



## Public Safety & Transportation Committee Agenda

### City of Newton In City Council

Wednesday, March 7, 2018

7:00 PM  
Room 205

#### Items Scheduled for Discussion:

- #163-18**      **Requesting one (1) new bus license for Austin Street Partners, LLC.**  
TRANSACTION CORPORATE SHUTTLES, INC., requesting **one (1) new bus license** for Austin Street Partners LLC.
- #150-18**      **Ordinance amendments related to pilotless aircraft**  
COUNCILORS ALBRIGHT AND BAKER proposing amendments to respond to recent litigation regarding the provisions of Ordinance Sec 20-64 involving pilotless aircraft.
- #37-18**      **Discussion on how community policing works**  
COUNCILOR ALBRIGHT requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how “community policing” works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton.
- #164-18**      **Discussion on Tactical Readiness**  
COUNCILORS DANBERG, CICCONE, LIPOF, NORTON, NOEL, COTE, GROSSMAN AND GREENBERG, requesting a discussion by Police of Tactical Readiness in today’s world including communications protocol to/for the public during such times.

All other items before the Committee will be held without discussion.

Respectfully submitted,

Allan Ciccone, Jr. Chair

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Orig Applic.  
 + \$163-18 check  
 Received  
 2/26/18  
 1:39 pm

Bus License Application

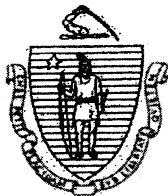
Name of Business	Austin Street Partners LLC 28 Austin Street Newtonville, MA
Name of Operator	TransAction Corporate Shuttles, Inc. 5 Wheeling Avenue Woburn, MA
Desired Routes and Termini	Single route from 150 Jackson Road, the so-called Newtonville Satellite Parking Lot to designated stops in Newtonville.
Map of desired route	Please see attached.
Days and hours of operation	Monday – Friday: 6:30 AM – 7 PM Saturday: 9 AM – 3 PM
Schedule of arrival and departure times	Bus will depart every 20 minutes from Newtonville Satellite Parking Lot
Desired fares	Bus shall be free of charge
Type and make of bus	El Dorado Aerotech 12+2 ADA
Propulsion	Compressed natural gas (CNG)
Seating and standing capacity	12 seats
ADA compliant	2 wheelchair locations
Vehicle features:	
GPS	Yes
Back up camera	Yes
Dash camera	Yes
Two-way radio	Yes

**BUS LICENSE APPLICATION**

BUS LICENSE HOLDER: Cynthia Freni Transaction Corporate Shuttles 5 Wheeling Ave. Woburn MA  
#462 (Owner Name) (Company Name) (Company Address) (Company Phone Number) 01801  
LCirella@tcs shuttles.com 781-895-1100  
(email address)

Please list below for each Bus:

	VEHICLE REGISTRATION #	VEHICLE ID # (VIN)	ODOMETER READING
1.	<u>LV70405</u>	<u>1FDTE4FS1ADA62587</u>	<u>95765</u>
2.	_____	_____	_____
3.	_____	_____	_____



The Commonwealth of Massachusetts  
Department of Industrial Accidents  
1 Congress Street, Suite 100  
Boston, MA 02114-2017  
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

Please Print Legibly

Business/Organization Name: TransAction Corporate Shuttles, Inc.

Address: 5 Wheeling Ave.

City/State/Zip: Woburn MA 01801 Phone #: 781-895-1100

Are you an employer? Check the appropriate box:

- 1.  I am an employer with 160 employees (full and/or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other Transportation

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: NH Employers Insurance Co.

Insurer's Address: P.O. Box 4070

City/State/Zip: Burlington LA 01803-0970

Policy # or Self-ins. Lic. # ECC-600-400074-2017A Expiration Date: 5-31-2018

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Cynthia Frevé Date: 2-1-2018

Phone #: 781-895-1100

Official use only. Do not write in this area, to be completed by city or town official.

