

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one.)

of Cortland

FILED
STATE RECORDS

APR 07 2016

DEPARTMENT OF STATE

Local Law No. 8 of the year 2016

A local law regulating the use of unmanned aircraft systems in Cortland County

(Insert Title)

Be it enacted by the Legislature of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Cortland

as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2016 of the (County)(City)(Town)(Village) of Cortland was duly passed by the Cortland County Legislature on March 31 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on 20 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

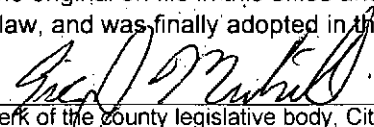
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

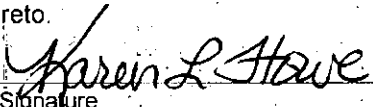
Date: 3/31/2016

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Cortland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature
County Attorney

Title

County
City of Cortland
Town _____
Village _____

Date: March 31, 2016

Adopt Proposed Local Law "H" of 2016 A Local Law Regulating the Use of Unmanned Aircraft Systems in Cort

Be it enacted by the County Legislature of the County of Cortland as follows:

Section 1

Legislative Intent

Unmanned Aircraft Systems ("UAS") ("drones") that fly under the control of a remote pilot or via a geographical positions system (GPS) guided autopilot mechanism, have become increasingly available to private citizens for personal and recreational uses due to their declining cost. Drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is not within the jurisdiction, regulation and control of the Federal Aviation Administration ("FAA").

UAS may be equipped with high-definition cameras, night-vision cameras and infrared-see-through scopes. UAS so equipped can be used to fly about private residences and to hover outside windows or in the yards of a property without the knowledge of the resident, who has a reasonable expectation of privacy in his or her home and yard.

Additionally, there is a real safety and security concern regarding the ability of drones to carry and drop contraband items such as drugs or weapons onto certain grounds such as correctional facilities, courthouses or schools.

UAS may also be purchased and operated by sex offenders and other persons with criminal backgrounds. There are currently no Federal or New York State regulations regarding who may purchase a UAS, despite the potential safety risk to members of the public.

Notwithstanding, UAS have many applications beneficial to the public. Appropriate use of UAS can benefit public safety and the environment, and can facilitate valuable research and data gathering. In addition, UAS are legitimately used for commercial purposes and by hobbyists. These legitimate uses should not be discouraged unless such uses interfere with the safety, security, privacy, or property interests of others.

In light of the foregoing, this Local Law seeks to regulate the use of UAS to prevent misuse, without interfering with the legitimate and beneficial use of such systems. This chapter will limit the use of drones in Cortland County to an individual's private property, another individual's private property with that private property owner's consent, public property with the consent of the municipality that owns it, and public parks, unless such use is prohibited by the governmental entity having jurisdiction over such park, including but not limited to the Cortland County Highway Department.

Section 2

Applicability

This law regulates the use of UAS within the County of Cortland.

Section 3

Definitions

- (a) COUNTY - County of Cortland, State of New York
- (b) DWYER MEMORIAL PARK - A public park owned by the County of Cortland and situated at the north end of Little York lake in the Town of Preble.
- (c) LAW ENFORCEMENT - A public agency responsible for enforcement of laws including, but not limited to, the New York State Police, the Cortland County Sheriff's Department, the Cortland Police Department, and the Village of Homer Police Department.
- (d) PERSON - Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business of any kind.
- (e) PRIVATE PROPERTY OWNER - A property owner who is not a public agency or governmental entity.
- (f) PRIVATE RESIDENCE - Any structure in which people reside, including but not limited to houses, duplexes, apartment buildings, and condominiums.
- (g) PROPERTY OWNER - Any person with a legal ownership interest in real property, including fee owners, lessees, and any person using the property with the permission of the owner.
- (h) UNMANNED AIRCRAFT SYSTEM ("UAS") - An aircraft that is remotely piloted. It can fly under the control of a remote pilot or under mechanical means such as a Global Positioning System ("GPS") guided autopilot system.

Section 4

Prohibitions

1. A person may not fly or otherwise operate a UAS in Cortland County in the following locations:
 - (a) Over the Cortland County Correctional Facility, which shall be defined as both the physical location of the Cortland County Correctional Facility (currently located at 54 Greenbush Street, Cortland, NY 13045) or at any location that the Cortland County Correctional Facility might relocate to in the future.
 - (b) Over any grounds appurtenant to at Cortland County Correctional Facility, wherever the same may be located now or in the future.
 - (c) Over any location, without exception, at which inmates of the Cortland County Correctional Facility may be employed as trustees of the Facility or on any other work release detail, however the same is defined or wherever the same may be located.
 - (d) Over any vehicle or vehicle being used by law enforcement to transport inmates to or from the Cortland County Correctional Facility.
 - (e) Over the building or grounds of any courthouse or publicly advertised place of worship within the County wherever the same may be located.
 - (f) Over any campus of any school in Cortland County including, but not limited to, any and all buildings, open areas, or property of the State University of New York at Cortland, all public and private schools in Cortland County, and the OCM BOCES, without prior written permission of the School Board or governing body of any such institution.
 - (g) Within five (5) miles of the Cortland County Airport, except that a UAS owner may contact the control tower of the Cortland County Airport and seek permission to operate as specified in Section 336 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95 as that law now reads or may be amended to read at any time hereafter).
 - (h) Over any stadium, mass gathering, or open-air assembly of people including but not limited to concerts, fairs, or festivals, without the written permission of the property owner of the stadium or the property on which any such gathering is held.
 - (i) At Dwyer Memorial Park during the annual Fourth of July weekend celebration, during the annual Cortland Celtic Festival, or during the annual Cortland Antique Car Show. In addition, UAS may not be flown at Dwyer Memorial Park over or within 500 feet of any Cortland Repertory Theater performance or the parking facilities for such performances, or over or within 500 feet of any private wedding or social gathering either within or

without the pavilions at the park.

