

Intro. Res. No. 1175-2015  
Introduced by Legislators Muratore and Spencer

Laid on Table 3/3/2015

**RESOLUTION NO. 644 -2015, ADOPTING LOCAL LAW  
NO. -2015, A LOCAL LAW TO PROTECT PRIVACY IN  
SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2015, a proposed local law entitled, "**A LOCAL LAW TO PROTECT PRIVACY IN SUFFOLK COUNTY**"; now, therefore be it

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

**LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROTECT PRIVACY IN SUFFOLK COUNTY**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk is responsible for protecting the safety and welfare of its 1.5 million residents.

This Legislature finds that the County owns and operates a number of facilities, including parks, offices providing health and social services, police precincts and courts.

This Legislature also finds that advances in technology allow individuals to purchase unmanned aerial vehicles, commonly known as drones, which are controlled via remote control and can fly significant distances.

This Legislature further finds that the advent of compact technology allows drones to be outfitted with cameras that take photographs and video recordings of people, places and objects on the ground below.

This Legislature further determines that members of the public should feel comfortable coming to County facilities without fear of having their visits recorded by unknown individuals or organizations.

Therefore, the purpose of this local law is to ban the use of drones outfitted with cameras at County owned properties and facilities.

**Section 2. Definitions.**

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

**AIR SPACE** – The portion of air located up to 500 feet above the ground, or up to 300 feet above the ground when within 3 miles of an airport.

PERSON - Any natural individual, firm, partnership, association, corporation, company or other business or organization of any kind.

UNMANNED AERIAL VEHICLE - Any remotely controlled machine that flies in the air, under the control of a person on the ground. This includes, but is not limited to, remote control airplanes, helicopters and drones.

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

- A. No person shall operate an unmanned aerial vehicle which is equipped with a camera in air space at and above any County facility unless authorized to do so in writing by the Commissioner of the Department of Public Works.
- B. No person shall operate an unmanned aerial vehicle which is equipped with a camera in air space at and above any County park facility unless they have a permit issued by the Department of Parks, Recreation and Conservation.

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

The prohibitions established in this law shall not apply to:

- 1. persons, businesses or organizations which use unmanned aerial vehicles to provide contracted services to the County of Suffolk, and
- 2. persons or organizations which hold an active media press pass issued by the police departments of Nassau County, Suffolk County or New York City.

### **Section 5. Facilities Rules and Regulations.**

The Commissioner of the Department of Public Works is hereby authorized, empowered and directed to establish all rules and regulations necessary for the enforcement of this law at County facilities.

### **Section 6. Parks Permitting.**

- A. The Department of Parks, Recreation and Conservation shall establish the rules, regulations and procedures for permitting the operation of unmanned aerial vehicles equipped with a camera at County parks.
- B. No permits shall be issued for unmanned aerial vehicles equipped with cameras to operate over the open to the public beach portions of County parks from May 15<sup>th</sup> through September 15<sup>th</sup> of any year.

### **Section 7. Penalties for offenses.**

Any violation of this law shall be a criminal violation, punishable by a fine no less than \$250 nor greater than \$500.

**Section 8. Activity Limitation.**

This law shall not be construed to allow for activity that is not permitted pursuant to any federal statutes, rules or regulations governing the use of air space subject to the jurisdiction of the Federal Aviation Administration.

**Section 9. Applicability.**

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

**Section 10. 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 11. 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 12. Effective Date.**

This law shall take effect 90 days following its filing in the Office of the Secretary of State.

DATED: July 28, 2015

\*\*VETOED BY COUNTY EXECUTIVE ON AUGUST 28, 2015\*\*

\*\*VETOED SUSTAINED NO ACTION TAKEN SEPTEMBER 9, 2015\*\*