



## **Public Safety & Transportation Committee** **Report**

### **City of Newton** **In City Council**

**Wednesday, April 20, 2016**

Present: Councilors Ciccone (Chair), Blazar, Norton, Yates, Cote, Harney and Fuller

Absent: Councilor Lipof

Also Present: Councilors Albright and Baker

City Staff: Officer Rocco Marini, Newton Police Department; Maura O'Keefe, Assistant City Solicitor and Robert DeRubeis, Commissioner Parks & Recreation Department

**#107-16      Semi-annual taxi license/public auto inspections.**

POLICE DEPARTMENT submitting reports of semi-annual taxi license/public auto inspections for review. [03/02/16 @ 1:47 PM]

**Action:      Approved 6-0, Councilor Harney not voting**

**Note:**      Officer Marini joined the Committee for discussion on this item.

Committee members were provided with a copy of the semi-annual inspection report, dated April 14, 2016, attached to this report. The report reflects current information regarding business addresses and business phone numbers.

Officer Marini reported that all vehicles passed inspection and he recommends approval for these public autos and taxi medallions.

A Committee member asked if Uber and Lyft services were negatively affecting business from the taxi and public autos registered in Newton. Officer Marini answered yes; some public auto companies did not renew their licenses this year due to Uber and Lyft services affecting their business. Newton does not have regulations or licensing procedures for Uber and Lyft services.

Without discussion, Councilor Yates made the motion to approve this item. Committee members agreed 7-0, Councilor Harney not voting.

**CITY COUNCIL RECOMMITTED TO PUBLIC SAFETY ON 04/04/16**

**#197-15 Discussion on policy or ordinance to deal with the use of drones**

ALD. ALBRIGHT, on behalf of a constituent requesting a discussion with the Chief of Police and the Commissioner of Parks and Recreation on the use of drones in the City of Newton to discuss what means and methods could become policy or ordinances to deal with an increase of privacy complaints as well as uses of more serious consequences. [08/14/15 @ 11:51 AM]

**Public Safety Approved 4-0-1 on 03-23-16, Yates abstaining, Lipof not voting**

**Action: No Action Necessary 7-0**

**Note:** Chair Ciccone stated that City Council recommitted this item to the Committee because the item in error was approved and should have been voted no action necessary as a discussion item. The Committee had a lengthy discussion in March regarding the draft ordinance regulating the operation and registration of pilotless aircraft in the City. Since that discussion, an action item has been docketed and Ms. O'Keefe has suggested placing this ordinance in Chapter 20 of the City Ordinances.

Without discussion, Councilor Blazar made a motion for no action necessary. Committee members agreed 7-0.

**Referred to Public Safety & Transportation and Finance Committees**

**#197-15(2) Pilotless Aircraft Operation**

Councilors Albright, Baker, and Norton proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]

**Action: Held 7-0**

**Note:** *Committee Clerk's Note: As of April 21, 2016, the owner of a pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation NOT the Newton Police Department as originally stated in Committee. References made regarding the Police Department have not been reported.*

Councilors Albright and Baker, Ms. O'Keefe and Commissioner DeRubeis joined the Committee for discussion on this item.

Ms. O'Keefe said the new ordinance **Sec. 20-64. Pilotless Aircraft Operation**, if approved the ordinance would be incorporated into Chapter 20, Civil fines and miscellaneous offenses; Article 5, Miscellaneous offenses.

Councilor Baker stated that registering an aircraft is necessary. This draft Ordinance suggests a registration fee and penalty cost. He suggested perhaps omitting the registration fee, which is to be determined. He then suggested omitting a penalty cost, which is to be determined, perhaps issuing a criminal violation. He then said that the process would move quicker if the

registration fee and penalty cost were omitted from the ordinance because the item would not be referred to the Finance Committee. Councilor Norton agreed that a registration fee should be omitted at this time.

Committee members expressed their questions and suggestions.

Questions:

- Do we need to determine a registration fee to cover administrative costs? What is an appropriate fee?
- Do we need to determine a penalty cost? What is an appropriate penalty cost?
- Please provide which municipalities require the registration of an aircraft?
- Please clarify section 3 (a) (v) the word 'permission' in Operating Prohibitions.
- Please clarify section 3 (a) (ix) 'with the intent to harass'.
- Please clarify section (4) the word 'permit' in Permit Required.

Suggestions:

- A civil violation appears more appropriate, rather than a criminal violation.
- The registering department is responsible for entering registrations into a Community PLUS software program allowing responsible departments to access registrations.
- The ability to allow an aircraft owner to register and submit appropriate paperwork online.
- Inform the public of the registration requirement and process when the ordinance comes to fruition.

Ms. O'Keefe stated that the Federal Aviation Association (FAA) requires that any pilotless aircraft weighing between 0.55 lbs. and 55 lbs. be registered federally. The registration fee cost is \$5.00, per aircraft. This draft ordinance addresses hobbyists drone users. Commercial drone use is heavily regulated by the FAA, which is pre-empted from municipal regulations. The FAA is still in the process of formulating their regulations, their regulations may alter the registration process or parts of this draft may be preempted, but we have to be pro-active. In early April 2016, the FAA made available their recommendations, not specific regulations. The FAA encourages local municipalities to protect the privacy interests and the general safety of the public.

