

**ORDINANCE 2020-07**  
**TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**AN ORDINANCE ADOPTING A NEW CHAPTER 19,  
“DRONES”, TO THE GREEN TOWNSHIP CODE**

**WHEREAS**, Green Township desires to add a new Chapter to the Green Township Code regarding the operation of drones within Green Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of Green Township, Sussex County, New Jersey, that a new Chapter 19 shall be adopted as part of the Green Township Code, regarding the operation of drones within Township, as set forth herein:

**SECTION 1.**

A new Chapter 19, Drones, shall be adopted as follows:

**Chapter 19 Drones**

**19-1 Purpose and Intent.**

It is the purpose and intent of this Chapter to address the potential hazard unmanned aircraft and unmanned aircraft systems pose to other aircraft in flight, and to persons and property on the ground. This Chapter is not intended to conflict with or preempt Federal Aviation Administration (FAA) regulations, but rather to work in conjunction with those regulations to promote public safety while recognizing the limitation of the FAA's enforcement capabilities.

**19-2 Definitions.**

The following words, phrases and terms as used in this Chapter shall have the meanings indicated as follows:

**DRONE** – An unmanned aircraft that can fly under the control of a remote pilot or by a geographic positioning system (GPS) guided autopilot mechanism and that may be equipped with any sensing device or capable of any data collection.

**FAA** – The Federal Aviation Administration

**HOBBY OR RECREATIONAL PURPOSES** – A pursuit engaged in relaxation, and not for business purposes and not for compensation of hire.

**MODEL AIRCRAFT** – An unmanned aircraft or unmanned aircraft system operated by any person strictly for hobby or recreational purposes. A model aircraft operator is an individual who satisfies all of the exemption criteria specified in Section 336 of Public Law 112-95, codified in Part 101 of the FAA

Regulations, and files his/her aircraft in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization.

**OPERATE** – To pilot, steer, direct, fly or manage an unmanned aircraft through the air whether from within the aircraft or remotely. The term operate includes managing or initiating a computer system that pilots, steers, directs, files or manages an unmanned aircraft.

**PUBLIC PROPERTY** – Real property and structures owned or leased by the Township including, without limitation, parks, playgrounds, streets, sidewalks and other rights-of-way, and buildings. Public property shall also include real property and structures which are being leased by the Township to a lessee.

**SMALL UNMANNED AIRCRAFT** – An unmanned aircraft that weighs less than or equal to 55 pounds, excluding toy aircraft.

**SURVEILLANCE** – The gathering, without permission in a manner that is offensive to a reasonable person, of visual images, physical impressions, sound recordings, data or other information involving the private, personal business or familial activities of another person, business or entity, or that otherwise intrudes upon the privacy, solitude or seclusion of another person, business or entity, regardless of whether a physical trespass onto real property owned, leased otherwise lawfully occupied by such other person, business or entity, or into the airspace above real property owned, leased or otherwise lawfully occupied to such other person, business or other entity, occurs in connection with such surveillance.

**TOY AIRCRAFT** – A glider or hand-tossed aircraft that is not designed for and is incapable of sustained flight; may be controlled by means of a physical attachment, such as a string or wire.

**UNMANNED AIRCRAFT (UA)** – A device of any size that is used or intended to be used for flight in the air, operated without the possibility of direct human intervention from within or on the device. This definition includes devices commonly known as model aircraft and drones, but excludes toy aircraft.

**UNMANNED AIRCRAFT SYSTEM (UAS)** – Unmanned aircraft and its associated elements, including the control station, communication link, data link, navigation equipment, launch/recovery equipment, other support equipment and payload.

**WEAPON** – Any instrument article or substance that, under the circumstances in which it is used, attempted to be used or threatened to be



used, is readily capable of causing death or serious physical injury to any person or damage to any property, including, but not limited to, firing a bullet, projectile or laser.

