

**RESOLUTION NO. 492 -2009, ADOPTING LOCAL LAW  
NO. 23 -2009, A LOCAL LAW TO ENSURE SAFE  
OPERATIONS OF HELICOPTERS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2009 a proposed local law entitled, "**A LOCAL LAW TO ENSURE SAFE OPERATIONS OF HELICOPTERS**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 23 -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE SAFE OPERATIONS OF HELICOPTERS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds and determines that low flying helicopters have become a public nuisance in Suffolk County and threaten life or property of its residents.

This Legislature further finds and determines that the Federal Aviation Administration has failed to regulate the operations of helicopters.

This Legislature further finds and determines that the operation of helicopters at low altitudes is presumed to be a hazard to persons and property on the surface and constitute careless and reckless operation.

This Legislature further finds and determines that other municipalities, including the City of New York, have established regulations for helicopter operations within their jurisdictions.

Therefore, the purpose of this law is ensure safe operation of helicopters passing through the air boundaries of Suffolk County and to preserve and promote the health, safety and general welfare of the residents of Suffolk County without prohibiting safe passage of helicopters.

**Section 2. Definitions.**

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

**HELICOPTER** – an aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

**CARELESS OR RECKLESS MANNER** – failing to take all actions reasonably necessary for safe operation or operating at an altitude that creates a hazard or undue hardship for persons and property on the surface.

### **Section 3. Prohibitions.**

- A.) It shall be unlawful to operate, or for the owner to permit the operation of, any type of helicopter in a careless or reckless manner so as to endanger the life or property of others.

### **Section 4. Exemptions.**

This law shall not apply to:

- A.) Helicopters used exclusively in the governmental service of the United States of America, the State of New York, or any municipal corporation of the State of New York; and
- B.) Helicopters used exclusively for agricultural operations; and
- C.) Helicopters actively engaging in aerial photography and videography, search and rescue operations, medevac, flight training, environmental testing and surveying, firefighting, or the inspection of towers, buildings, or power lines; and
- D.) Helicopters operated within "controlled airspace" as that term is defined by Section 3-2 of the Federal Aviation Administration Aviation Information Manual.

### **Section 5. Penalties.**

Any person who violates the provisions of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000) and/or one year in prison per offense.

### **Section 6. Applicability.**

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

### **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. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies,

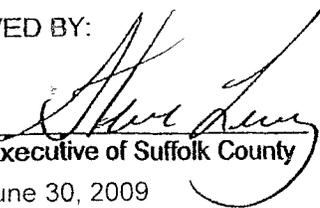
procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

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

DATED: June 9, 2009

APPROVED BY:

  
County Executive of Suffolk County

Date: June 30, 2009

After a public hearing duly held on June 22, 2009  
Filed with the Secretary of State on July 17, 2009

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the* of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County, on June 9, 2009, and signed by the County Executive on June 30, 2009, after a public hearing duly held on June 22, 2009 and filed with the Secretary of State on July 17, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof,* I have hereunto set my hand and the official Seal of the County Legislature of the County of Suffolk on

*Tim Laube*

\_\_\_\_\_  
Clerk of the County Legislature