

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. B-10

April 2, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 20 MISCELLANEOUS ORDINANCES.**

1. Delete in its entirety **Sec. 20-64. Pilotless Aircraft Operation.**
2. Insert the following:

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.


Approved as to legal form and character:


OUIDA C.M. YOUNG
Acting City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
20 yeas 0 nays 4 absent (Councilors Auchincloss, Lipof, Norton, and Schwartz)

(SGD) DAVID A. OLSON
City Clerk

EXECUTIVE DEPARTMENT
Approved:


(SGD) RUTHANNE FULLER
Mayor

April 22, 2018