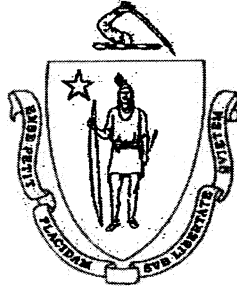
City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

- 1. Board of Health
- 2. Building Department
- 3. City/Town Clerk
- 4. Licensing Board
- 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

**NOTICE  
TO  
EMPLOYEES**



**NOTICE  
TO  
EMPLOYEES**

**The Commonwealth of Massachusetts  
DEPARTMENT OF INDUSTRIAL ACCIDENTS**

**1 Congress Street, Suite 100, Boston, Massachusetts 02114-2017  
617-727-4900**

As required by Massachusetts General Law, Chapter 152, Sections 21, 22, & 30, this will give you notice that I (we) have provided payment to our injured employees under the above mentioned chapter by insuring with:

New Hampshire Employers Insurance Company

**NAME OF INSURANCE COMPANY**

P.O. Box 4070 Burlington, MA 01803-0970

**ADDRESS OF INSURANCE COMPANY**

ECC-600-4000741-2017A

**POLICY NUMBER**

05/21/2017 - 05/21/2018

**EFFECTIVE DATES**

Salem Five Insurance Services LLC 445 Main St  
Woburn, MA 01801

**NAME OF INSURANCE AGENT**

**ADDRESS**

(781)933-3100

**PHONE**

TransAction Corporate Shuttles Inc TransAction

**EMPLOYER**

5 Wheeling Avenue Unit B Woburn, MA 01801

**ADDRESS**

04/11/2017

**DATE**

**MEDICAL TREATMENT**

The above named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

NEAREST AND BEST MEDICAL FACILITY

**HOSPITAL**

**ADDRESS**

**TO BE POSTED BY EMPLOYER**

# BUS DRIVER'S VEHICLE INSPECTION REPORT

COMPANY: \_\_\_\_\_  
 ODOMETER READING: 75765 BUS NO.: 402  
 END MILEAGE: 1587 DATE: 2 7 17  
 START MILEAGE: 45765 TIME: 4 00  AM  PM  
 TOTAL MILEAGE: 62 LOCATION: WJUBK00

### INSPECT ITEMS LISTED - IF DEFECTIVE, NUMBER AND DESCRIBE IN "REMARKS"

- |   |  |
|---|--|
| <input type="checkbox"/> FLUID LEAKS UNDER BUS  | <input type="checkbox"/> EMERGENCY DOOR & BUZZER               |
| <input type="checkbox"/> LOOSE WIRES, HOSE CONNECTIONS OR BELTS IN ENGINE COMPARTMENT | <input type="checkbox"/> HEADLIGHTS, FLASHERS & 4-WAY FLASHERS |
| <input type="checkbox"/> OIL LEVEL  | <input type="checkbox"/> RIGHT FRONT TIRE & WHEEL              |
| <input type="checkbox"/> RADIATOR COOLANT LEVEL                                       | <input type="checkbox"/> FRONT OF BUS - WINDSHIELD             |
| <input type="checkbox"/> BATTERY  | <input type="checkbox"/> LEFT FRONT TIRE & WHEEL               |
| <input type="checkbox"/> TRANSMISSION   | <input type="checkbox"/> STOP ARM (SCHOOL BUS)                 |
| <input type="checkbox"/> UNUSUAL ENGINE NOISE   | <input type="checkbox"/> EXHAUST SYSTEM                        |
| <input type="checkbox"/> GAUGES & WARNING LIGHTS                                      | <input type="checkbox"/> LEFT SIDE OF BUS - WINDOWS & LIGHTS   |
| <input type="checkbox"/> SWITCHES   | <input type="checkbox"/> LEFT REAR TIRES & WHEELS              |
| <input type="checkbox"/> HORN   | <input type="checkbox"/> REAR OF BUS - WINDOWS & LIGHTS        |
| <input type="checkbox"/> FANS & DEFROSTERS  | <input type="checkbox"/> TAIL PIPE                             |
| <input type="checkbox"/> WIPERS & WASHERS   | <input type="checkbox"/> RIGHT REAR TIRES & WHEELS             |
| <input type="checkbox"/> STOP ARM CONTROL (WARNING CONTROL)                           | <input type="checkbox"/> RIGHT SIDE OF BUS - WINDOWS & LIGHTS  |
| <input type="checkbox"/> INSIDE & OUTSIDE MIRRORS                                     | <input type="checkbox"/> DRIVER'S SEAT & BELT                  |
| <input type="checkbox"/> BRAKE PEDAL & WARNING LIGHT                                  | <input type="checkbox"/> DIRECTIONAL LIGHTS                    |
| <input type="checkbox"/> OPERATION OF SERVICE DOOR                                    | <input type="checkbox"/> PARKING BRAKE OR SERVICE BRAKE        |
| <input type="checkbox"/> EMERGENCY EQUIPMENT  | <input type="checkbox"/> CLUTCH                                |
| <input type="checkbox"/> FIRST AID KIT  | <input type="checkbox"/> STEERING                              |
| <input type="checkbox"/> ENTRANCE STEPS   | <input type="checkbox"/> WHEELCHAIR LIFT                       |
| <input type="checkbox"/> CLEANLINESS OF INTERIOR                                      | _____  |
| <input type="checkbox"/> CONDITION OF FLOOR   | _____  |

