

TOWNSHIP OF WALL

ORDINANCE NO. 5-2021

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY REGULATING, AND IN OTHER INSTANCES, PROHIBITING THE USE OF SMALL UNMANNED AIRCRAFTS

WHEREAS, the Township of Wall deems it appropriate, necessary, and proper for the protection of persons and property, and for the preservation of the public health, welfare, and safety of its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft within the Township of Wall; and

WHEREAS, drone technology includes “drones,” which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system guided autopilot mode, can fly at altitudes below the navigable airspace, and can be equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared see-through scopes); and

WHEREAS, as a result of its declining cost, drone technology and unmanned aircrafts have become increasingly available to private citizens for personal, recreational, and other potential uses; and

WHEREAS, unregulated flying of drones and unmanned aircraft can be inherently dangerous to the public health, welfare, and safety of the citizens of the Township of Wall; and

WHEREAS, imposing community-based safety requirements on the operation of “Model Aircraft” consistent with the regulations promulgated by the Federal Aviation Administration (“FAA”) is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of unmanned aircrafts.

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 224 Aircraft, Small Unmanned

§224-1 **Purpose.**

The purpose of this chapter is to regulate small unmanned aircraft, commonly known as drones, to protect the privacy of persons and property, and to protect the public health, welfare, and safety.

§ 224-2 **Definition.**

For purposes of this chapter, "small unmanned aircraft" shall mean an unmanned vehicle or device that can fly under the control of a remote pilot or by a geographic positions systems guided autopilot mechanism.

§ 224-3 **Regulations; restrictions.**

- A. Small unmanned aircraft shall not operate in any airspace below 400 feet within the Township:

- (1) Over private property, without the permission of the private property owner;
- (2) Over any street;
- (3) Over any Township building or property, without the permission of the Township Committee;
- (4) Between dusk and dawn; and
- (5) Over any persons not directly participating in the operation of the aircraft, or where there are persons not directly participating in the operation of the aircraft located within 100 feet of the perimeter of the area over which the aircraft is being operated.

B. All other uses of public property shall have priority over use of public property for the operation of small unmanned aircraft.

§ 224-4 **Exceptions.**

- A. This chapter shall not prohibit any federal, state, county or municipal agency including, but not limited to, any law enforcement agency or emergency services organization from the use of small unmanned aircraft for any lawful and authorized purpose pursuant to and in accordance with applicable regulations.
- B. This chapter shall not prohibit individuals and entities from the use of small unmanned aircraft during daylight hours for business purposes in the airspace over 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.
- C. This chapter shall not prohibit the authorized and lawful operation and use of small unmanned aircraft for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with applicable regulations.

This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: February 24, 2021

Adopted:

Attest: _____

Roberta Lang, RMC
Township Clerk

Approve: _____

Timothy J. Farrell
Mayor

SUMMARY AND NOTICE

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PLEASE TAKE NOTICE, that on Wednesday, **March 24, 2021**, the Township Committee of the Township of Wall, Monmouth County, New Jersey will hold a virtual public hearing at 7:00 p.m., to obtain comments on **Ordinance No. 5-2021**.

This meeting will be conducted by electronic means in accordance with the "Senator Byron M. Baer Open Public Meetings Act" of 2020, which explicitly permits a public body to conduct a meeting electronically during a state of emergency. Governor Murphy issued Executive Orders 103 and 107 declaring a "Public Health Emergency and State of Emergency" and directing residents to quarantine and practice social distancing.

Adoption of this ordinance will regulate, and in other instances, prohibit the use of small unmanned aircrafts

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on **February 24, 2021** will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on **March 24, 2021** at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com

Members of the Public are welcome to, and encouraged to, observe and participate in the Remote Meeting.

**VIRTUAL MEETING ACCESS AND PARTICIPATION INSTRUCTIONS -
ACCESS CAN BE ACHIEVED BY COMPUTER, SMART DEVICE, OR PHONE**

Join Zoom Meeting

<http://wallnj.com/zoom/tc>

Meeting ID: 824 5089 2867

Passcode: 1352

One tap mobile:

+13126266799,,82450892867# US (Chicago)

+19294362866,,82450892867# US (New York)

Dial by your location:

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington D.C)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 824 5089 2867

Meeting Guidelines and Participation Rules

- a) We encourage you to join the meeting prior to its start time.
 - b) You will join muted and will remain muted until you are acknowledged during the Public Comment portion of the meeting. The meeting organizer will request that the participant unmutes their microphone when it is their turn to comment.
 - c) To participate in the Public Comment portions of the meeting you must “raise” your hand to be recognized. The “raise hand” feature is located in the participant list section of the Zoom app. If you are calling in by telephone using the dial in features, you must press *9 to raise your hand. In addition, you must dial *6 to unmute yourself when prompted to do so.
 - d) You may also submit written comments to the Township Committee through the Township Clerk, by e-mailing publiccomment@townshipofwall.com or by written letter to the Township Clerk by 9:00am the day of the meeting.
 - e) To participate in public comment, you must state your Name and Address for the record.
 - f) Please note Public Comments are limited to seven (7) minutes.
- **Please Note**** In order maintain necessary decorum, violators of the above rules will be disconnected from the meeting.