

# ASSEMBLY, No. 4807

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 3, 2015

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Permits municipalities to enact ordinance prohibiting operation of drones under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/11/2015)

1 AN ACT concerning unmanned aerial vehicles, supplementing Title  
2 40 of the Revised Statutes, and amending R.S.40:48-1.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) a. As used in this act:

8 “Civilian unmanned aerial vehicle” means an aerial vehicle  
9 owned or operated by a private individual or business entity that  
10 uses aerodynamic forces to propel the vehicle and does not carry a  
11 human operator, and which is capable of flying autonomously or  
12 being piloted remotely and conducting surveillance as defined in  
13 this section.

14 “Surveillance” means the act of monitoring, observing,  
15 photographing, or recording.

16 b. A municipality may enact an ordinance prohibiting a person  
17 from operating a civilian unmanned aerial vehicle in the flight path  
18 of an airplane and within 12 miles of an airport.

19

20 2. R.S.40:48-1 is amended to read as follows:

21 40:48-1. Ordinances; general purpose. The governing body of  
22 every municipality may make, amend, repeal and enforce  
23 ordinances to:

24 Finances and property. 1. Manage, regulate and control the  
25 finances and property, real and personal, of the municipality;

26 Contracts and contractor's bonds. 2. Prescribe the form and  
27 manner of execution and approval of all contracts to be executed by  
28 the municipality and of all bonds to be given to it;

29 Officers and employees; duties, terms and salaries. 3. Prescribe  
30 and define, except as otherwise provided by law, the duties and  
31 terms of office or employment, of all officers and employees; and to  
32 provide for the employment and compensation of such officials and  
33 employees, in addition to those provided for by statute, as may be  
34 deemed necessary for the efficient conduct of the affairs of the  
35 municipality;

36 Fees. 4. Fix the fees of any officer or employee of the  
37 municipality for any service rendered in connection with his office  
38 or position, for which no specific fee or compensation is provided.  
39 In the case of salaried officers or employees, such fee shall be paid  
40 into the municipal treasury;

41 Salaries instead of fees; disposition of fees. 5. Provide that any  
42 officer or employee receiving compensation for his services, in  
43 whole or in part by fees, whether paid by the municipality or  
44 otherwise, shall be paid a salary to be fixed in the ordinance, and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 thereafter all fees received by such officer or employee shall be  
2 paid into the municipal treasury;

3 Maintain order. 6. Prevent vice, drunkenness and immorality; to  
4 preserve the public peace and order; to prevent and quell riots,  
5 disturbances and disorderly assemblages; to prohibit the  
6 consumption of alcoholic beverages by underage persons on private  
7 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

8 Punish beggars; prevention of loitering. 7. Restrain and punish  
9 drunkards, vagrants, mendicants and street beggars; to prevent  
10 loitering, lounging or sleeping in the streets, parks or public places;

11 Auctions and noises. 8. Regulate the ringing of bells and the  
12 crying of goods and other commodities for sale at auction or  
13 otherwise, and to prevent disturbing noises;

14 Swimming; bathing costume; prohibition of public nudity. 9.  
15 Regulate or prohibit swimming or bathing in the waters of, in, or  
16 bounding the municipality, and to regulate or prohibit persons from  
17 appearing upon the public streets, parks and places clad in bathing  
18 costumes or robes, or costumes of a similar character; regulate or  
19 prohibit persons from appearing in a state of nudity upon all lands  
20 within its borders which are under the jurisdiction of the State  
21 including, without limitation, all lands owned by, controlled by,  
22 managed by or leased by the State;

23 Prohibit annoyance of persons or animals. 10. Regulate or  
24 prohibit any practice tending to frighten animals, or to annoy or  
25 injure persons in the public streets;

26 Animals; pounds; establishment and regulation. 11. Establish  
27 and regulate one or more pounds, and to prohibit or regulate the  
28 running at large of horses, cattle, dogs, swine, goats and other  
29 animals, and to authorize their impounding and sale for the penalty  
30 incurred, and the costs of impounding, keeping and sale; to regulate  
31 or prohibit the keeping of cattle, goats or swine in any part of the  
32 municipality; to authorize the destruction of dogs running at large  
33 therein;

34 Hucksters. 12. Prescribe and regulate the place of vending or  
35 exposing for sale articles of merchandise from vehicles;

36 Building regulations; wooden structures. 13. Regulate and  
37 control the construction, erection, alteration and repair of buildings  
38 and structures of every kind within the municipality; and to  
39 prohibit, within certain limits, the construction, erection or  
40 alteration of buildings or structures of wood or other combustible  
41 material;