REMARKS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CONDITION OF ABOVE VEHICLE IS:  SATISFACTORY  UNSATISFACTORY

DRIVER'S SIGNATURE: \_\_\_\_\_

ABOVE DEFECTS CORRECTED  
 ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

DRIVER REVIEWING REPAIRS: SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



TRANCOR-03

#163-18

PASJE1

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/22/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Salem Five Insurance Services, LLC 445 Main Street Woburn, MA 01801	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): (781) 933-3100		FAX (A/C, No): (781) 933-9048	
	<b>E-MAIL ADDRESS:</b> insurance.services@salemfive.com			
<b>INSURED</b>  Transaction Corporate Shuttles Inc 5 Wheeling Ave Woburn, MA 01801	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>	
	<b>INSURER A : Maxum Indemnity</b>			
	<b>INSURER B : Philadelphia Indemnity Insurance Company</b>			
	<b>INSURER C : General Star</b>			
	<b>INSURER D : New Hampshire Employers Insurance Compan</b>			
	<b>INSURER E : Hanover</b>			22292
<b>INSURER F :</b>				

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<b>A</b>	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			<b>BDG3001482-05</b>	<b>03/23/2017</b>	<b>03/23/2018</b>	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>100,000</b> MED EXP (Any one person) \$ <b>1,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$ <b>2,000,000</b> \$
<b>B</b>	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			<b>PHPK1625855</b>	<b>03/23/2017</b>	<b>03/23/2018</b>	COMBINED SINGLE LIMIT (Ea accident) \$ <b>1,500,000</b> BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
<b>C</b>	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED      RETENTION \$			<b>IXG416358D</b>	<b>03/23/2017</b>	<b>03/23/2018</b>	EACH OCCURRENCE \$ <b>10,000,000</b> AGGREGATE \$ <b>10,000,000</b> \$
<b>D</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	<b>ECC60040007412017A</b>	<b>05/21/2017</b>	<b>05/21/2018</b>	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ <b>1,000,000</b> E.L. DISEASE - EA EMPLOYEE \$ <b>1,000,000</b> E.L. DISEASE - POLICY LIMIT \$ <b>1,000,000</b>
<b>E</b>	<b>Employment Practice</b>			<b>LHN9890862 03</b>	<b>03/23/2017</b>	<b>03/23/2018</b>	<b>Limit: \$1,000,000</b>
<b>E</b>	<b>Crime</b>			<b>BDN1041964</b>	<b>07/01/2017</b>	<b>07/01/2018</b>	<b>Limit: \$250,000</b> <b>2,500</b>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  Austin Street Partners LLC c/o Dinosaur Capital Partners LLC 800 Boylston Street, 27th Floor Boston, MA 02199	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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**City of Woburn**  
Office of the City Clerk  
10 Common Street  
Woburn, Massachusetts 01801

Number: 207

March 16, 2017

This is to certify that

**TRANSACTION CORPORATE SHUTTLES, INC.**

Of 5 Wheeling Avenue, Woburn, Massachusetts 01801 has been duly licensed as follows by the City of Woburn subject to all statutes and ordinances, now or hereafter established.

