

ORDINANCE NO. 11-2018

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE TO REPLACE SECTION 3-8 ENTITLED
“RESERVED” IN CHAPTER III “POLICE REGULATIONS” WITH
NEW SECTION 3-8 ENTITLED “OPERATION OF UNMANNED
AIRCRAFT SYSTEMS ON PUBLIC PROPERTY”**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter III “Police Regulations” to restrict the use of unmanned aircraft systems on public property in order to preserve the public peace and order;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter III “Police Regulations” of the Revised General Ordinances of the Borough shall be amended as follows:

SECTION I

That section 3-8 entitled “Reserved” shall be replaced by new section 3-8 entitled “Operation of Unmanned Aircraft Systems on Public Property” adding the following **thus** and deleting the following **thus**:

3-8 ~~RESERVED.~~

3-8 OPERATION OF UNMANNED AIRCRAFT SYSTEMS ON PUBLIC PROPERTY

3-8.1 Purpose.

The purpose of this section is to protect the privacy and security of Borough residents and school facilities and children from the operation of Unmanned Aircraft Systems (UAS) on public property.

3-8.2 Definitions.

For the purpose of this section the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Drone -- The term Drone shall have the same meaning as Unmanned Aircraft System (UAS)

Unmanned Aircraft System (UAS) – The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication 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.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3-8.3 Prohibited Conduct.

In addition to Federal or State Regulations limiting the operation of Unmanned Aircraft Systems (UAS), the flying of any Unmanned Aircraft System, drones, or rockets by any person upon or across any property owned by the Borough, or within five hundred feet (500’) of any public or private school, nursery school, or child care facility is prohibited.

3-8.4 Enforcement.

- a. This section shall be enforced by the Roseland Police Department and/or other municipal officials so designated by the Mayor and Council of the Borough of Roseland.
- b. Any Borough Police Officer shall be authorized to remove any Unmanned Aircraft System (UAS), as defined herein, from property owned by the Borough to a storage space or garage. The Unmanned Aircraft System (UAS) shall be stored until the owner thereof has claimed the Unmanned Aircraft System (UAS), and made satisfactory provisions for transporting such Unmanned Aircraft System (UAS) to private property. The expense involved in such removal, storage and transfer shall be borne by the owner of the Unmanned Aircraft System (UAS).
- c. Exceptions.
 1. This Section shall not prohibit any federal, state, county or municipal agency, law enforcement agency, or emergency services organization from the use of any Unmanned Aircraft System or Drone for any lawful and authorized purpose pursuant to the applicable regulation.

3-8.5 Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: July 24, 2018

Motion to Introduce by: Councilwoman Tolli

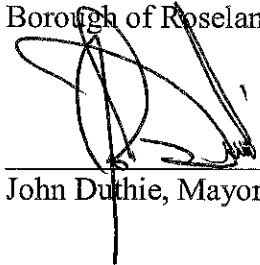
Motion Seconded by: Councilman Bardi

Introduction Approved: 6-0 Voice Vote

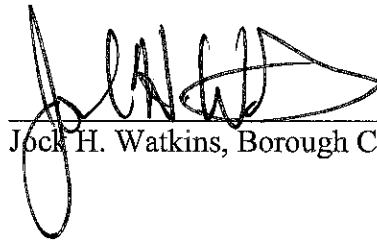
DATE OF ADOPTION: August 14, 2018

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilman Jacobs			X				
Councilman Leonard			X				
Councilman Smith			X				
Council President Tolli	X		X				
Councilman Tsilionis			X				
Mayor Duthie (In case of tie)							
VOTE:			6	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 14th day of August, 2018.



John Duthie, Mayor



Jock H. Watkins, Borough Clerk

Date of Publication: August 20, 2018, the Star Ledger