42 Inflammable materials; inspect docks and buildings. 14.  
43 Regulate the use, storage, sale and disposal of inflammable or  
44 combustible materials, and to provide for the protection of life and  
45 property from fire, explosions and other dangers; to provide for  
46 inspections of buildings, docks, wharves, warehouses and other  
47 places, and of goods and materials contained therein, to secure the  
48 proper enforcement of such ordinance;

1 Dangerous structures; removal or destruction; procedure. 15.  
2 Provide for the removal or destruction of any building, wall or  
3 structure which is or may become dangerous to life or health, or  
4 might tend to extend a conflagration; and to assess the cost thereof  
5 as a municipal lien against the premises;  
6 Chimneys and boilers. 16. Regulate the construction and setting  
7 up of chimneys, furnaces, stoves, boilers, ovens and other  
8 contrivances in which fire is used;  
9 Explosives. 17. Regulate, in conformity with the statutes of this  
10 State, the manufacture, storage, sale, keeping or conveying of  
11 gunpowder, nitroglycerine, dynamite and other explosives;  
12 Firearms and fireworks. 18. Regulate and prohibit the sale and  
13 use of guns, pistols, firearms, and fireworks of all descriptions;  
14 Soft coal. 19. Regulate the use of soft coal in locomotives,  
15 factories, power houses and other places;  
16 Theaters, schools, churches and public places. 20. Regulate the  
17 use of theaters, cinema houses, public halls, schools, churches, and  
18 other places where numbers of people assemble, and the exits  
19 therefrom, so that escape therefrom may be easily and safely made  
20 in case of fire or panic; and to regulate any machinery, scenery,  
21 lights, wires and other apparatus, equipment or appliances used in  
22 all places of public amusement;  
23 Excavations. 21. Regulate excavations below the established  
24 grade or curb line of any street, not greater than eight feet, which  
25 the owner of any land may make, in the erection of any building  
26 upon his own property; and to provide for the giving of notice, in  
27 writing, of such intended excavation to any adjoining owner or  
28 owners, and that they will be required to protect and care for their  
29 several foundation walls that may be endangered by such  
30 excavation; and to provide that in case of the neglect or refusal, for  
31 10 days, of such adjoining owner or owners to take proper action to  
32 secure and protect the foundations of any adjacent building or other  
33 structure, that the party or parties giving such notice, or their  
34 agents, contractors or employees, may enter into and upon such  
35 adjoining property and do all necessary work to make such  
36 foundations secure, and may recover the cost of such work and  
37 labor in so protecting such adjacent property; and to make such  
38 further and other provisions in relation to the proper conduct and  
39 performance of said work as the governing body or board of the  
40 municipality may deem necessary and proper;  
41 Sample medicines. 22. Regulate and prohibit the distribution,  
42 depositing or leaving on the public streets or highways, public  
43 places or private property, or at any private place or places within  
44 any such municipality, any medicine, medicinal preparation or  
45 preparations represented to cure ailments or diseases of the body or  
46 mind, or any samples thereof, or any advertisements or circulars  
47 relating thereto, but no ordinance shall prohibit a delivery of any

1 such article to any person above the age of 12 years willing to  
2 receive the same;

3 Boating. 23. Regulate the use of motor and other boats upon  
4 waters within or bounding the municipality;

5 Fire escapes. 24. Provide for the erection of fire escapes on  
6 buildings in the municipality, and to provide rules and regulations  
7 concerning the construction and maintenance of the same, and for  
8 the prevention of any obstruction thereof or thereon;

9 Care of injured employees. 25. Provide for the payment of  
10 compensation and for medical attendance to any officer or  
11 employee of the municipality injured in the performance of his  
12 duty;

13 Bulkheads and other structures. 26. Fix and determine the lines  
14 of bulkheads or other works or structures to be erected, constructed  
15 or maintained by the owners of lands facing upon any navigable  
16 water in front of their lands, and in front of or along any highway or  
17 public lands of said municipality, and to designate the materials to  
18 be used, and the type, height and dimensions thereof;

19 Lifeguard. 27. Establish, maintain, regulate and control a  
20 lifeguard upon any beach within or bordering on the municipality;

21 Appropriation for life-saving apparatus. 28. Appropriate moneys  
22 to safeguard people from drowning within its borders, by location  
23 of apparatus or conduct of educational work in harmony with the  
24 plans of the United States volunteer life-saving corps in this State;