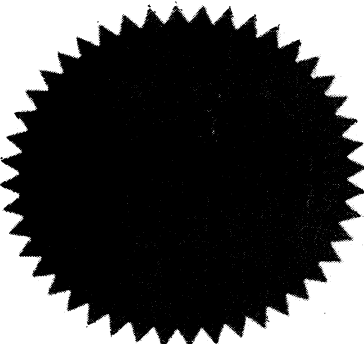
Type of License: Common Carrier License

Limit: Eighty-Six (86) Vehicles

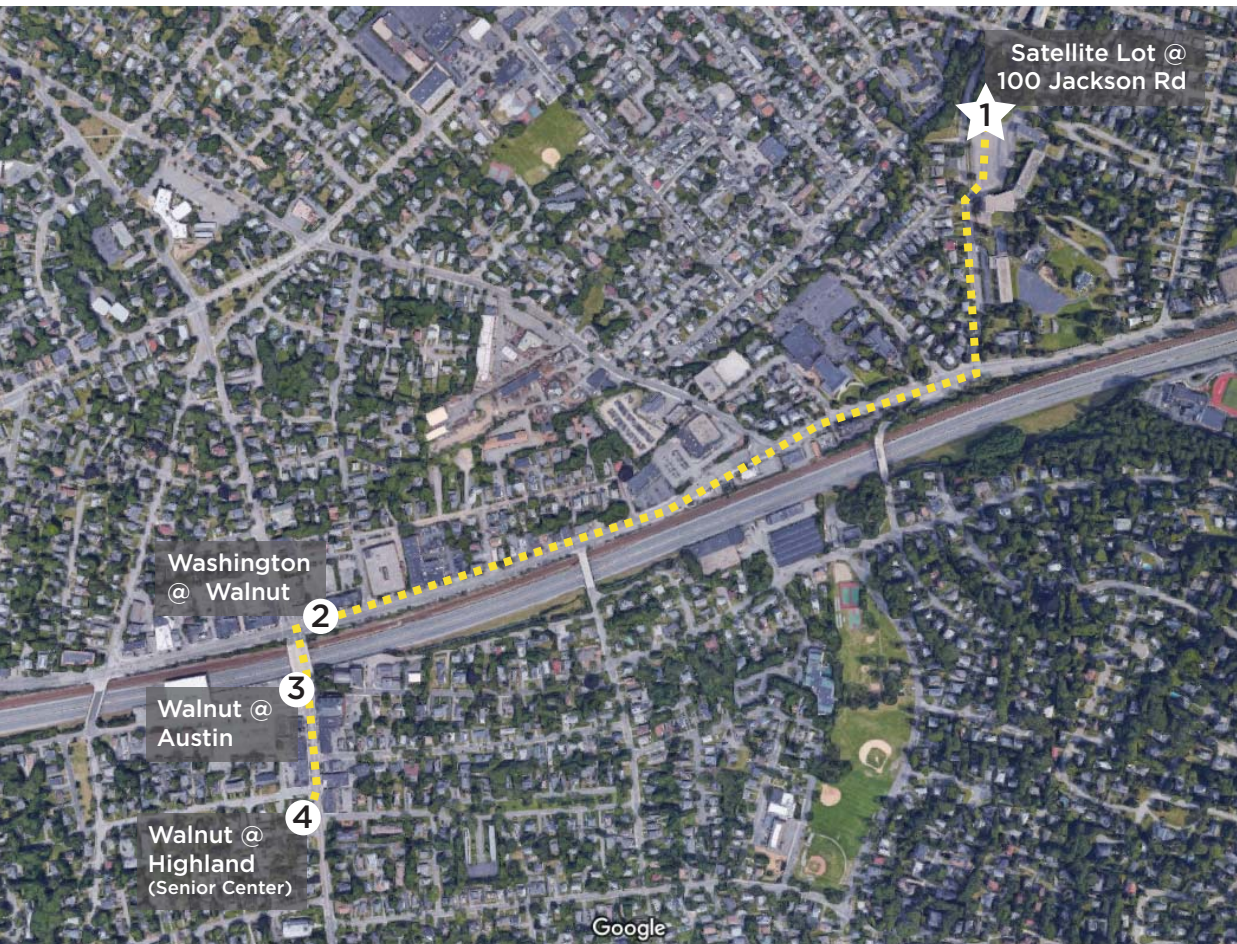
Conditions: That no more than Forty-Three (43) Vehicles shall be on site at any one time.

This license shall take effect April 1, 2017 and expires on April 30, 2018 unless sooner revoked.