- (j) A person may not fly or otherwise operate a UAS so as to interfere with a private property owner's reasonable expectation of privacy in or about the property owner's private residence. For purposes of this subsection the recording of images, taking of photographs, video recording or audio recording of any nature, separately or in concert with one another, of the outside of a private residence, including the curtilage, or of activities occurring outside or within the curtilage of such private residence, or of the inside of a private residence or of activities occurring inside a private residence, without the written permission of the property owner shall be presumed to interfere with the property owner's reasonable expectation of privacy in or about his residence.
2. A sex offender may not own or operate a UAS in Cortland County. For purposes of this subsection "sex offender" shall mean any individual, adult or juvenile, defined as a sex offender in Corrections Law §168(a), including nonresident workers and nonresident students, or those out of state residents who relocate to New York and are required to register pursuant to Corrections Law §168(k) as that law now reads or may be amended to read at any time hereafter.

Section 5

Exceptions

This local law shall not apply to:

- (a) Government agencies, including but not limited to law enforcement agencies.
- (b) Fire and emergency service providers.
- (c) Uses in furtherance of any lawfully declared state of emergency.
- (d) Utility companies operating under the jurisdiction of the Public Service Commission, and any employees or other persons acting on the utility companies' behalf, for the purpose of inspection of utility facilities and transmission lines, inspection of lands, highway, roadways, or areas belonging to New York State or its political subdivisions that contain or are planned to contain utility facilities controlled by such utility company, and inspection of utility easements on private property, with written notification to the property owner.
- (e) This section shall not be construed to authorize the use of a UAS for any purpose that would violate Federal, New York State, or local law.

Section 6

Penalties for Offenses

- A. Any person found to be in violation of the provisions of this chapter shall be guilty of a violation and subject to a fine of \$250.
- B. Any person found to have violated the provisions of this chapter twice within a twelve-month period shall be guilty of a violation and subject to a fine of \$500.
- C. Any person found to have violated the provisions of this chapter three (3) times within a twelve-month period or more than three (3) times within a twenty-four-month period shall be guilty of a Class A misdemeanor and subject to a fine of up to \$1,000 and a sentence of up to one (1) year in jail.
- D. Any person found to have violated the provisions of this chapter by using or otherwise operating a drone above the Cortland County Correctional Facility or by interfering with inmates in a work release detail or with inmates being transported to or from the Facility, or within the property lines of a school, publicly advertised house of worship, or courthouse shall be guilty of a Class A misdemeanor and subject to a fine of up to \$500.00 (Five Hundred Dollars) and a sentence of up to six (6) months in jail.
- E. Any person found to have violated the provisions of this chapter by using or otherwise operating a drone above the Cortland County Correctional Facility or by interfering with inmates in a work release detail or with inmates being transported to or from the Facility, or above or within the property lines of a school, publicly advertised house of worship, or courthouse two (2) times within a 12 month period or more than three (3) times within a 24 month period shall be guilty of a Class A misdemeanor and subject to a fine of up to \$1,000.00 (One Thousand Dollars) and a sentence of up to one (1) year in jail.
- F. Any registered sex offender as defined herein found to have violated the provisions of this chapter by owning or operating a drone shall be guilty of a Class A misdemeanor and subject to a fine of up to \$1,000.00 (One Thousand Dollars) and a sentence of up to one (1) year in jail.
- G. The foregoing penalties are in addition to, and do not take the place of, any penalties imposed under the laws of the United States and New York State, including those penalties imposed for violations of Parole, Probation, or the Sex Offender Registration Act ("SORA.")
- H. The fines specified above may be changed from time to time by action of the Cortland County Legislature and may be changed by resolution without amending this or any other local law.

Section 7

Enforcement

This law may be enforced by any law enforcement agency having jurisdiction to act in Cortland County.

Section 8

Applicability

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

Section 9

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law 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 judged to be invalid or unconstitutional.

Section 10

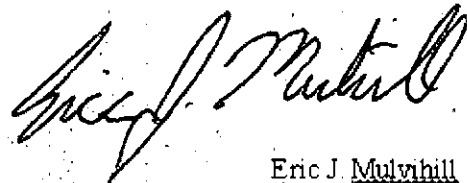
Effective Date

This law shall take effect 90 days after filing with the Secretary of State.

STATE OF NEW YORK) SS:
COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 31st day of March, 2016 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand
and the official seal of the CORTLAND COUNTY
LEGISLATURE, this 31st day of March, 2016.



Eric J. Mulvihill
Clerk of the Cortland County Legislature