

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE 16-09

**ORDINANCE ESTABLISHING CHAPTER 118 OF THE BOROUGH CODE ENTITLED
“DRONES AND UNMANNED AIRCRAFT”
REGARDING CERTAIN REGULATIONS OF DRONE TECHNOLOGY
AND UNMANNED AIRCRAFT FOR THE BOROUGH OF ALLENDALE**

WHEREAS, the Borough of Allendale (“Borough”) deems it appropriate, necessary, and proper for good government, order, the protection and privacy 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 in the Borough; 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 residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Allendale, County of Bergen, State of New Jersey, that:

ARTICLE I

STATEMENT OF PURPOSE

The purpose of this Ordinance is to adopt Chapter 118 of the Borough Code to add specific regulations of drone technology and unmanned aircraft in the Borough to protect the public health, privacy, property, welfare, and safety.

ARTICLE II

DRONES AND UNMANNED AIRCRAFT

118-1. 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, WiFi, 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 and that does not possess any sensing device and is not capable of any data collection.

118-2. Regulations

- A. Except as otherwise provided in §118-3, drones are prohibited from flying in any airspace below 400 feet within the Borough.
- B. Except as otherwise provided in §118-3, unmanned aircraft are prohibited from flying in any airspace below 400 feet with the Borough in:
 1. the airspace over any residential or commercial zoned area in the Borough;
 2. the airspace over any roads with the Borough; and
 3. the airspace over any government or public buildings, property, or parks with the Borough.

118-3. 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 Borough, 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 individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner’s consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.

- D. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific FAA regulations, if any, shall not be permitted.
- E. This Chapter shall not prohibit the use of unmanned aircraft by:
1. 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; or
 2. an owner of private property in the Borough in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in the Borough with that property owner's consent.

ARTICLE III

GENERAL PROVISIONS

3-12.4. Violations and penalties.

A violation of this Chapter shall be punishable as provided in Chapter I, General Provisions, Article 1-18, General Penalty and shall be enforced by the Police Department or the Administrative Officer of the Borough of Allendale. The Chief of Police and/or the Administrative Officer may authorize a waiver of any of the requirements or limitations of this chapter.

3-12.5. Repealer.

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

3-12.6. Severability.

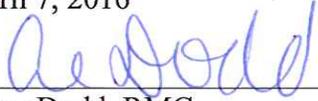
If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

3-12.7. Effective date.

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

	Motion	Second	Yea	Nay	Absent	Abstain
Bernstein			✓			
Homan			✓			
McSwiggan	✓		✓			
Sasso		✓	✓			
Strauch			✓			
Wilczynski			✓			
White						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of Allendale on
April 7, 2016



Anne Dodd, RMC
Municipal Clerk



Mayor Elizabeth White