William C. Campbell, City Clerk







## Where does the weekday shuttle go?

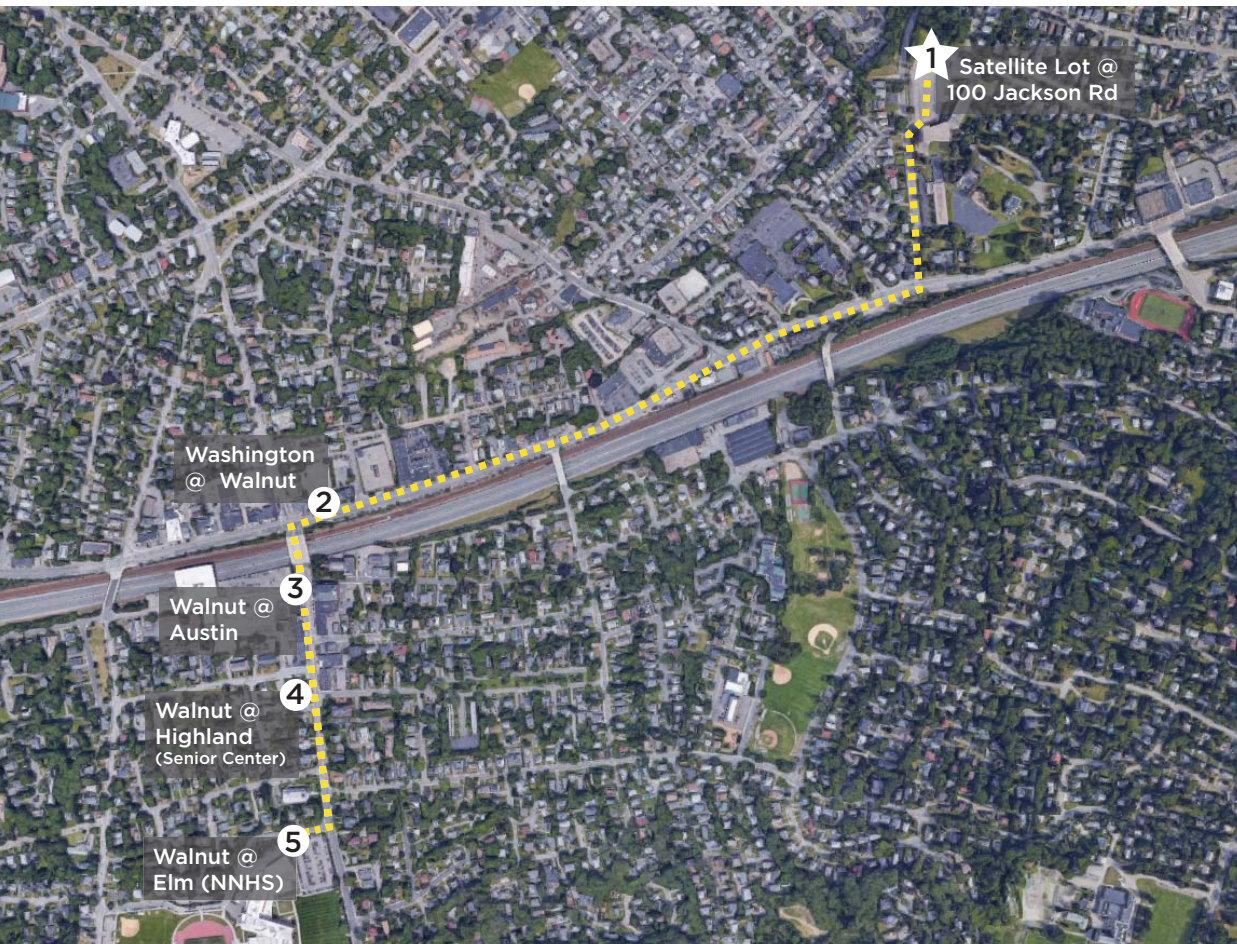
**Monday - Friday**  
shuttles run  
6:30 a.m. - 7:00 p.m.  
approximately every  
20 min

### **Stops at**

1. Satellite Lot at 100 Jackson Rd (old Aquinas School)
2. Washington St @ Walnut St
3. Walnut St @ Austin St
4. Walnut St @ Highland Ave (in the Senior Center Parking Lot)

LIVE wait times online at [shopnewtonville.com](http://shopnewtonville.com)

# SHOP NEWTONVILLE.



## Where does the weekend shuttle go?

**Saturdays**  
shuttles run  
9:00 a.m. - 3:00 p.m.  
approximately every  
20 min

### Stops at

1. Satellite Lot at 100 Jackson Rd (old Aquinas School)
2. Washington St @ Walnut St
3. Walnut St @ Austin St
4. Walnut St @ Highland Ave (in the Senior Center Parking Lot)
5. Walnut St @ Elm Rd (Newton North Lot)

LIVE wait times online at [shopnewtonville.com](http://shopnewtonville.com)

# SHOP NEWTONVILLE.



## Memorandum

To: City Council  
From: Councilors Baker and Albright  
Re: Drone Ordinance  
Date: February 16, 2018

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Dear Colleagues

You will have a chance to deliberate on merits of the item when it comes to before the Public Safety Committee at one of the future meetings, but Councilor Albright and I want to advise you that we have been working with the Law Department to see what amendments to our pilotless aircraft (or drone) ordinance made sense in light of the Federal Court decision last year invalidating several provisions. That process is now complete, and we have docketed an item accordingly.

