



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the operation of unmanned aerial vehicles except by the police department with a warrant

Sponsors: Daniel R. Garodnick

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Attachments: 1. Summary of Int. No. 589

Date	Ver.	Action By	Action	Result
12/17/2014	*	City Council	Introduced by Council	
12/17/2014	*	City Council	Referred to Comm by Council	

Int. No. 589

By Council Member Garodnick

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the operation of unmanned aerial vehicles except by the police department with a warrant

Be it enacted by the Council as follows:

Section 1. Section 10-126 of the administrative code of the city of New York is amended to read as follows:

§ 10-126 Avigation in and over the city. a. Definitions. When used in this section the following words or terms [shall] mean or include:

[1. "Aircraft." Any contrivance, now or hereafter invented for avigation or] Aircraft. The term "aircraft" means a device that is used or intended to be used for flight in the air, including a captive balloon or UAV, except a parachute or other [contrivance] device designed for use[,] as and carried primarily as safety equipment.

[2. "Place of landing." Any authorized airport, aircraft landing site, sky port or seaplane base in the port

of New York or in the limits of the city.

3. “Limits of the city.” The water, waterways and land under the jurisdiction of the city and the air space above same.]

[4. “Avigate.” To] Avigate. The term “avigate” means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether [controlled from the ground or otherwise] from within the aircraft or remotely. The term “avigate” includes managing or initiating a computer system that pilots, steers, directs, flies or manages an aircraft.

[5. “Congested area.” Any land terrain within the limits of the city.

6. “Person.” A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

Limits of the city. The term “limits of the city” means the water, waterways and land under the jurisdiction of the city and the airspace above the same.

Place of landing. The term “place of landing” means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

UAV. The term “UAV” is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers in the vehicle itself or by an individual from any location outside the vehicle.

b. Parachuting. It [shall be] is unlawful for any person to jump or leap from an aircraft in a parachute or any other device within the limits of the city except in the event of imminent danger or while under official orders of any branch of the military service.

c. Take offs and landings. It [shall be] is unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

d. Advertising. 1. It shall be unlawful for any person to use, suffer or permit to be used advertising in the form of towing banners from or upon an aircraft over the limits of the city, or to drop advertising matter in the form of pamphlets, circulars, or other objects from an aircraft over the limits of the city, or to use a loud speaker or other sound device for advertising from an aircraft over the limits of the city. Any person who employs another to avigate an aircraft for advertising in violation of this subdivision shall be guilty of a violation hereof.

2. Any person who employs, procures or induces another to operate, avigate, lend, lease or donate any aircraft as defined in this section for the purpose of advertising in violation of this subdivision shall be guilty of a violation hereof.

3. The use of the name of any person or of any proprietor, vendor or exhibitor in connection with such advertising shall be presumptive evidence that such advertising was conducted with his or her knowledge and consent.

e. Dangerous or reckless operation or avigation. 1. It [shall be] is unlawful for any person to operate or avigate an aircraft [either] on the ground, on the water or in the air within the limits of the city while under the influence of intoxicating liquor, narcotics or other habit-forming drugs, or to operate or avigate an aircraft in a careless or reckless manner so as to endanger the life or property of another.

2. In any proceeding or action charging careless or reckless operation or avigation of an aircraft in violation of this section, the court, in determining whether the operation or avigation was careless or reckless, shall consider the standards for safe operation or avigation of aircraft prescribed by federal and state statutes [or] and regulations governing [aeronautics] aviation.

f. Air traffic rules. It [shall be] is unlawful for any person to navigate an aircraft within the limits of the city in any manner prohibited by [any provision of, or contrary to] the rules and regulations of[,] the federal aviation administration, including those regulating avigation within specified distances from airports.

g. Reports. It [shall be] is unlawful for the operator or owner of an aircraft to fail to report to the police

department within ten hours a forced landing of aircraft within the limits of the city or an accident [to] involving an aircraft [where] that results in personal injury, property damage or serious damage to the aircraft [is involved].

h. Unmanned aerial vehicles. No person may avigate a UAV within the limits of the city except:

1. The police department in accordance with section 14-133.1.

2. A person avigating such UAV pursuant to and within the limits of an express authorization by the federal aviation administration.

[h.] i. Rules and regulations. The police commissioner is authorized to make such rules and regulations as the commissioner may deem necessary to enforce the provisions of this section.

[i.] j. Violations. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-133.1 to read as follows:

§ 14-133.1 Use of unmanned aerial vehicles. a. Definitions. As used in this section, the following terms have the following meanings:

City airspace. The term “city airspace” means the airspace above the water, waterways and land within the jurisdiction of the city.

Operate. The term “operate” means to pilot, steer, direct, fly or manage a UAV in or through the air, whether from within the UAV or remotely. The term “operate” includes initiating or managing a computer system that pilots, steers, directs, flies or manages a UAV.

UAV. The term “UAV” is an acronym that means unmanned aerial vehicle.

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means a vehicle capable of flight without a human pilot on board that is operated either autonomously by computers or by an individual from outside the vehicle.

b. The police department may operate a UAV in city airspace only pursuant to a valid search warrant that:

1. Specifies the particular location and time that the UAV may be operated; and
2. Is based on probable cause to believe that the operation of the UAV in such location and at such time will yield evidence connected with criminal activity; and
3. Complies with all applicable requirements of the federal and state constitutions, statutes and regulations.

c. A person applying for a warrant who seeks to operate a UAV pursuant to this section shall certify, in the written warrant application, that specific and articulable reasons exist that necessitate the use of a UAV for the particular operation and that specific measures have been taken to minimize danger to the public from the operation of the UAV.

d. A UAV operation conducted pursuant to this section must be concluded no later than forty-eight hours following the issuance of a warrant.

e. A police or peace officer executing a search warrant for which permission to use a UAV was granted pursuant to this section must serve a copy of the warrant on any person about whom personal information was collected within ten days. Such notice may be postponed with written authorization by a judicial officer upon a showing that exigent circumstances exist requiring the delay.

§ 3. This local law shall take effect 90 days after it becomes law, except that the police commissioner shall take measures to make the public aware of the requirements of this local law before it takes effect.

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