Ms. O'Keefe answered that she was not aware of any Massachusetts municipality requiring the registration of an aircraft. She stated that the ordinance would be clarified regarding wording of permission, permit and intent to harass.

Commissioner DeRubeis said that the majority of the time; the Parks & Recreation Department is contacted requesting permission to fly a drone in City parks which is appreciated. Permission is usually granted if the park does not have an event. He said that a permit would be more appropriate when large size groups desire to fly numerous drones.

Committee members agreed to discuss this item in the near future, to determine if necessary, an appropriate registration fee, an appropriate penalty cost and to determine if this item should be referred to the Finance Committee as docketed.

After a lengthy discussion, Councilor Fuller made a motion to hold this item pending additional information to determine if necessary, an appropriate registration fee, an appropriate penalty cost and to determine if this item should be referred to the Finance Committee as docketed.

At approximately 8:30 pm, Councilor Yates made a motion to adjourn. Committee members agreed 7-0.

**Respectfully submitted,**

**Allan Ciccone, Jr. Chair**

**Docket # 107-16**

This list reflects current information regarding business address and business phone as of 04/06/16.

**Taxi/Public Auto List****Semi-annual taxi license/public auto inspections**

prepared by Officer Rocco Marini on 04-14-16

<b>Company and Business Address</b>	<b>Contact and Business Phone</b>	<b>Medallion/PA</b>	<b>Pass/Fail</b>
<b>Veterans Taxi of Newton, LLC.</b> 224 Calvary Street Waltham, MA 02453	Michael Antonellis 781-693-5423	Medallions 1-29,66-85, PA 2,3,11,12 (Total 4)	PASS
<b>Newton Yellow Cab, Inc.</b> 25 Border Street Newton, MA 02465	Richard Johnston 617-332-7700	Medallions 30-49 (Total 20)	PASS
<b>Holden's Taxi, Inc.</b> 50 Union Street Newton, MA 02459	George Marry 617-244-2404	Medallions 59, 60, 61	PASS
<b>Newtonville Cab Co., Inc.</b> 50 Union Street Newton, MA 02459	George Marry 617-244-2404	Medallions 54, 55	PASS
<b>Newton Taxi Co.</b> 50 Union Street Newton, MA 02459	George Marry 617-244-2404	Medallions 56,57,58	PASS
<b>Newton Luxury Cab</b> 77 Cedar Street Boston, MA 02119	Mohamed Saidi 617-293-4300	Medallion 65	PASS
<b>Newton Town Taxi</b> 8201 Inwood Drive Woburn, MA 01801	Anis Lahiani 617-244-7444	Medallion 53	PASS
<b>Crystal Lake Express</b> 15 Moreland Avenue Newton, MA 02459	Dorothy Dundas 617-510-0336	PA 6	PASS
<b>Weldon Group, Inc.</b> 253 Riverview Avenue Newton, MA 02466	Jerald Robbins 617-928-1888	PA 4,5,9,10	PASS
<b>Don's Car Service</b> 395 Lexington Street Auburndale, MA 02466	Donald LaPlante 617-962-4446	PA 15	PASS
<b>Newton Car Service</b> 12 Appleton Street Waltham, MA 02453	Hamdi Tlilli 617-244-9044	PA 8	PASS

**ITEM # 197-15(2): DRAFT ORDINANCE FOR DISCUSSION PURPOSES**

Add the following new section:

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

Purpose: The use of pilotless aircraft has become increasingly prevalent and has a significant impact on the safety and security of the people of the City of Newton. In order to protect the privacy of residents throughout the City, and 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 with all relevant rules and regulations of the Federal Aviation Administration, and any other federal, state and local laws and regulations.

(1) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated without direct human contact from within or on the aircraft.

(2) Registration: The owner of a pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of registering a pilotless aircraft shall be \$TBD. 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 of each pilotless aircraft to be registered;
- (c) A copy of the owner's Federal Aviation Administration Certificate of Registration for pilotless aircraft;
- (d) A photograph of each pilotless aircraft, clearly indicating that each pilotless aircraft is marked with the Federal Aviation Administration registration number.

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

- (a) No pilotless aircraft shall be operated:
  - (i) over private property at an altitude below 400 feet without the express permission of the owner of said private property;
  - (ii) at a distance beyond the visual line of sight of the Operator;
  - (iii) in a manner that interferes with any manned aircraft;

- (iv) in a reckless, careless or negligent manner;
- (v) over any school, school grounds, City property, conservation land, or sporting event without prior permission from the appropriate City Department;
- (vi) for the purpose of conducting surveillance unless expressly permitted by law or court order;
- (vii) 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;
- (viii) over any emergency response efforts;
- (ix) with the intent to harass, annoy, or assault a person, or to create or cause a public nuisance;
- (x) in violation of federal or state law, or any Ordinance of the City of Newton.

(b) 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.

(4) Permit Required: No person shall use public property to launch or land a pilotless aircraft without a permit issued by the appropriate jurisdictional Department, Board or Commission of the City of Newton.

(5) 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.

(6) Penalties: A violation of any section of this Ordinance shall be punishable by a fine of not more than \$(TBD).

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

(8) 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.

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