



Ruthanne Fuller
MAYOR

NEWTON PARKS, RECREATION & CULTURE

246 Dudley Road, Newton, MA 02459

Office: (617) 796-1500

Fax: (617) 796-1512

TDD/TTY: (617) 796-1089



NEWTON
Parks & Recreation

Nicole Banks
COMMISSIONER

City of Newton Parks, Recreation & Culture Department Pilotless Aircraft (Drone) Permit Application

Applicant Information

Name: _____

Address: _____ State: _____ Zip: _____

Phone #: _____ Email: _____

Permit Information:

Location Requested: _____

Date: _____ Time: _____ **No operation past dusk at any site*

Type: (circle all that apply) Individual / Event / Educational

Locations Available for Drone Permit

Third Monday in March through November:

Old Cold Spring Park

Upper Falls (Braceland) Park

Forte Park (10:00am-3:00pm only)

Newton Highlands Park (10:00am-3:00pm only)

December through Third Monday in March: all applications will be considered for any public site, decision of Commissioner or designee is final on case by case basis.



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Instructions:

Fill out this form and return to the Parks Department Office. Applications may be submitted by mail or email to parks@newtonma.gov. By submitting & signing this application, the applicant acknowledges and agrees to the below regulations set forth in **City Ordinance A-97 Section 20-64**.

Applicant Signature: _____ **Date:** _____

Office Use Only Below

Permit Approved or Denied: _____

Name of Commissioner or Designee: _____

Signature: _____

Date: _____

Permit notes:



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#197-15(2)

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. A-97

December 19, 2016

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

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Chapter 20, Civil Fines and Miscellaneous Offenses, as follows:

1. Add the following new **Section 20-64**:

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 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 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: 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:

- (a) 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:



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- (i) The owner's name, address, email address and phone number;
- (ii) The make, model, and serial number, if available, of each pilotless aircraft to be registered;
- (iii) A copy of the Owner's Federal Aviation Administration Certificate of Registration for pilotless aircraft;

(b) **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.

(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, or other City property or sporting event without prior permission from the City, unless a permit is required as in Section 4, below;
 - (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;



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(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 May be Required:

(a) 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.

(b) 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.

(c) 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.

(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 result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

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



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(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.

Approved as to legal form and character:

DONNALYN LYNCH KAHN

City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

16 yeas 6 nays (Councilors Auchincloss, Danberg, Fuller, Harney, Norton, and Lennon) 2 absent (Councilors Ciccone and Kalis)

EXECUTIVE DEPARTMENT

Approved:

(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor