

LOCAL LAW NO. 9 OF 2018

A LOCAL LAW amending Town Code Chapter 283 (Special Events) to Prohibit the Use of Unmanned Aircraft Systems During Special Events.

BE IT ENACTED by the Town Board of the Town of Southampton as follows:

Section 1. Legislative Intent.

Unmanned aircraft systems ("UAS"), or "drones", have been recognized in many towns and cities throughout the country to pose potential safety risks. These dangers include ground-based operators losing control of their UAS, or having control remotely taken over, causing the UAS to crash, resulting in injury to persons on the ground, particularly when large groups of people gather at special events. Drones can also be operated intentionally to cause harm and disruption or to assist through surveillance in planning and executing criminal activities, and to monitor event set up, security measures, transportation, or other special event infrastructure.

In order to minimize these dangers to the public during special events, the Town Board seeks to prohibit the use of drones during special events, unless written permission is given by the Town to specific individuals for specific purposes. This will allow events to take place without fear of unregulated, privately operated drones from disrupting such events.

Section 2. Amendment.

Town Code Chapter 283 (Special Events) at subsection 283-1 (Definitions) and 283-13 (Unmanned Aircraft Systems) are hereby amended by deleting the stricken words and adding the underlined words as follows:

§270-1. Definitions.

UNMANNED AIRCRAFT: A device that is intended to navigate in the air without an onboard pilot; or an aircraft that is operated without the possibility of human intervention from within or on the aircraft. Unmanned aircraft are also referred to as "drones."

UNMANNED AIRCRAFT SYSTEM: An unmanned aircraft and associated elements (including communications links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

§283-13 Unmanned aircraft systems.

(a) It shall be unlawful for any person to take off, land or operate an unmanned aircraft or unmanned aircraft system within two miles of and within two hours before or after a special event conducted pursuant to a permit issued under this chapter.

(b) Exceptions; express written permission required. The takeoff, landing or operation of an unmanned aircraft or unmanned aircraft system as proscribed herein may be permitted pursuant to written permission issued by the Chief of Police or designee of the Town of Southampton. This permission, when issued, will be subject to all applicable regulations of the Federal Aviation Administration.

Section 3. Authority.

The proposed local law is enacted pursuant to Municipal Home Rule Law §§10(1)(i), 10(1)(ii)(a)(11), and 10(1)(ii)(a)(12), as well as in furtherance of Town Law §130(3-a).

Section 4. Severability.

If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule Law.