We want to express our appreciation to Ms. Young and Ms. O'Keefe for their advice and assistance in our preparing some helpful amendments to respond to the decision. The thrust of these amendments is to clarify the ordinance, limit its effect to local authority, remove the registration requirement, encourage education about lawful use under federal and local law, and make the ordinance easier to understand and to find in an online search.

We can explain all these amendments in more detail when the item is discussed, but because so many of the Committee are new to the Committee (and the Council) we wanted to give you this early advisory about the item, and please let us know if you have any questions.

Thanks very much,

--Lisle and Susan

cc: Ouida Young and Maura O'Keefe

**DRAFT**

**Sec. 20-64. Pilotless Aircraft Operation.**

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting the privacy, safety and quality of life of residents throughout the City. In order to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted so as not to conflict with any relevant rules and regulations of the Federal Aviation Administration, or any other federal, state and local laws and regulations.

(a) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated by remote control or internally without direct human contact from within or on the aircraft, sometimes referred to as a drone or unmanned aircraft system.

(b) The City Clerk will provide educational materials on its website concerning current information about FAA Regulations and the safe operation of drones in the City of Newton.

(c) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

(1) No pilotless aircraft shall be operated:

- (a) over any property in a manner that causes direct and immediate interference with the use or enjoyment of that property;
- (b) in a manner that interferes with any manned aircraft;
- (c) in a reckless, careless or negligent manner;
- (d) so as to use City property to launch or land the pilotless aircraft without a permit as may be required in section (d) below;
- (e) for conducting surveillance unless expressly permitted by law or court order;
- (f) for capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (g) over any emergency response efforts;
- (h) with the effect of harassing, annoying, or assaulting a person, or creating or causing a public nuisance or trespass;

(i) in violation of a Certificate of Waiver or Authorization issued by the FAA, if so applicable, which Certificate may pertain to operation beyond the line of sight, operation over people, operation at night, or any other category of operation for which a Certificate of Waiver is required;

(j) in violation of federal or state law, or any Ordinance of the City of Newton.

(2) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(d) Permit May be Required:

(1) Individual Permits: A permit may be required to use land maintained by the Parks and Recreation Department, or by any other Department or Commission of the City, to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head, or designee, or the City entity charged with managing the property, or designee.

(2) Event Permits: The Parks and Recreation Department, or any Department or Commission charged with managing land owned by the City, may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the requirements of this ordinance.

(3) Educational Permits: The Parks and Recreation Department, or any other City agency with authority over the use and maintenance of City land, may permit the operation of pilotless aircraft for educational purposes. Educational permits must be issued to a responsible adult, and in conjunction with an educational purpose sanctioned by an educational organization.

(e) Proof of Federal Registration; Proof of Certificate of Waiver or Authorization: Operators who are subject to FAA registration or who are required to seek and obtain a Certificate of Waiver or Authorization shall provide proof of such documentation to authorized City personnel upon request.

(f) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(g) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

(h) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

- (i) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.
  
- (j) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

## Sec. 20-64. Pilotless Aircraft Operation.

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting the privacy, safety and quality of life of residents throughout the City. In order to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted in harmony so as not to conflict with all any relevant rules and regulations of the Federal Aviation Administration, and or any other federal, state and local laws and regulations.

(a) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated by remote control or internally without direct human contact from within or on the aircraft, sometimes referred to as a drone or unmanned aircraft system.

(b) The City Clerk will provide educational materials on its website concerning current information about FAA Regulations and the safe operation of drones in the City of Newton.

