

**LOCAL LAW NO. 2 OF 2015  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

(Introduced by: Hon. Jay Hood, Jr.)  
(Co-Sponsor: Hon. Alden H. Wolfe)

Mr. Hood, Jr. offered the following amended Local Law, which was seconded by Chairman Wolfe and adopted

A local law regulating the use of drones in Rockland County.

Be it enacted by the Legislature of the County of Rockland as follows:

**Section 1. Name of local law**

This law shall be known as "the Drone Regulation Law."

**Section 2. Legislative intent.**

Drones, which are unmanned aerial vehicles (UAVs) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism, have become increasingly available to private citizens for personal and recreational uses due to their declining cost. Drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is not within the jurisdiction, regulation and control of the Federal Aviation Administration (FAA).

Some drones are equipped with high definition cameras, night vision cameras and infrared-see-through scopes. They can be used to fly about private residences and to hover outside someone's window or in their backyard without the knowledge of the resident, who has a reasonable expectation of privacy in his or her home and in his or her backyard.

Additionally, there is a very real safety and security concern when it comes to drones carrying and dropping contraband items such as drugs or weapons onto certain grounds such as courthouses, correctional facilities or schools. For example, a drone was used in Bishopville, South Carolina in April 2014 to attempt the smuggling of contraband into a jail, including marijuana, cell phones and tobacco. A drone delivery attempt was likewise made in November 2013 to sneak contraband into a prison in Calhoun County, Georgia.

In addition to those child and adult residents of this County that use these drones for hobby or enjoyment, drones may also be purchased and operated by sex offenders and other persons with criminal backgrounds, such as but not limited to those with convictions for domestic violence, theft, burglary, trespass, and assault. Yet, there are currently no federal or state regulations regarding who may purchase a drone, which represents a safety risk to members of the public

In light of all the foregoing concerns, this local law will limit the use of drones in Rockland County to an individual's private property, another individual's private property with that private property owner's consent, public property with the consent of the municipality that owns it, and public parks, unless such use is prohibited by the governmental entity having jurisdiction over such park, including but not limited to the Division of Environmental Resources of the County of Rockland.

### **Section 3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

- A. **COUNTY** – The County of Rockland, New York.
- B. **DRONE** - an unmanned aerial vehicle (UAV) that can fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism.
- C. **LAW ENFORCEMENT** - a lawfully established state or local public agency that is responsible for the prevention of crime, local government code enforcement with authority to enforce penal, traffic, regulatory, game, or controlled substance laws or regulations.
- D. **PERSON** – any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

### **Section 4. Prohibition**

- A. A person may not fly or otherwise operate a drone in Rockland County except in and above the following locations:
  - 1. a person's own private property;
  - 2. another person's private property with the permission of an owner of that property; and
  - 3. public property, other than public parks, only with the written permission of the controlling municipality or agency; and

4. public parks, unless such use is prohibited by the governmental entity having jurisdiction over such property, including but not limited to the Division of Environmental Resources of the County of Rockland.
- B. Any flying of drones above the Rockland County Jail or Sheriff complex or within fifty (50) feet of the property line of the Rockland County Jail or Sheriff complex is specifically prohibited and subjects the operator to enhanced penalties as set forth in Section 6, paragraph D of this Local Law.
- C. Any unauthorized flying of drones above and within the property lines of a school, publically advertised house of worship, government building, courthouse or municipal sewer facility is prohibited and subjects the operator to enhanced penalties as set forth in Section 6, paragraph D of this Local Law.
- D. This Section shall not be construed to authorize the use of a drone for any purpose that would violate State, Local or Federal law.

### **Section 5. Exemptions**

This act does not prohibit the use of a drone:

- A. Persons using drones in the course of employment of a government agency, or on behalf of one of those agencies are not subject to the prohibitions set forth in Section 4.
- B. if a law enforcement agency is using the drone in accordance with accepted Fourth Amendment jurisprudence with regard to search and seizure.
- C. if a fire and emergency services agency is using a drone solely for purposes of:
  1. providing an aerial view in order to better manage firefighting resources by determining point of origin, shape, or boundaries of forest fires;
  2. assisting in rescue of individuals from remote and difficult to access locations such as parkland, forests or mountains; or
  3. providing crucial information needed when responding to incidents involving hazardous materials without endangering fire and emergency service personnel.
- D. in the event a Federal, State or Local official declares a state of emergency in Rockland County, in which case utility companies under the jurisdiction of the Public Service Commission and any employees or other persons on the utility companies' behalf, may utilize drones for damage assessment and recovery operations without the need for a warrant or consent.

E. by utility companies operating under the jurisdiction of the Public Service Commission and any employees or other persons on the utility companies' behalf for the purpose of

- 1) inspection of utility facilities and transmission lines it owns and operates;
- 2) inspection of lands, highway, roadways, or areas belonging to New York State or its political subdivisions that contain or are planned to contain utility facilities controlled by such utility company;
- 3) inspection of utility easements on private property, with notification to the property owner.

#### **Section 6. Penalties for Offenses.**

- A. Any person found to be in violation of the provisions of this act shall be guilty of a violation and subject to a fine of \$250.
- B. Any person found to have violated the provisions of this act twice within a twelve (12) month period shall be guilty of a violation and subject to a fine of \$500.
- C. Any person found to have violated the provisions of this act three times within a twelve (12) month period or more than three times within a twenty-four (24) month period shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$1,000 and a sentence of up to one (1) year in jail.
- D. Any person found to have violated the provisions of this act by using or otherwise operating a drone above the Rockland County Jail or Sheriff complex or within 50 feet of the property line of the Rockland County Jail or Sheriff complex or above or within the property lines of a school, publicly advertised house of worship, government building, courthouse, or municipal sewer facility, shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$500 and a sentence of up to six (6) months in jail.
- E. Any person found to have violated the provisions of this act by using or otherwise operating a drone above the Rockland County Jail or Sheriff complex or within 50 feet of the property line of the Rockland County Jail or Sheriff complex or above or within the property lines of a school, publicly advertised house of worship, government building, courthouse, or municipal sewer facility two (2) times within a twelve (12) month period or more than three (3) times within a twenty-four (24) month period shall be guilty of a class "A" misdemeanor and subject to a fine of up to \$1,000 and a sentence of up to one (1) year in jail.

**Section 7. Enforcement.**

This law may be enforced by any Law Enforcement agency having jurisdiction to act in the County of Rockland.

**Section 8. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 9. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 10. Effective Date.**

This local law shall take effect ninety (90) days after filing with the New York State Secretary of State.

The vote resulted as follows:

Ayes:	13	(Legislators Cornell, Diaz, Earl, Grant, Hofstein, Low-Hogan, Murphy, Paul, Schoenberger, Soskin, Wieder, Hood, Jr., Wolfe)
Nays:	03	(Legislators Jobson, Meyers, Moroney)
Absent:	01	(Legislator Carey)