**19-3 Operating Regulations.**

- A. Takeoff and landing. It shall be unlawful for any person operating any UA/UAS to take off from or land on or upon, except in an emergency, any Township-owned property except as specifically provided in Section 19-4 below.
- B. Any person who operates or causes to be operated any UA/UAS within the limits of the Township of Green must be able to present, immediately upon request by the Township Clerk or Code Enforcement Officer, a current certificate of aircraft registration issued by the FAA for the UA/UAS, together with a remote pilot certificate, where the use of the UA/UAS requires such a certificate under 14 CFR Part 107.
- C. It shall be unlawful for any person to operate any UA/UAS in the air, on the ground, or on the water:
  - (1) In a careless or reckless manner so as to endanger the life or property of another;
  - (2) In violation of any notice to airmen or any temporary or permanent flight restriction issued by the FAA pursuant to 14 CFR 91, as amended;
  - (3) In violation of any requirement or restriction issued by the FAA applicable to UA/UAS, including, without limitation, the provisions of 14 CFR Part 101 and 14 CFR Part 107; or
  - (4) In a manner that interferes with law enforcement, firefighting, or any governmental emergency operations.
- D. It shall be unlawful for any person to operate any UA/UAS less than 400 feet above ground level in areas that have been designated a temporary "no fly zone" by the Township. When a no fly zone is established, the Township shall post notice of same on the official Township website and on the bulletin board at the Green Township Administrative Office and Evergreen Park bulletin board and shall also post warning signs in the vicinity of the no fly zone.
- E. It shall be unlawful for any person to operate any UA/UAS on the grounds of, or less than 400 feet above ground level within the

airspace, overlaying a public school in the Township of Green without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.

- F. It shall be unlawful for any person to use any UA/UAS to capture images of public school grounds in the Township of Green without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.
- G. It shall be unlawful for any person to operate any UA/UAS that is equipped with a firearm or other weapon.
- H. It shall be unlawful for any person to operate any UA/UAS carrying pyrotechnic devices that explode or burn, or any device which propels a projectile or drops any object that creates a hazard to persons or property.
- I. It shall be unlawful for any person to operate any UA/UAS with metal-blade propellers or with gaseous boosts.

19-4 **Exceptions.**

- A. It shall not be unlawful for any law enforcement agency or emergency services organization of or servicing the Township of Green, the County of Sussex, the State of New Jersey, or the United States government to operate any UA/UAS from or on or upon any public property, provided the flight is conducted in a lawful manner and for lawful purposes and the agency or organization is operating the UA/UAS under 14 CFR Part 107, including aircraft and pilot requirements, or has obtained a blanket public certificate of waiver or authorization (COA) or is otherwise authorized by state or federal law.
- 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.
- E. 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 shall be in accordance with applicable law and FAA regulations.

- F. This Chapter shall not prohibit the use of unmanned aircraft by an owner of private property in the Township in the airspace within the boundary lines of that property or in airspace within the boundary lines of private property in the Township with that property owner's consent.

**19-5 Accident Reporting.**

The operator of any UA/UAS shall immediately report to the Township Clerk any operation of the UA/UAS on public property involving:

- A. Injury to any person; or
- B. Damage to any private or public property.

**19-6 Enforcement; violation and penalties.**

- A. The Township Clerk and the Code Enforcement Officer are the local enforcing agencies charged with enforcing this Chapter.
- B. Any person who violates any provision of this Chapter shall, upon conviction by a court of competent jurisdiction, be subject to a mandatory fine of \$100 for the first offense; \$250 for the second offense; and \$500 for the third and any subsequent offenses.
- C. Enforcement actions for violations of this Chapter shall be reported to the FAA by the local enforcing agency in accordance with the FAA's "Law Enforcement Guidance for Suspected Unauthorized Operations."

**SECTION 2. SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3. REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.


**SECTION 4. EFFECTIVE DATE**


This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

ORDINANCE 2020-07  
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ATTEST:

TOWNSHIP OF GREEN,  
IN THE COUNTY OF SUSSEX

  
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Mark Zschack, RMC  
Township Clerk

  
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Margaret "Peg" Phillips  
Mayor, Green Township

**Record of Vote - Introduction:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	√		√			
Mr. Conkling						√
Mr. Qarmout		√	√			
Mrs. Raffay			√			
Mrs. Phillips			√			

**Record of Vote - Adoption:**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip	√		√			
Mr. Conkling		√	√			
Mr. Qarmout			√			
Mrs. Raffay			√			
Mrs. Phillips			√			

INTRODUCED: September 21, 2020  
ADOPTED: October 5, 2020

ADVERTISED: October 5, 2020  
ADVERTISED: October 7, 2020