



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 the regulation of the use of unmanned aerial vehicles in city airspace  
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**Attachments:** 1. Summary of Int. No. 601

Date	Ver.	Action By	Action	Result
12/17/2014	*	City Council	Introduced by Council	
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Int. No. 601

By Council Members Vallone, Johnson, Koo, Ferreras, Weprin, Maisel, Ulrich, Koslowitz, Crowley, Cabrera and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of the use of unmanned aerial vehicles in city airspace

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.]

Dangerous instrument. The term “dangerous instrument” means an instrument, article or substance that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

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.

Open-air assembly. The term “open-air assembly” means any outdoor space used for the gathering of persons for purposes such as civic, social or religious functions, recreation, consumption of food or drink, awaiting transportation or similar group activities. “Open-air assembly” includes but is not limited to stadiums, amusement park structures and outdoor theaters.

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.

Surveillance. The term “surveillance” means the monitoring or close observation of an individual, a group of individuals or real property without the knowledge and consent of such individual or group of

individuals or the owner of such real property that is the subject of such monitoring or observation.

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.

Weapon. The term “weapon” means any device designed to harm persons or property, including any projectile, chemical, electrical or directed-energy device.

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. 1. Unless otherwise authorized by law, no person may avigate a UAV within the limits of the city except in accordance with this subdivision and with applicable federal and state regulations. No person may avigate a UAV:

(a) For the purpose of conducting surveillance, unless otherwise permitted by law; or

(b) Within five miles of any airport; or

(c) With intent to use such UAV or anything attached to such UAV to cause harm to persons or property; or

(d) That is equipped with a weapon, regardless of whether such person intends to cause harm to persons

or property; or

(e) That is equipped with a dangerous instrument, regardless of whether such person intends to cause harm to persons or property; or

(f) Within one-quarter mile of any open-air assembly, school, hospital or house of worship; or

(g) At any altitude greater than four hundred feet above ground level; or

(h) Outside the line of sight of the operator; or

(i) Whenever weather conditions would impair the operator's ability to do so safely; or

(j) At night.

2. Exceptions. (a) Notwithstanding subparagraph b of paragraph 1 of this subdivision, a UAV may be avigated within five miles of an airport where the operator of such UAV has received advance permission from the airport operator and air traffic control for the avigation or is otherwise expressly authorized by federal law and regulations.

(b) Notwithstanding subparagraph f of paragraph 1 of this subdivision, a UAV may be avigated in any location designated for such avigation by the department of parks and recreation.

(c) Notwithstanding subparagraphs f, i and j of paragraph 1 of this subdivision, a UAV may be avigated inside a structure if such avigation is permitted by the owner of the structure, can be accomplished without unreasonable risk to persons or property and is otherwise permitted by law.

(d) Notwithstanding subdivision c of this section, a UAV may take off or land in a location where a UAV may be avigated legally, so long as such takeoff or landing does not pose an unreasonable risk of harm to persons or property.

(e) Agencies of the city are exempt from the provisions of this subdivision.

[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. 1. Any person who violates [any of the provisions] subdivision b, c, e, f or g of this

section, or subparagraph a, b, c or d of paragraph 1 of subdivision h of this section shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than one year, or both.

2. Any person who violates subparagraph e, f, g, h, i or j of paragraph 1 of subdivision h of this section shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars (\$250) or imprisonment of not more than fifteen days, or both.

§ 2. 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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