

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2024**

**A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED
“TOWN FACILITIES.”**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 57 of the Town Code enacting regulations for “Unmanned Aerial Vehicles” in order to ensure the safety to the public and maintain a pleasing public environment free of potential audiovisual nuisance.

Section 2.

Chapter 57 of the Town Code is hereby amended to read as follows:

ARTICLE IV. UNMANNED AERIAL VEHICLES

§ 57-19 Legislative Intent.

- A. The Town Board of the Town of North Hempstead has determined that there has been a proliferation of the use of unmanned aerial vehicles (commonly known as "drones" (UAV) in and around the Town of North Hempstead. The Town Board also finds that the flying of these drones presents an audiovisual nuisance and potentially dangerous condition to the public and wildlife that may be present at Town facilities. Such a condition is inconsistent with maintaining of a safe and pleasing public environment. The Town Board further finds that it is in the public interest to regulate the private and commercial use of such UAV on the grounds of Town facilities.**
- B. The Town Board recognizes that the Federal Aviation Administration has authority to regulate the use of UAV by public entities as well as UAV used for commercial purposes and that no person shall operate a UAV for commercial purposes without the express permission of the FAA.**
- C. No provision under this Article shall be interpreted to apply to the Aerodrome, located on West Shore Road in Port Washington which is a Town facility specifically reserved for the use of UAV.**

§ 57-20 Scope; applicability.

- A. Scope. No UAV may be taken off/launched from or landed at any Town facility, as defined herein, by any private, commercial, or business person or entity without approval of such use from the Town of North Hempstead, as evidenced by a permit issued by the Town Clerk.
- B. Applicability.
1. The provisions of this chapter does not apply to any use of UAV at the Aerodrome, located at Hempstead Harbor on West Shore Road in Port Washington.
 2. The provisions of this chapter do not, and are not intended to limit, replace, or circumvent any state or federal law, code or regulation. Should any provision of this chapter be in conflict with any applicable federal, state, or local law, ordinance, code, or regulation, the more restrictive provision or requirement shall prevail.

§ 57-21 Definitions.

As used herein and unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

UNMANNED AERIAL VEHICLE: Any mechanical device weighing not less than fifty five hundredths of a pound (0.55 lbs) which is airborne or may be caused to be airborne, including drones as well as any other similar mechanical device that is controlled by radio transmitter.

§ 57-22 Enforcement.

All employees of the Department of Public Safety who are now or hereafter charged with the responsibility to perform inspection and/or enforcement duties with regard to the laws, codes, ordinances, and rules and regulations within the general jurisdiction of their respective department, as well as police officers having jurisdiction, are hereby further empowered to enforce the provisions of this chapter and to issue appearance tickets returnable in the District Court of Nassau County for violations thereof.

§ 57-23 Penalties for offenses.

- A. Any person who violates the provisions of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by (1) a fine not exceeding \$500.00 or by imprisonment for a term not exceeding fifteen days for the first offense; (2) a fine not exceeding

\$1,000.00 or by imprisonment for a term not exceeding fifteen days for a second offense occurring within the first year of the first offense; (3) a fine not exceeding \$1,500.00 or by imprisonment for a term not exceeding fifteen days for a third offense occurring within eighteen months of the first offense; or by both such fine and imprisonment.

§ 57-24 Permits.

- A. Anyone seeking issuance of a special exception permit to operate a UAV, not otherwise permitted by another governmental authority, shall file an application with the Town Clerk on forms provided by the Town Clerk.

- B. Permit period. For the period beginning on January 1 and concluding on December 31 of each calendar year, a permit shall be available to applicants satisfying the permitting requirements of this chapter when the applicant intends to use a UAV at a Town facility between the hours of 9:00 a.m. and 7:00 p.m.

- C. Form of permit application.
 - 1. The application for a permit shall set forth the following information:
 - a. The name, address and telephone number of the person seeking to conduct such activity.

 - b. If the activity is proposed to be conducted for, on behalf of or by an organization, the name, principal address and telephone number of the organization.
 - 1. The name, address and telephone number of the person or officers of the organization authorized to be responsible for the activity.

 - c. The date(s) when the activity is to be conducted.

 - d. Description of any photographic, video and/or audio recording capabilities of the UAV as well as any attachments to the UAV.

 - e. The UAV operator's AMA membership number, if any, or, where applicable, the UAV's FAA registration number.

 - 2. For purposes of a nonseasonal use application, and in addition to the information required by Subsection C(1) of this section, the applicant shall set forth in the permit application:

- a. The number of persons who will be involved conducting the activity(ies).
 - b. The area over which the activity(ies) is (are) proposed to be conducted as well as the starting point and the termination point.
 - c. The times when the activity(ies) is (are) proposed to commence and terminate.
 - d. The altitude(s) of the proposed UAV flight.
- D. Waiver of time limitation: The Town Clerk, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 15 days prior to the proposed activity date.

§ 57-25 Insurance requirement.

- A. As part of the application for a permit to operate a UAV under the terms of this chapter, the applicant must provide proof of liability insurance, naming the Town of North Hempstead as a named insured, in the following minimum limits:
1. General liability: Coverage limits must be at least 1,000,000 per occurrence and \$2,000,000 general aggregate.
- B. For purposes of this section, proof of membership in the Academy of Model Aeronautics ("AMA") shall be deemed to be satisfactory proof of insurance for noncommercial UAV operations.

§ 57-26 Standards for issuance.

The Town Clerk shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- A. The proposed activity will be orderly in character and not tend to disturb the public peace.
- B. The conduct of the activity will not interrupt the providing of normal emergency services in the area.
- C. The conduct of the activity will not interrupt the safe and orderly movement of traffic.

§ 57-27 Alternative permit.

The Town Clerk, in denying an application for a special exception permit, shall be

empowered to authorize the conduct of the activity on a date, at a time different from that designated by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action by the Town Clerk, file a written notice of acceptance with the Town Clerk. An alternate permit shall conform to the requirements of a permit under this chapter.

§ 57-28 Form of permit.

A. Each permit shall contain the following information:

- 1. The name and address of the person granted the permit.**
- 2. The name of the manufacturer, model number, and serial number of the UAV to be flown.**
- 3. Description of any photographic, video and/or audio recording capabilities of the UAV as well as any attachments to the UAV.**
- 4. The UAV operator's AMA membership number, if any, or, where applicable, the UAV's FAA registration number.**

§ 57-29 Duties of permittee.

- A. A permittee hereunder shall comply with all permit terms and conditions and with all applicable laws and ordinances, including, without limitation, regulations and rules promulgated by the AMA in the case of hobbyist UAV operation or 14 CFR Part 107 in the case of commercial UAV operation.**
- B. The person granted the permit shall have the permit in his/her immediate possession at all times during the conduct of the activity and shall display the same upon demand of any person authorized to enforce this chapter.**

§ 57-30 Conduct of permittee.

A permittee shall operate the authorized UAV in a manner consistent with the permit issued by the Town of North Hempstead.

§ 57-31 Exceptions.

- A. The above prohibition shall not apply to the use of drones for active law enforcement purposes or any emergency service including but not limited to fire departments and healthcare service providers, or where the same is authorized by license or permit under the laws and regulations of the United States of America, the State of New York, or under the regulations of the Town of North Hempstead, or as a function of any Town Department, or for which permission**

has been previously granted by the appropriate governing body, board, agency or commission having authority to grant such permissions.

- B. The above prohibition shall not apply to the use of UAV or drones at the “Aerodrome” located at Hempstead Harbor on West Shore Road in Port Washington.**

§ 57-32 Repeal of other laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.