

**A LOCAL LAW REGULATING THE USE OF DRONES
IN THE VILLAGE OF COOPERSTOWN**

SECTION 1. Legislative Intent.

- A. It is the intention of the Village of Cooperstown Board of Trustees to protect and enhance the public health, safety, security, privacy, and well being of the residents of the community as well as of the guests and visitors thereto by the establishment of regulations and procedures governing the operation of Unmanned Aircraft (a/k/a “drones”) and/or Unmanned Aircraft Systems (hereinafter “UAS”).

SECTION 2. Scope; Applicability.

A. Scope.

The provisions of this law shall apply to the operation of “UAS” or Unmanned Aircraft (“drones”) from or upon the property located within the bounds of the Village of Cooperstown, or from or upon property owned by the Village outside the Village boundaries.

B. Applicability.

The provisions of this law are intended to supplement applicable Federal, State, and local laws, ordinances, codes, and regulations. Nothing in this law shall be deemed to abolish, impair, supersede, or replace existing remedies of the Village, County, State, or Federal Governments or the existing requirements of any other provision of local laws, regulations, law, or ordinances of the Village (e.g. nuisance, noise, etc.) or County, State, or Federal Governments. In case of conflict between any provisions of this law and any other applicable Federal, State, or local law, ordinance, code, or regulation, the more restrictive or stringent provision or requirement shall prevail.

SECTION 3. Definitions.

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

A. Unmanned Aircraft.

1. A device which is designed, used, or intended to navigate or fly in the atmosphere without an onboard pilot and is typically guided by remote control or by onboard computer or geographical positioning system (GPS) guided autopilot mechanism.
2. An aircraft that is operated without the possibility of human intervention from within or on the aircraft.
3. Unmanned aircraft as regulated herein are also commonly referred to interchangeably as “drones”.

B. Pilot/Operator.

A person, entity, or agency that is responsible for flying, operating, steering, or guiding an Unmanned Aircraft System “UAS”; or Unmanned Aircraft (“drone”) so as to operate or control the course or destination of such craft or system.

C. Unmanned Aircraft System (UAS).

An Unmanned Aircraft (“drone”) and associated elements, including communication links and components that control an Unmanned Aircraft and which are necessary for the Pilot to operate the Unmanned Aircraft.

D. Property.

Land or real estate, improved or unimproved, whether privately or publicly owned.

E. Village Parks.

1. Doubleday Field and surrounding environs (i.e. parking lots, grandstand, and bleachers).
2. Pioneer Park.
3. Lakefront Park – including docks.
4. Badger Park.
5. Council Rock Park.
6. Fairy Spring Park.
7. Three Mile Point.

F. Special Event.

A “special event” is an event specifically recognized or designated by the Board of Trustees of the Village of Cooperstown, which event shall, by virtue of such designation, be deemed to be an event at which 200 or more members of the public (i.e., a/k/a a mass gathering) will be likely to attend.

SECTION 4. Restrictions on Operation.

A. No person, pilot, or operator may launch, land, retrieve, or otherwise operate an Unmanned Aircraft (“drone”) in the Village of Cooperstown or upon Village owned property outside the Village boundaries except on or from the following locations:

1. From or on an operator’s own private property, but not, however, during those times subsection “4” hereinafter applies.
2. From or on another person or entity’s property, but only after first obtaining the express written permission of the owner of the subject property, and not during those times subsection “4” hereinafter applies.

3. From or on any Village of Cooperstown owned, leased, or maintained property, including but not limited to streets, roadways, highways, lanes, sidewalks, parking lots, or Parks, whether within the Village of Cooperstown boundaries or outside (i.e. Fairy Spring, Three Mile Point, etc.), but only after first obtaining the express written permission of the Village as hereinafter provided.
4. From or on any property situate in the Village of Cooperstown during a period extending from two (2) hours before and continuing two (2) hours after the conclusion and within one (1) mile of any Village designated "Special Event", but only after first obtaining the express written permission of the Village as hereinafter provided.

SECTION 5. Rules and Procedure for obtaining Village permission relative to Section 4 A. 3. and 4. hereof.

Any request to launch, retrieve, and operate a drone (UAS) on or from property in the Village of Cooperstown, or on Village owned, leased, or maintained property outside the Village boundaries shall be submitted in writing to the Village Clerk not less than 10 business days before the scheduled date of operation.

The written request shall specify the name, address, and telephone number of both the owner and operator of the drone (UAS).

The written request shall include the stated purpose of the flight, a written flight plan/path to include length and duration, maximum speed and altitude, take off and landing location, time of commencement and conclusion of operation, make, model, type, physical dimensions, laden weight, number of propellers, and identifying markings/registration numbers of the UAS, names and identification of all operator(s), support personnel, or participants, and a written plan to prevent trespass on private property and surveillance or recording of areas where a person would have reasonable expectation of privacy.

The written request shall also include a signed statement that the applicant is in full compliance with all FAA regulations, and State and Local laws governing the operation of drones (UAS's), that there are no Temporary Flight Restrictions or Prohibited Areas, that the operator will keep the drone (UAS) in direct, unaided (other than corrective lenses) visual line of sight at all times, that the operator has no known, or reason to know of, any physical or mental condition that would interfere with the safe operation of a drone (UAS), that the applicant/operator is not operating at the direction of or in cooperation with the Village of Cooperstown or the Village of Cooperstown Police Department, that the applicant/operator acknowledge that they may be held criminally and/or civilly liable under the NYS Civil and NYS Penal Law for any injuries or damages that may occur as a result of the intentional careless or reckless operation of the drone (UAS), and that the applicant acknowledges that the Village of Cooperstown through the office of the Chief of Police, may cancel any permission to operate the drone (UAS) for weather, visibility, or any other conditions or situations that may cause concern for public safety or security, and that the Chief of Police's decision shall be final.

The applicant shall in addition provide with their request insurance certificates evidencing liability insurance in at least the amount of \$100,000 per occurrence and signed use agreements and/or and liability waivers or indemnification agreements from both the owner and operator of the drone (UAS).

SECTION 6. Exemptions.

This law is not intended to and does not prohibit the following use of a “drone”/UAS:

- A. A law enforcement agency’s use of a “drone”/UAS for lawful purposes.

SECTION 7. Enforcement.

This law may be enforced by any law enforcement agency having jurisdiction to act in the Village of Cooperstown.

SECTION 8. Penalties for Offenses.

- A. Any person found to be in violation of the provisions of this law shall be guilty of violation and subject to a fine of \$1,000 and/or confiscation of the offending Unmanned Aircraft System/drone.

SECTION 9. Severability

If any portion or provision(s) of this law is/are deemed invalid, unconstitutional, or unenforceable, the remaining provisions shall continue in effect and enforceability.

SECTION 10. Effective Date.

This law shall take effect upon filing with the NY Secretary of State’s Office.