

LOCAL LAW INTRODUCTORY No. 2 OF 2014
VILLAGE OF TUXEDO PARK, NEW YORK

**A LOCAL LAW REGULATING UNMANNED AIRCRAFT SYSTEMS
(A/K/A “DRONES”) AND ALLOWING LIMITED GROUND-BASED
PHOTOGRAPHY AND OTHER IMAGERY RELATED TO THE SALE OF
REAL PROPERTY**

BE IT ENACTED by the Village Board of the Village of Tuxedo Park, Orange County, New York as follows:

SECTION 1: PURPOSE.

The Board of Trustees of the Village of Tuxedo Park has determined that it is in the best interests of the citizens of the Village to promote and protect their health, safety and welfare by amending Chapters 27 and 51 of the Village Code to address filming, photography, and movie making within the Village, including privacy and safety related issues, in the following manner:

- to regulate the use of recorded or transmitted sounds, pictures, or other images of people or property within the Village, including such recordings and transmissions facilitated by the use of unmanned aircraft systems (a/k/a unmanned aerial vehicles or “drones”). The Board of Trustees is concerned by the use of such unmanned aircraft systems, particularly because the federal and New York State governments lack any meaningful regulation of such unmanned aircraft systems. Thus, the Board of Trustees desires to regulate the use of such aircraft in order to prevent (1) an unsafe environment for Village citizens in the event such unmanned aircraft systems are faulty, malfunction or are otherwise operated in a manner that may result in a collision with persons or property within the Village, (2) harm to the Village’s lakes and those residents, property owners, and guests utilizing the Village’s lakes for recreational purposes, including the potential harm to the quality of Tuxedo Lake’s waters, as it is the Village’s reservoir and source for its potable water supply, and (3) an opportunity for illegal and/or invasive and unwarranted surveillance and other invasions of the privacy of Village citizens and/or their property.
- to allow limited ground-based photography and other imagery related to the sale of real property in the Village.

SECTION 2: REGULATION OF THE USE OR OPERATION OF UNMANNED AIRCRAFT SYSTEMS.

Village Code Section 51-1 is hereby repealed and replaced with the following:

No person or entity shall be permitted to engage in filming, movie making, computer or digital imaging, transmission, broadcasting, taping, video production, photography, audio and/or visual recording, radio, television or microwave transmitting or any similar undertaking by which there is recorded or transmitted sounds, pictures, or other images of people or property within the Village, regardless of the method or means used, including, but not limited to, the use of unmanned aircraft systems (a/k/a unmanned aerial vehicles or “drones”), without the prior written permission from the Board of Trustees and subject to the following:

A. No such activity shall be allowed that will put Village citizens or property in danger, or exceed eight hours in duration

B. No such activity shall be undertaken as a business or for commercial gain.

C. No such activity shall intrude on the privacy, safety or tranquility of any resident or property owner in the Village of Tuxedo Park.

Nothing in this section shall prohibit the lawful activities of federal, State, County and local law enforcement, or other public safety activities of governmental agencies.

The second sentence of Village Code Section 27-1 is hereby deleted and replaced with the following:

This section shall also apply to hobby-type aircraft and the use of unmanned aircraft systems (a/k/a unmanned aerial vehicles or “drones”), except that such hobby-type aircraft and unmanned aircraft systems may be operated by property owners and residents if their use is restricted to the airspace within their property boundaries and otherwise complies with all federal, New York State, and Village Code (including Chapter 51) laws, rules, and regulations. Nothing in this section shall prohibit the lawful activities of federal, State, County and local law enforcement, or other public safety activities of governmental agencies.

SECTION 3: REGULATION OF PHOTOGRAPHY AND OTHER IMAGING RELATED TO THE SALE OF HOMES AND REAL PROPERTY IN THE VILLAGE.

The following is added to Village Code Section 51-2 after the existing first sentence:

Also excepted from this chapter are those filming, taping, recording and photographing activities performed by a property owner or their agent to market said property owner’s real property, including the residences and other structures thereon, provided that such activities do not capture, record and/or transmit images of any other private property or person in the Village, unless the written consent of such property owner or person is

obtained. This exception shall also be subject to the restriction that no such authorized activity shall intrude on the privacy, safety, or tranquility of any resident or property owner in the Village of Tuxedo Park.

SECTION 4: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law, or otherwise appear to be in conflict with this Local Law, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 5: SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 6: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

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PROPOSED LOCAL LAW RE DRONES AND LIMITED IMAGERY WITHIN VILLAGE

VILLAGE CODE SECTION 51-1 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

No person or entity ~~within the Village~~ shall be permitted to engage in filming, movie making, computer or digital imaging, transmission, broadcasting, taping, video production, ~~photographic sessions, aerial photography, other than aerial surveying,~~ audio and/or visual recording, radio, television or microwave transmitting or any similar undertaking by which there is recorded or transmitted sounds, pictures, or other images of people or property within the Village, regardless of the method or means used, including, but not limited to, the use of unmanned aircraft systems (a/k/a unmanned aerial vehicles or "drones"), without the prior written permission from the Board of Trustees and subject to the following:

A. No such activity shall be allowed that will put Village citizens or property in danger, or exceed eight hours in duration.

B. No such activity shall be undertaken as a business or for commercial gain.

C. No such activity shall intrude on the privacy, safety or tranquility of any resident or property owner in the Village of Tuxedo Park.

Nothing in this section shall prohibit the lawful activities of federal, State, County and local law enforcement, or other public safety activities of governmental agencies.

VILLAGE CODE SECTION 51-2 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

Excepted from this chapter are those normal filming, taping, recording and photographing activities occasionally undertaken by a single-family unit entirely within their own premises and for no commercial purpose. Also excepted from this chapter are those filming, taping, recording and photographing activities performed by a property owner or their agent to market said property owner's real property, including the residences and other structures thereon, provided that such activities do not capture, record and/or transmit images of any other private property or person in the Village, unless the written consent of such property owner or person is obtained. This exception shall also be subject to the restriction that no such authorized activity shall intrude on the privacy, safety, or tranquility of any resident or property owner in the Village of Tuxedo Park.

VILLAGE CODE SECTION 27-1 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

No aircraft, whether fixed-wing, rotary, thrust-propelled or other, shall land, take off or fly below FAA minimum altitude anywhere within the boundaries of the Village except in case of extreme emergency or with prior approval from appropriate authorities, including the Chief of Police, Mayor or Board of Trustees. This section shall also apply to hobby-type aircraft and ~~remotely piloted vehicles (RPV's) whose takeoff weight~~

exceeds five pounds the use of unmanned aircraft systems (a/k/a unmanned aerial vehicles or "drones"), except that such hobby-type aircraft and unmanned aircraft systems may be operated by property owners and residents if their use is restricted to the airspace within their property boundaries and otherwise complies with all federal, New York State, and Village Code (including Chapter 51) laws, rules, and regulations. Nothing in this section shall prohibit the lawful activities of federal, State, County and local law enforcement, or other public safety activities of governmental agencies.