

**CITY OF VENTNOR CITY  
ORDINANCE 2016-12**

**AN ORDINANCE CREATING CHAPTER 107 OF THE VENTNOR CITY CODE –  
DRONES AND UNMANNED AIRCRAFT**

**WHEREAS**, the City of Ventnor deems it appropriate, necessary, and proper for the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft on government owned property; and

**WHEREAS**, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400’), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared see-through scopes); and

**WHEREAS**, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

**WHEREAS**, drones and unmanned aircraft can be used to fly above City owned properties in a manner that is inherently dangerous to the public health, welfare, and safety; and

**WHEREAS**, imposing community-based safety requirements on the operation of “Model Aircraft” consistent with PL 112-95126 Stat 11 § 336(a) and the associated regulations promulgated by the Federal Aviation Administration (“FAA”) is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of unmanned aircraft.

**NOW THEREFORE, BE IT ORDAINED** by the Commission of the City of Ventnor, County of Atlantic, State of New Jersey, that:

**STATEMENT OF PURPOSE**

Section I. The purpose of this Ordinance is to add Chapter 107, by adding certain and specific regulations of unmanned aircraft in the City of Ventnor to protect the public health, welfare, and safety of the public.

**Chapter 107. DRONES AND UNMANNED AIRCRAFT**

Article I. Drones and Unmanned Aircraft Regulations

**§107-1. Definitions**

“Data collection” means the acquisition of information by use of one or more sensing devices.

“Drone” means 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” means 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, Wi-Fi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote control flight by any means device, is not capable of any data collection, and that does not possess any sensing devices.

**§107-2. Regulations**

A. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from being launched from, or landing on, any government or public buildings, property, or parks within the City unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

B. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from operating or flying in any airspace under 400 feet over any government or public buildings, property, or parks

within the City unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

C. Except as otherwise provided in §107-3, drones and unmanned aircraft are prohibited from operating or flying in any airspace under 400 feet over the Ventnor City Beaches from May 31<sup>st</sup> through September 1<sup>st</sup> in any given year unless prior written permission has been granted by the Ventnor City Chief of Police for a special event or City sponsored event.

**§107.3. Exceptions**

A. This Chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization of or servicing the City, the State of New Jersey, or the United States of America for lawful purposes and in a lawful manner.

B. This Chapter shall not prohibit any federal, state, county or municipal agency from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.

C. This Chapter shall not prohibit the use of unmanned aircraft by any federal, state, county or municipal agency, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner.

**§107-4. Violations and penalties**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine of not more than \$2000.00. A separate offense shall be deemed committed on each day during or on which a new violation occurs or continues. The Court, in its discretion, may order the imposition of up to a maximum of 90 days of community service in addition to or as a substitute for any fine.

Section II. All ordinances or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

Section III. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section IV. This Ordinance shall take effect after final passage, adoption and publication according to law.

FIRST READING: July 21, 2016

PUBLICATION: July 25, 2016

PUBLIC HEARING &  
ADOPTION: August 18, 2016

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Mayor Beth Holtzman

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Commissioner H. Timothy Kriebel

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Commissioner Lance B. Landgraf, Jr.

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Janice Callaghan, RMC  
City Clerk