

April 20, 2017

LOCAL LAW NO. 5 OF 2017 OF THE VILLAGE OF SALTAIRE A LOCAL LAW
CREATING SECTION 38-22 UNMANNED AIRCRAFT SYSTEMS

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 1.5 Findings
- 2.0 General Provisions
- 2.1 Creation of Section 38-22 Drones
- 3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

- 1.1. Title

This Local Law shall be entitled, "Local Law No. 5 of 2017: A Local Law
Creating Section 38-22 Unmanned Aircraft Systems".

- 1.2 Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village
Code of the Incorporated Village of Saltaire, the Incorporated Village of Saltaire, County
of Suffolk and State of New York, hereby enacts by this Local Law No. 5 of 2017, a
Local
Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose and intent of this local law is to adopt regulations regulating nuisance and safety matters created by certain manners of the use of drones in the Village.

2.0 General Provisions.

2.1 Section 38-22 Unmanned Aircraft Systems is hereby created to read as follows:

“38-22 Unmanned Aircraft Systems:

38-22-1; Legislative Intent and Recreational and Commercial Use.

(A) Legislative Intent

It is the intention of the Board of Trustees of the Village of Saltaire to protect the public health, safety and welfare of the community and to prevent public nuisance and invasion of privacy by authorizing the establishment of procedures for the recreational operation of Unmanned Aircraft Systems (hereinafter "UAS"), commonly known as model aircraft (small UAS) or "drones," throughout the community.

(B) Recreational and Commercial Use

This chapter applies only to recreational use of small unmanned aircraft. The Village of Saltaire Board recognizes that the Federal Aviation Administration (hereinafter "FAA") currently authorizes and regulates the use of UAS by public entities and UAS used for commercial or business purposes. No person shall fly an unmanned aircraft or UAS for commercial purposes without express permission from the FAA. Public entities, which include publically funded universities, law enforcement, fire departments and other government agencies, may apply for a

Certificate of Authorization from the FAA in order to use unmanned aircraft for governmental and municipal purposes.

38-22-2; Scope; applicability.

(A) Scope

The provisions of this chapter shall apply to the operation of unmanned aircraft or UAS on or near all properties in the incorporated portions of the Village of Saltaire, residential, commercial and otherwise.

(B) Applicability.

The provisions of this Section 38-22 shall be deemed to supplement applicable Federal, State and local laws, ordinances, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or Federal existing requirements of any other provision of local laws or ordinances of the Village or County or State or Federal laws and regulations. In case of conflict between any provisions of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

38-22-3; Definitions.

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

AIRCRAFT; A vessel used or designed for navigation of or flight in the air.

COMMERCIAL USE; Use of an unmanned aircraft system for catering to or for business and/or use with a sole or chief emphasis on salability, profit, or success.

MANNED AIRCRAFT; Aircraft that is carrying or being operated by one or more persons.

PILOT; A person, entity, or agency that is responsible for flying, steering or guiding an unmanned aircraft or UAS; to operate or control the course of an unmanned aircraft or UAS

PROPERTY; Any land, improved or unimproved, situated within the borders of the Village of Saltaire whether publicly or privately owned.

SURVEILLANCE; Continuous observation of a place, person, group, property or ongoing activity typically without the subject of the observation having knowledge of same.

UNMANNED AIRCRAFT (also known as "Drone" or "Model Aircraft"); A non-human-carrying aircraft weighing no more than 55 pounds, capable of sustained flight in the atmosphere intended exclusively for sport, recreation, education and/or competition and is typically guided by remote control or onboard computers.

UNMANNED AIRCRAFT SYSTEM (UAS); An unmanned aircraft and associated elements, including communication links and components that control the unmanned aircraft.

VISUAL LINE OF SIGHT (VLOS); The distance at which the pilot of an UAS is able to maintain visual contact with the aircraft and determine its orientation without enhancements other than corrective lenses.

38-22-4 General Provisions and Unlawful Activities

A. It shall be unlawful and a violation of this Section for the pilot of a UAS to take off, land or fly a UAS in the Village of Saltaire, over or on any public property, or Village of Saltaire property, park, beach, walkway, or similar public area in the Village.

B. It shall be unlawful and a violation of this Section for the pilot of a UAS to fly a UAS over or on any private property in a manner that is unsafe or hazardous or a nuisance to the owner, resident or public of the Village of Saltaire. Unsafe, hazardous or a nuisance use of a UAS shall include but not limited to the use of a UAS for surveillance, the use of a UAS beyond the VLOS of the pilot, or in a manner that causes or results in a threat to public safety, is an

invasion of privacy or a person on public or private property, or which otherwise creates a public hazard or nuisance, or is in any way in violation of any Village, State, County or Federal, regulation.

Severability and Validity

3.1 In the event that any portion or section of this Local Law may be determined to be invalid, the remaining portions and sections of this Local Law shall remain in full force and effect.