



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 11/21/23 06:30 PM
Department: Township Clerk
Category: Establish
DOC ID: 8062

ORDINANCE (ID # 8062)

Ordinance No. 37-2023 ADOPTING CERTAIN REGULATIONS RELATED TO DRONE TECHNOLOGY AND UNMANNED AIRCRAFT WITHIN THE TOWNSHIP'S PARKS AND PLAYGROUNDS BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #37-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

ADOPTING CERTAIN REGULATIONS RELATED TO DRONE TECHNOLOGY AND UNMANNED AIRCRAFT WITHIN THE TOWNSHIP'S PARKS AND PLAYGROUNDS

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #37-2023 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

10/17/23 Township Council INTRODUCED

RESULT:	TABLED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Karen Orgen, Councilwoman
SECONDER:	Hillary Goldberg, Councilwoman
AYES:	Katz, Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

**ORDINANCE NO. 37-2023 ADOPTING CERTAIN REGULATIONS
RELATED TO DRONE TECHNOLOGY AND UNMANNED AIRCRAFT
WITHIN THE TOWNSHIP'S PARKS AND PLAYGROUNDS BE IT
RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TEANECK THAT ORDINANCE #37-2023 PASS UPON SECOND AND
FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY
AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME
ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE
NOTICES IN ACCORDANCE WITH LAW.**

WHEREAS, the Township of Teaneck (the "Township") deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of Township and its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in the parks and playgrounds located within the Township; and

WHEREAS, drone technology includes "drones," which are unmanned aircraft that can fly under the control of a remote pilot or via geographic positions system (GPS) guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400 feet), and are equipped with surveillance technologies (*e.g.*, high definition cameras, night vision cameras, and infrared-see-through scopes, etc.); 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 the Township's public parks and playgrounds in such a manner as to disturb the peaceful enjoyment thereof or in such a manner that is inherently dangerous to the public health, welfare, and safety; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council that:

SECTION I. Chapter 27, "Parks and Playgrounds" of the Township Code of the Township of Teaneck is hereby amended to add the following Section 27-8, "Drones and Unmanned Aircraft," which shall state as follows:

Sec. 27-8. Drones and Unmanned Aircraft

(a) 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.

(b) Regulations.

- (1) Except as otherwise provided in this chapter, persons and entities are prohibited from:
 - (a) Causing drones and unmanned aircraft to take off and/or land in any park or playground located within the Township; and
 - (b) Operating drones and unmanned aircraft in any airspace within 400 feet of the ground and structures in any park or playground located within the Township.
- (2) Drones and unmanned aircraft operated pursuant to the exceptions set forth in this chapter shall not be operated in a reckless, dangerous, harassing, or threatening manner.

(c) Exceptions.

- (1) This chapter shall not prohibit the constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization or servicing the Township, the State of New Jersey, or the United States government for lawful purposes and in a lawful manner.
- (2) This chapter shall not prohibit any state or federal agencies from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to federal and state regulations.

- (3) Any and all persons who operate a drone pursuant to the exceptions set forth in this Section 27-8(d) shall possess a remote pilot certificate issued by the FAA pursuant Part 107 of the FAA regulations.

(d) Annual registration and notice of permitted drone use.

- (1) All persons and entities shall complete and file an annual drone registration form (“annual form”), which is available on the municipal website and from the Clerk, at least 24 hours prior to the operation of any drone. The annual form shall be filed with the Clerk and shall be valid during the calendar year within which it is filed. No person or entity may operate any drone within any park or playground located within the Township without the filing of the annual form.

- (a) The annual form shall require the following:

- (1) The name, address, and telephone number of the person or entity filing the annual form and that intends to operate the drone.
- (2) The take-off and landing location of the drone operation, the expected start and end time of the operation, and the purpose of the operation.
- (3) A statement that the operator has reviewed the applicable regulations and intends to abide by them.
- (4) A statement that the pilot possesses a valid FAA remote pilot certificate and attach a copy of same.

- (b) Once a person or entity has filed an annual form which has been accepted and approved by the Clerk, all future drone operations by that person or entity during the same calendar year of the filing of the annual form shall be by telephone notice to the Clerk at least 24 hours prior to the proposed operation of the drone. The person or entity shall provide the Clerk with all information relating to the drone operation required by the annual form via telephone and/or email correspondence.

- (2) In addition to the above-stated annual form, all persons or entities seeking to use a drone in any park or playground within the Township are required to provide the Township with a certificate of insurance covering and indemnifying the Township for any damage that may arise out of said drone usage.
- (3) The burden of proof shall be upon the person and/or entity to establish that the use of the drone is permitted pursuant to this chapter. Notwithstanding verbal or written approval by the Clerk, in the event that the use of the drones is determined not to comply with the exceptions set forth in Section 27-8(c), the person and/or entities shall be deemed to be in violation of this chapter.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

STATE OF NEW JERSEY)
): ss
COUNTY OF BERGEN)

I, Doug Ruccione, Township Clerk of the Township of Teaneck, do hereby certify that the foregoing Ordinance is a true and exact copy of the General Ordinance No.____ and was duly adopted by the Township of Teaneck at a meeting held on _____, with a quorum being present and voting in the majority.

Clerk, Township of Teaneck