

ORDINANCE2024-16C

ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING CHAPTER 8.76, WHICH SHALL REGULATE DRONE TECHNOLOGY AND UNMANNED AIRCRAFT

STATEMENT OF PURPOSE

The purpose of this Ordinance is to adopt Chapter 8.68 to regulate drone technology and unmanned aircraft to protect the public health, welfare, and safety.

SECTION I

§8.76 is adopted as follows.

§8.76. Drones and Unmanned Aircraft

§8.76.010 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.

§8.76.020 Regulations.

- A. Unmanned aircraft are prohibited from taking off or landing on any beach dune area or any public right-of-way or road, except for landings in the event of an emergency.
- B. Unmanned aircraft are prohibited from taking off or landing on any beach between the hours of 10:00 a.m. and 6:00 p.m., except for landings in the event of an emergency or taking and off and landing for use above the ocean for fishing purposes.
- C. Unmanned aircraft are prohibited from flying in any airspace below 400 feet in the following areas.
 - 1. The airspace over any beach while lifeguards are on duty, except as set forth in B above.
 - 2. The airspace over any government or public buildings, property, or parks.
- D. No unmanned aircraft shall be operated in a reckless, dangerous, harassing, or threatening manner, or for the purpose of data collection at locations where persons have an expectation of privacy, or in any manner that poses a threat to public utilities or the public health, welfare, and safety.
- E. No unmanned aircraft shall fly within 100 feet of any person.

§8.76.030 Exceptions.

- A. This Chapter shall not prohibit any governmental agencies or emergency service organizations from the use of unmanned aircraft for any lawful and authorized purpose pursuant to the Constitution and federal and state regulations.

- B. This Chapter shall not prohibit the use of unmanned aircraft by not-for-profit colleges and universities or scientific institutions for educational, scientific, environmental, or resource management purposes.
- C. This Chapter shall not prohibit individuals from the use of unmanned aircraft for business purposes in the airspace within the boundary lines of private property with the property owner's consent, except that data collection shall be limited to of and relating to the properties where the owners provide consent thereto. The permitted use of unmanned aircraft pursuant to the foregoing shall include the airspace of the public streets and property immediately adjacent to the private property, provided that the use of the roads and public property is reasonably necessary for the business purpose, is performed within a reasonable amount of time, and it is not operated in the airspace within 30 feet of persons, except for the persons involved in the permitted activity.

§8.76.040 Violations and penalties.

A violation of this Chapter shall be punishable as provided in Title 1, General Provisions, 1.08 General Penalty. A conviction under this Chapter shall not merge with any other conviction of harassment, invasion of privacy pursuant, obstructing administration of law or other governmental function, introducing contraband, contempt of a domestic violence order which constitutes a crime or disorderly persons offense, or any other criminal or disorderly person offense even if the other conviction involves the use of an unmanned aircraft.

SECTION II

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

SECTION III

If any word, phrase, clause, section, or provisions of this Chapter shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

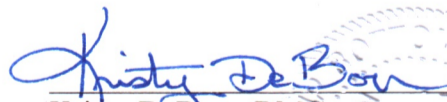
Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, June 25, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on July 23, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.



Kristy DeBoer, RMC
Municipal Clerk