Registration: Owners of all pilotless aircraft shall register their pilotless aircraft with the City Clerk's Office, either individually or as a member of a club, as follows:

~~————(1)—— Individual Registration: Individual owners of pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of registration shall be \$10.00 per Owner and such cost of registration shall include all pilotless aircraft owned by the Owner. Owners must have proof of registration in their possession when operating a pilotless aircraft. Registration shall include the following:~~

~~(a)—— The owner's name, address, email address and phone number;~~

~~(b)—— The make, model, and serial number, if available, of each pilotless aircraft to be registered;~~

~~(c)—— A copy of the Owner's Federal Aviation Administration Certificate of  
—— Registration for pilotless aircraft;~~

~~————(2)—— Club Registration: Members of a pilotless aircraft hobby club may register their pilotless aircraft through a responsible adult member of the Club. Each Club shall be issued a single identifying registration number by the City Clerk's Office to be affixed to each pilotless aircraft belonging to members of the Club. The cost of Club Registration shall be \$10 per Club and the cost of registration shall include all members of that Club. The responsible adult member shall update the Club's roster of members with the Clerk's office on an annual basis. All other requirements of Section 2(a)(i-iii) shall apply to Club registration.~~

(ec) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

(1) No pilotless aircraft shall be operated:

~~(a) over private property at an altitude below 400 feet without the express permission of the owner of said private property~~over any property in a manner that causes direct and immediate interference with the use or enjoyment of that property;

~~(b) at a distance beyond the visual line of sight of the Operator;~~

~~(c)~~ in a manner that interferes with any manned aircraft;

~~(d)~~ in a reckless, careless or negligent manner;

~~(e) over any school, school grounds, or other City property or sporting event without prior permission from the City, unless a permit is required as in Section 4, below~~so as to use City property to launch or land the pilotless aircraft without a permit as may be required in section (d) below;

~~(f)~~ for ~~the purpose of~~ conducting surveillance unless expressly permitted by law or court order;

~~(g)~~ for ~~the purpose of~~ capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;

~~(h)~~ over any emergency response efforts;

~~(i)~~ with the ~~intent to~~effect of -harassing, annoying, or assaulting a person, or ~~to create~~ing or causeing a public nuisance or trespass;

~~(j)~~ in violation of a Certificate of Waiver or Authorization issued by the FAA, if so applicable, which Certificate may pertain to operation beyond the line of sight, operation over people, operation at night, or any other category of operation for which a Certificate of Waiver is required;

(j) in violation of federal or state law, or any Ordinance of the City of Newton.

(2) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.



(d) Permit May be Required:

(1) Individual Permits: A permit may be required to use land maintained by the Parks and Recreation Department, or by any other Department or Commission of the City, to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head, or designee, or the City entity charged with managing the property, or designee. ~~Individual operators shall adhere to the registration requirements of Section 2 above.~~

(2) Event Permits: The Parks and Recreation Department, or any Department or Commission charged with managing land owned by the City, may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the requirements of this ordinance, ~~except that individual participants in an event under this subsection are not required to register in accordance with Section 2.~~

(3) Educational Permits: The Parks and Recreation Department, or any other City agency with authority over the use and maintenance of City land, may permit the operation of pilotless aircraft for educational purposes. Educational permits must be issued to a responsible adult, and in conjunction with an educational purpose sanctioned by an educational organization.

(e) Proof of Federal Registration; Proof of Certificate of Waiver or Authorization: Operators who are subject to FAA registration or who are required to seek and obtain a Certificate of Waiver or Authorization shall provide proof of such documentation to authorized City personnel upon request.

(f) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(fg) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

(gh) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

(hi) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

(ij) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

## **PILOTLESS AIRCRAFT FAQs**

The following Frequently Asked Questions are intended to help pilotless aircraft operators understand the requirements contained in the City of Newton's ordinance.

As many are aware, pilotless aircraft technology has advanced at a rapid pace so that pilotless aircraft are now commonly used for commercial purposes and as an everyday hobby for individuals of all ages. The challenge for the City of Newton, with its unique blend of both urban and suburban environments, is to create a framework that permits all pilotless aircraft users to engage with this new and exciting technology, while providing for the safety and security of all residents. The purpose is to allow the use of pilotless aircraft technology in a way that minimizes the possibility of damaging public and private property or creating a nuisance for our neighbors.

To accommodate the interests of every resident, the City has created a permitting process that allows for the safe operation of pilotless aircraft in public spaces. These FAQs provide standards for good practices to use while flying your pilotless aircraft. The ordinance is premised on the general rule that you should always operate your pilotless aircraft in a safe and careful manner and be aware of your surroundings.

These FAQs will be updated, as needed, to reflect any changes in the FAA's regulations, state or federal law that may affect the operation of your pilotless aircraft.

### **I already registered my pilotless aircraft with the FAA, do I have to register again?**

- No. You are only required to register with the FAA. Please visit [https://www.faa.gov/uas/getting\\_started/registration/](https://www.faa.gov/uas/getting_started/registration/) for information on how you can register your drone.

