, or military jurisdiction, partner, agency, or entity. The agreement must be formal in writing and have City Manager and City Council approval for the term and conditions of the agreement. Texas Government Code Chapter 791, et. seq. authorizes local government entities to enter into Interlocal Contracts.

Mutual Aid Assistance Agreement: An agreement to provide law enforcement assistance, responses, investigative resources, and other staffing to support another local, state, federal, or military jurisdiction, partner, agency, or entity. The agreement may be formal in writing or requested verbally by the appropriate decision makers in consultation with the Chief of Police. Texas Government Code Section 362.002 authorizes Mutual Aid Task Force agreements.

Sec. 30-353 – Jurisdiction and Authority

- a) The White Settlement Police Department has complete jurisdiction within the corporate limits of the City and that property lying outside the City limits which is owned by the City as established by the City Charter.
- b) The White Settlement Police Department shall have and assume concurrent jurisdiction with the City of Fort Worth in limited areas as established by an Interlocal Cooperation Agreement.
- c) The White Settlement Police Department shall have and assume concurrent jurisdiction with the United States Department of the Air Force at Aircraft Production Plant #4 located at 1 Lockheed Blvd. contiguous to the primary territorial jurisdiction of the City from a Mutual Aid Assistance Agreement.
- d) The White Settlement Police Department shall have and assume concurrent jurisdiction with the United States Department of the Navy at Naval Air Station Joint Reserve Base Fort Worth located on Military Parkway contiguous to the primary territorial jurisdiction of the City from a Mutual Aid Assistance Agreement.
- e) The White Settlement Police Department shall have and assume concurrent jurisdiction with the United States Department of the Army at the 90th Aviation Support Battalion located at 11280 White Settlement Road in unincorporated Tarrant County Texas from a Mutual Aid Assistance Agreement.
- f) The White Settlement Police Department shall have and assume concurrent jurisdiction with the Texas Army National Guard located at 8111 Shoreview Drive from a Mutual Aid Assistance Agreement.
- g) All duly appointed peace officers by the City of White Settlement have full and complete authority to enforce this Ordinance.

Sec. 30-354 – Establishment of Rules

- a) In addition to the specific requirements set forth below, the City directs and delegates to its City Manager the authority to develop rules for the launch, operation, and recovery for Unmanned Aircraft Systems, consistent with this Ordinance.
- b) The City Manager may delegate education, regulation, and enforcement of this Ordinance to the Chief of Police.
- c) The Chief of Police shall publish such rules on the City's website and must periodically report to the City Council annually on the implementation of such rules, including information regarding enforcement actions and the costs associated with implementing and enforcing such rules. The briefing shall also include all operations and program initiatives related to the Police Department's Drone Team. The rules developed by the City Manager must be consistent with the following:
 - 1) The City Manager may adopt reasonable restrictions to the time, place, and manner in which a person may launch, operate, or land an Unmanned Aircraft System so as not to interfere with the health, safety, and welfare of City residents, areas deemed as critical infrastructure, military operation areas, and federal or military properties.
 - 2) The City Manager may require certain conditions be fulfilled prior to take-off, operation, or landing of an Unmanned Aircraft System from certain designated lands within the boundaries of the City or authorized jurisdictions where the White Settlement Police Department has established Interlocal Cooperation Agreements or Mutual Aid Assistance Agreements.
 - 3) No rules may be enacted that conflict with existing state or federal laws relating to airspace, licensing, or recreational use of Unmanned Aircraft Systems.

Sec. 30-355 – Operation of Unmanned Aircraft System

- a) It shall be unlawful for any person to launch, operate, or land an Unmanned Aircraft System upon or in the airspace of the City of White Settlement subject to the following regulations and requirements:
 - 1) Operator must have a valid Recreational UAS Safety Test TRUST Certificate, or current Remote Pilot Certificate (Part 107) issued through the Federal Aviation Administration; and
 - 2) Operator must have FAA authorization to fly in Naval Air Station Joint Reserve Base Fort Worth Class D Airspace; and

- 3) Operator must be utilizing a registered drone and carry proof of registration during launching, operating, and landing on Unmanned Aircraft Systems weighing more than 0.55 pounds. The registration must be displayed on its body.
- b) It shall be unlawful for any person to launch, operate, or land an Unmanned Aircraft System upon or in the airspace of restricted, prohibited, no drone zone, military operation area, or controlled airspace as established by the Federal Aviation Administration, which may be enforced in an authorized jurisdiction where the White Settlement Police Department is participating in an Interlocal Cooperation Agreement or mutual aid assistance of another local, state, federal, or military entity or organization.
- c) A peace officer may request proper identification of the operator to ensure compliance with this Ordinance and to make future referrals to the Federal Aviation Administration and other state or federal law enforcement partner agencies related to persons found in violation of this Ordinance or other state or federal laws pertaining to the operation of Unmanned Aircraft Systems.

Sec. 30-356 – Penalties

A person who launches, operates, or lands an Unmanned Aircraft System in violation of this Ordinance, may be punished by a fine, not to exceed \$500.

