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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. 403, 2. Int. No. 403, 3. January 31, 2018 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 1/31/18, 5. Minutes of the Stated Meeting - January 31, 2018

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Int. No. 403

By Council Members Vallone, Brannan and Kallos

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] As used in this section the following [words or] terms [shall mean or include] have the following meanings:

[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, 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 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.

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.

Toy aircraft. The term “toy aircraft” means (i) a glider or hand-tossed UAV that is not designed for and is incapable of sustained flight or (ii) a UAV that is capable of sustained flight and is controlled by means of a physical attachment such as a string or wire. The term “toy aircraft” does not include a radio-controlled UAV.

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

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is avigated without

a human pilot on board.

Weapon. The term “weapon” means an instrument, article or substance that is designed to cause death or serious physical injury or to damage or destroy 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] is 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.

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] 10 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. Misdemeanor; intent to cause harm. No person may avigate a UAV with intent to use such UAV or any object attached to such UAV to cause bodily injury or death to persons or to damage or destroy property.

2. Other misdemeanors. No person may avigate a UAV:

(a) In any area of the city that is not specifically designated by the commissioner of parks and recreation for such avigation; or

(b) That is equipped with a weapon or dangerous instrument, regardless of whether such person actually intends to use such UAV, weapon or dangerous instrument to cause harm to persons or property; or

(c) For the purpose of conducting surveillance unless otherwise expressly permitted by law.

3. Other violations. No person may avigate a UAV:

(a) Within five miles of an airport unless such person first provides notice to the operator and air traffic

control of such airport in accordance with paragraph (5) of subsection (a) of section 336 of the FAA modernization and reform act of 2012, as enacted by public law 112-95; or

(b) At any altitude greater than 400 feet above ground level; or

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

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

(e) At night.

4. Exceptions. (a) Notwithstanding subparagraph (a) of paragraph 2 of this subdivision and subparagraphs (d) and (e) of paragraph 3 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 not otherwise prohibited by law.

(b) 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.

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

(d) Toy aircraft are exempt from subparagraph (a) of paragraph 2 of this subdivision and subparagraph (a) of paragraph 3 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 paragraph 1 of subdivision h of this section is guilty of a misdemeanor punishable by a fine of not more than \$5,000, imprisonment of not more than one year or both.

2. Any person who violates [any of the provisions] subdivision b, c, e, f or g of this section or paragraph 2 of subdivision h of this section [shall be] is guilty of a misdemeanor punishable by a fine of not more than \$1,000, imprisonment of not more than one year or both.

3. Any person who violates paragraph 3 of subdivision h of this section is guilty of a violation

punishable by a fine of not more than \$250, imprisonment of not more than 15 days or both.

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-154 to read as follows:

§ 18-154 Designation of areas for operating unmanned aerial vehicles. a. For purposes of this section, the following terms have the following meanings:

Aircraft. The term “aircraft” means a device that is used or intended to be used for flight in the air, including a captive balloon, except a parachute or other device designed for use as and carried primarily as safety equipment.

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

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

Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is avigated without a human pilot on board.

b. Within 120 days of the effective date of this section, the commissioner shall designate, within one or more parks under the jurisdiction of the department, areas where UAVs may be avigated lawfully. In selecting such areas, the commissioner shall take into consideration (i) the safety and privacy of the public, (ii) the need to maintain the peace and order of city parkland, and (iii) the fair distribution throughout the city of areas designated for UAV operation.

§ 3. Section 1 of this local law takes effect 120 days after it becomes law. Section 2 of this local law takes effect immediately. The police commissioner shall take measures to make the public aware of the requirements of section 1 of this local law before it takes effect.

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