### **Does the FAA also regulate pilotless aircraft?**

- Yes it does.
- The FAA regulates any aircraft that operates in navigable airspace, which can include pilotless aircraft.
- The City of Newton ordinance regulates the use of City property for flying drones, and creates prohibitions on flying a drone in a way that interferes with other people or property.

### **Where can I fly my pilotless aircraft?**

- An owner can operate their pilotless aircraft on their own property.

- Pilotless aircraft can be operated using public land with permission. Sometimes a permit may be required from the Parks and Recreation Department. In order to obtain a permit to use City of Newton land to fly a pilotless aircraft, please contact the Parks and Recreation Department through their permitting portal on the City's website:  
[http://www.newtonma.gov/gov/parks/applications\\_n\\_permits/pilotless\\_aircraft.asp](http://www.newtonma.gov/gov/parks/applications_n_permits/pilotless_aircraft.asp)
- The Parks and Recreation Department will allow the use of City land to fly pilotless aircraft where there is sufficient space to operate. Locations and times will vary depending on the time of year in order to allow for various types of recreation activities for all members of the public.
- Operating a pilotless aircraft in a careless, reckless, or negligent manner is prohibited anywhere in the City.
- Operating in a way that harasses someone else, or prevents them from enjoying their own property is also prohibited.
- Pilotless aircraft may not be operated over any emergency response situation.

### **How do I get a permit to launch or land my pilotless aircraft from public property in Newton?**

- Visit the Parks and Recreation Department pilotless aircraft permitting website:  
[http://www.newtonma.gov/gov/parks/applications\\_n\\_permits/pilotless\\_aircraft.asp](http://www.newtonma.gov/gov/parks/applications_n_permits/pilotless_aircraft.asp)
- This website also gives you information about where and when pilotless aircraft can be flown.

### **What is a Federal No Fly Zone?**

- According to the FAA regulations, there are no-fly zones where pilotless aircraft are prohibited. These federal no-fly zones include restricted or special use airspace, stadiums and sporting events including MLB, NFL, and NCAA Division One Football, wildfires, airports, and emergency response efforts.
- Within 5 miles of an airport, the FAA requires notification to the airport operator and control tower prior to operation. For exact locations on where you are not allowed to fly your pilotless aircraft, there are several informative mobile phone applications available on the market.

**Are there any Federal No Fly Zones in Newton?**

- No Fly Zones include: national parks, military bases, and within 5 miles of any medium or large sized airport.
- Currently there are no existing Federal No Fly Zones in Newton.

**May I fly my pilotless aircraft over people or at night?**

- The FAA generally prohibits flying pilotless aircraft over people or at night, for example, without a Certificate of Authorization or Waiver. While the City does not regulate safety aspects of the operation of pilotless aircraft such as flight over people or flying at night, the City may require proof that an operator has a Certificate of Authorization or Waiver for any activities regulated by the FAA.
- Before you operate your drone, please check with the FAA for the pilotless aircraft activities that may require a Certificate of Authorization or Waiver. You can find updated information about Certificates of Authorization or Waiver on the FAA's website at: <https://www.faa.gov/uas/faqs/>

**Will the FAA issue fines for operation of pilotless aircraft?**

- The FAA can issue fines and have done so in cases where people have carelessly and recklessly operated pilotless aircraft in an unsafe manner in the airspace in the jurisdiction of the FAA. The FAA may assess civil penalties up to \$27,500 for not registering your pilotless aircraft and criminal penalties of up to \$250,000 in fines and/or three year imprisonment. However, there are no set standards for administering fines. The FAA will consider the nature of the violation.
- The City of Newton will give an offender a warning for the first offense and then a \$50.00 fine for each subsequent offense that violates the Ordinance.

**Am I able to audio record with my pilotless aircraft?**

- According to the Massachusetts wiretap statute (M.G.L c. 272 §99), a person may not secretly record any oral communications or conversations with the use of a device. The statute does not distinguish between public and private oral communications, so even speech in public can be considered private and not available to record, without permission.

**What do I do if a pilotless aircraft is bothering me in my backyard?**

- Please take a picture of the pilotless aircraft and contact the City of Newton Police Department. We are asking the citizens of Newton not take the matter into their own hands.

**Are there any useful pilotless aircraft applications for my mobile phone?**

- There are many useful apps on the market that show No Fly Zones and provide helpful information about safe operation of pilotless aircraft.