

**BOROUGH OF FRANKLIN LAKES
ORDINANCE 1688**

**AN ORDINANCE SUPPLEMENTING THE CODE OF
THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH
CHAPTER 137 “AIRCRAFT, SMALL UNMANNED”**

WHEREAS, the Mayor and Council of the Borough of Franklin Lakes deems it appropriate, necessary, and proper for the protection and privacy of persons and property, and for the protection of the public health, welfare, and safety to adopt certain regulations pertaining to the use of small unmanned aircraft, commonly known as drones, within the Borough;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey, as follows:

Section 1. The Code of the Borough of Franklin Lakes is hereby supplemented by the addition of the following:

Chapter 137: Aircraft, Small Unmanned

§ 137-1 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.

§ 137-2 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.

§ 137-3 Regulations.

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

- (1) Over private property, without the permission of the private property owner;

- (2) Over any street;
 - (3) Over any Borough building, without the permission of the Mayor and Council;
 - (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.

§ 137-4 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.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Frank Bivona, Mayor

ATTEST: _____
Sally T. Bleeker, Borough Clerk

Introduced: 07-19-16
Adopted: 08-16-16