25 Fences. 29. Regulate the size, height and dimensions of any  
26 fences between the lands of adjoining owners, whether built or  
27 erected as division or partition fences between such lands, and  
28 whether the same exist or be erected entirely or only partly upon the  
29 lands of any such adjoining owners, or along or immediately  
30 adjacent to any division or partition line of such lands. To provide,  
31 in such ordinance, the manner of securing, fastening or shoring such  
32 fences, and for surveying the land when required by statute, and to  
33 prohibit in any such ordinance the use at a height of under 10 feet  
34 from the ground, of any device, such as wire or cable, that would be  
35 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-  
36 the-road vehicles, unless that device is clearly visible to pedestrians,  
37 equestrians, bicyclists or drivers of off-the-road vehicles. In the  
38 case of fences thereafter erected contrary to the provisions thereof,  
39 the governing body may provide for a penalty for the violation of  
40 such ordinance, and in the case of such fence or fences erected or  
41 existing at the time of the passage of any such ordinance, may  
42 provide therein for the removal, change or alteration thereof, so as  
43 to make such fence or fences comply with the provisions of any  
44 such ordinance;

45 Advertise municipality. 30. Appropriate funds for advertising  
46 the advantages of the municipality;

47 Government Energy Aggregation Programs. 31. Establish  
48 programs and procedures pursuant to which the municipality may

1 act as a government aggregator pursuant to sections 40 through 43  
2 of P.L.1999,c.23 (C.48:3-89 through C.48:3-92), section 45 of  
3 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,  
4 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the  
5 provisions of any other law, rule or regulation to the contrary, a  
6 municipality acting as a government aggregator pursuant to  
7 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public  
8 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed  
9 to be operating any form of public utility service pursuant to  
10 R.S.40:62-1 et seq., to the extent such municipality is solely  
11 engaged in the provision of such aggregation service and not  
12 otherwise owning or operating any plant or facility for the  
13 production or distribution of gas, electricity, steam or other product  
14 as provided in R.S.40:62-12;

15 Joint municipal action on consent for the provision of cable  
16 television service. 32. Establish programs and procedures pursuant  
17 to which a municipality may act together with one or more  
18 municipalities in granting municipal consent for the provision of  
19 cable television service pursuant to the provisions of the "Cable  
20 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended  
21 and supplemented. Notwithstanding the provisions of any other  
22 law, rule or regulation to the contrary, two or more municipalities  
23 acting jointly pursuant to the provisions of P.L.1972, c.186  
24 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to  
25 R.S.48:1-1 et seq., to the extent those municipalities are solely  
26 engaged in granting municipal consent jointly and are not otherwise  
27 owning or operating any facility for the provision of cable  
28 television service as provided in P.L.1972, c.186 (C.48:5A-1 et  
29 seq.);

30 Private cable television service aggregation programs. 33.  
31 Establish programs and procedures pursuant to which a  
32 municipality may employ the services of a private aggregator for  
33 the purpose of facilitating the joint action of two or more  
34 municipalities in granting municipal consent for the provision of  
35 cable television service provided that any such municipality shall  
36 adhere to the provisions of the "Cable Television Act," P.L.1972,  
37 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the  
38 provisions of the "Local Public Contracts Law," P.L.1971, c.198  
39 (C.40A:11-1 et seq.) as amended and supplemented.  
40 Notwithstanding the provisions of any other law, rule or regulation  
41 to the contrary, a municipality that employs the services of a private  
42 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-  
43 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-  
44 1 et seq., to the extent that the municipality is solely engaged in  
45 employing the services of a private aggregator for the purpose of  
46 facilitating the joint action of two or more municipalities in  
47 granting municipal consent and is not otherwise owning or

1 operating any facility for the provision of cable television service as  
2 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

3 Protective Custody. 34. Provide protective custody to persons  
4 arrested for operating a motor vehicle under the influence of  
5 alcoholic beverages, any chemical substance, or any controlled  
6 dangerous substance in violation of R.S.39:4-50 as provided in  
7 section 1 of P.L.2003, c.164 (C.40:48-1.3).

8 Civilian unmanned aerial vehicles. 35. Prohibit the operation of  
9 civilian unmanned aerial vehicles in the flight path of an airplane  
10 and within 12 miles of an airport pursuant to section 1 of P.L. , c.  
11 (C. ) (pending before the Legislature as this bill).  
12 (cf: P.L.2003, c.164, s.2)

13

14 3. This act shall take effect immediately.

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16

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#### STATEMENT

18

19 This bill permits municipalities to enact an ordinance prohibiting  
20 the operation of civilian unmanned aerial vehicles, commonly  
21 referred to as drones, under certain circumstances.

22 Specifically, under the provisions of this bill, a municipality may  
23 enact an ordinance prohibiting a person from operating a drone in  
24 the flight path of an airplane and within 12 miles of an airport.

25 Under the bill, "civilian unmanned aerial vehicle" means an  
26 aerial vehicle owned or operated by a private individual or business  
27 entity that uses aerodynamic forces to propel the vehicle and does  
28 not carry a human operator, and which is capable of flying  
29 autonomously or being piloted remotely and conducting  
30 surveillance.