Sec. 30357 – Exemptions

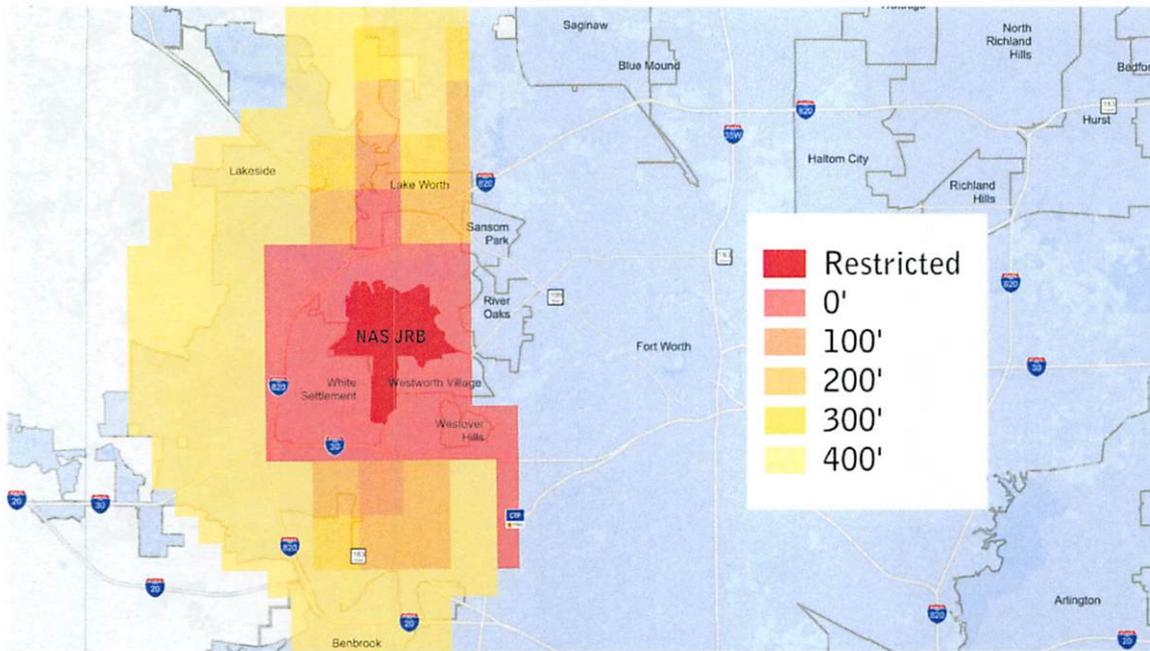
- a) This Ordinance does not apply to an Unmanned Aircraft System that is operated by the City, or by any other public safety agency for government-related purposes or public relations in compliance with all state and federal laws and regulations and operated by certified and trained personnel in compliance with City policies.
- b) City of White Settlement Public Safety Agencies are authorized to launch, operate, or land an Unmanned Aircraft System in the airspace of the City of White Settlement based upon established protocols and agreements with the NAS JRB Fort Worth Base Operations Air Traffic Control.

Sec. 30-358 – Education

- a) To lawfully fly a drone in the Naval Air Station Joint Reserve Base Fort Worth’s Class D Airspace, an operator must submit a manual request for airspace authorization via the Federal Aviation Administration’s DroneZone website. Once approved, the operator will receive the “Certificate of Waiver or Authorization” via email that contains specific instructions and follow-up actions before a flight can take place.
- b) To register a drone, whether flying under the Exception for Limited Recreational Operations or Part 107, an operator must register the drone via the FAA’s DroneZone website for Unmanned Aircraft Systems weighing more than 0.55 pounds.
- c) Drones which are required to be registered or are registered, including those flown for recreation, business, or public safety must comply with Remote ID rules.

Sec. 30-359 – National Airspace Considerations

- a) As of January 1, 2025, the airspace within the territorial jurisdiction of the City of White Settlement is restricted at 0 feet, meaning the entire City is a No Drone Zone, without prior authorization in accordance with federal law.
- b) Many contiguous areas of the City of White Settlement are also restricted at 0 feet including majority of Westworth Village, Westover Hills, portions of Lake Worth, and portions of Fort Worth to the north, east, south, and west.
- c) Peace Officers shall be familiar with current airspace requirements by reviewing current FAA National Airspace maps.



SECTION 2.

That Article XIII “Electioneering at Polling Locations” Chapter 30, ‘Offenses and Miscellaneous Provisions’, of the White Settlement Code of Ordinances is hereby amended by adding reserved sections to read as follows:

“Secs. 30-322—30-350. - Reserved.”

SECTION 3.

That all provisions of the ordinances of the City of White Settlement in conflict with the provisions of this ordinance be and the same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

SECTION 4.

All rights and remedies of the City of White Settlement are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of White Settlement, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so

decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-11 of the Code of Ordinances, City of White Settlement, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 7.

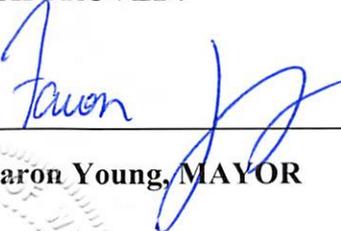
The City Secretary of the City of White Settlement is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper as/if required by law.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

DULY PASSED by the City Council of the City of White Settlement, Texas, on the 7th day of January, 2025.

APPROVED:



Faron Young, MAYOR

ATTEST:



Amy Arnold, City Secretary

