

**ORDINANCE NO. 21- 2024  
BOROUGH OF SEA GIRT**

**AN ORDINANCE CREATING CHAPTER 3-29, DRONES AND UNMANNED  
AIRCRAFT OF THE BOROUGH CODE OF THE BOROUGH OF SEA GIRT**

**3-29 Drones and Unmanned Aircraft**

**3-29.1 Purpose and intent.**

It is the purpose and intent of this chapter to address the potential hazard unmanned aircraft and unmanned aircraft systems pose to persons and property on the ground. This chapter is not intended to conflict with or preempt Federal Aviation Administration (FAA) regulations, but rather to work in conjunction with those regulations to promote public safety while recognizing the limitation of the FAA's enforcement capabilities.

**3-29.2 Definitions.**

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

**DATA COLLECTION**

The acquisition of information by use of one or more sensing devices.

**DRONE**

An unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (GPS) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

**SENSING DEVICE**

A device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WIFI, or other data frequencies).

**UNMANNED AIRCRAFT**

An unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

**3-29.3 Regulations.**

- A. Unmanned aircraft are prohibited from taking off or landing on any beach or beach dune area or any public right-of-way or road, except for landings in the event of an emergency.
- B. Unmanned aircraft are prohibited from flying in any airspace below 400 feet in the following areas:
  - (1) The airspace over any beach while lifeguards are on duty.
  - (2) The airspace over any government or public buildings, property, or parks.
- C. Unmanned aircraft are prohibited from all airspace above Block 106 within the Borough of Sea

Girt.

- D. No unmanned aircraft shall be operated in a reckless, dangerous, harassing, or threatening manner, or for the purpose of data collection at locations where persons have an expectation of privacy, or in any manner that poses a threat to public utilities or the public health, welfare, and safety.
- E. No unmanned aircraft shall fly within 100 feet of any person.

### **3-29.4 Exceptions.**

- A. This chapter shall not prohibit any governmental agencies or emergency service organizations from the use of unmanned aircraft for any lawful and authorized purpose pursuant to the Constitution and federal and state regulations.
- B. This chapter shall not prohibit individuals from the use of unmanned aircraft for business purposes in the airspace within the boundary lines of private property with the property owner's consent, except that data collection shall be limited to and relating to the properties where the owners provide consent thereto. The permitted use of unmanned aircraft pursuant to the foregoing shall include the airspace of the public streets and property immediately adjacent to the private property, provided that the use of the roads and public property is reasonably necessary for the business purpose, is performed within a reasonable amount of time, and it is not operated in the airspace within 30 feet of persons, except for the persons involved in the permitted activity.

### **3-29.5 Violations and penalties.**

A violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, Section 1-5 General Penalty. A conviction under this chapter shall not merge with any other conviction of harassment, invasion of privacy pursuant, obstructing administration of law or other governmental function, introducing contraband, contempt of a domestic violence order which constitutes a crime or disorderly persons offense, or any other criminal or disorderly person offense even if the other conviction involves the use of an unmanned aircraft.

## **CERTIFICATION**

I, Dawn Harriman, Municipal Clerk, Borough of Sea Girt, County of Monmouth, State of New Jersey, do hereby *certify* that the foregoing Ordinance 21-2024 was duly adopted by the Borough Council at the August 14, 2024 meeting.

*Dawn Harriman*

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Dawn Harriman, RMC, CMR  
Municipal Clerk

Introduced: July 10, 2024  
Adopted: August 14, 2024