

LOCAL LAW NO. NO. "Q" FOR 2015

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK BANNING THE USE OR OPERATION OF DRONES IN ALBANY COUNTY BY NON-GOVERNMENT AGENTS

Introduced: 10/13/15

By Mr. Comisso:

BE IT ENACTED by the County Legislature of the County of Albany, as follows:

Section 1. Legislative Intent.

The Legislature hereby finds that as the cost to purchase remote controlled aviation systems a/k/a "drones" continues to decrease, and the availability of drones continues to increase, laws concerning the operation of such drones are becoming increasingly necessary.

The Legislature also recognizes unmanned airborne systems, when used in aiding with law enforcement or emergency response, serve a legitimate government purpose.

The Legislature further finds that the increasing density of drones around Albany County poses a significant risk to persons, property and aircraft in Albany County and that the County is responsible for protecting the interests of its citizens.

Therefore, the purpose of this law is to ban the use of drones by non-government agents or agencies in Albany County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

- A) "DRONE" shall mean any machine that flies in the air, and is controlled remotely by an operator. This includes, but is not limited to, remote control airplanes, helicopters and any other similar unmanned flying machine.
- B) "OPERATOR" shall mean any person, wherever located, who is in control of or piloting a drone.
- C) "PERSON" shall mean any natural individual, firm, partnership, association, corporation, company or other business or organization of any kind.
- D) "GOVERNMENT AGENT" shall mean any individual who is authorized to use and operate a drone consistent with requirements of their position in order to fulfill their official duties. Any and all uses must be within the scope of the government agency or its mission.

Section 3. Prohibition.

No person shall use or operate a drone within Albany County, unless they are a government agent acting within the scope of their official duties.

Section 4. Penalties.

A) Any person who intentionally violates the provisions of Section 3 of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to two hundred fifty dollars (\$250) for the first violation, and up to five hundred dollars (\$500) for each subsequent violation of the law. Each violation shall constitute a separate and distinct offense.

B) Any person who uses or operates a drone that flies within 3 miles of any airport within Albany County, or any airport situated within a county contiguous to Albany County, shall be guilty of a criminal violation, punishable by a fine of up to five thousand dollars (\$5,000) and/or up to 1 year in prison.

Section 5. Reverse Preemption.

This law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal Administrative Agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions in this section.

Section 6. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This law shall take effect immediately after its filing in the Office of the Secretary of State.

Referred to Law Committee. 10/13/15