



DRONE ACCEPTABLE USE POLICY

I. PURPOSE

The operation of unmanned aircraft systems (UAS) including drones and model aircraft is regulated by the Federal Aviation Administration (FAA) and relevant state law. The Town of Newcomb has established procedures required to ensure compliance with those legal obligations and to reduce risks to safety, security and privacy presented by such operation.

The Town of Newcomb will, on occasion use drone camera footage to provide official and accurate aerial video used to better inform citizens, the public, stakeholders and media of infrastructure updates and Town activities. This tool is simply another way to deliver public information and customer service to our residents with ever changing technology. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the Town plans to use drone footage to provide better quality videos across all media formats to reach a broader audience in a timely, efficient and aesthetically pleasing way.

II. REASONING

The operation of UAS requires compliance with FAA requirements, state law, and any other locally applicable laws or regulations regarding unmanned aircraft systems. Additionally, inherent risks in the operation of such equipment require proper oversight and authority, necessary safety practices and additional insurance protections.

III. DEFINITIONS

Unmanned Aircraft Systems (UAS) - UAS are also known as or may be characterized as "drones". According to the FAA, a UAS includes the unmanned aircraft and all the associated support equipment, control station, data links, telemetry, communications, and navigation equipment, etc., necessary to operate the unmanned aircraft. UAS may have a variety of names including quadcopter, quadrotor, etc. FAA regulations apply to UAS regardless of size or weight. Model aircraft are not considered by the FAA as UAS and are governed by different regulations. Drone photography or drone camera video footage is the capture of still images and video by a remotely operated or autonomous unmanned aerial vehicle.

IV. POLICY

All official Town of Newcomb videography and still photography are considered an extension of the Town's information networks and are governed by related policies, such as the Town of Newcomb Acceptable Use Policy as adopted by the Newcomb Town Board.



It is the intention of the Town to operate its Town-owned drone within the confines of federal law and therefore will adhere to:

- A. Small Unmanned Aircraft Regulations (FAA Part 107)
- B. UAS must be under 55lbs.;
- C. UAS will be registered with the FAA and marked on the outside with the registration number and carry proof of registration with the operator.
- D. Fly only for non-commercial purposes.
- E. UAS will be flown at or below 400 feet AGL (Above Ground Level) when in uncontrolled (Class G) airspace. Internal controls prevent any higher flight level.
- F. UAS will always be within the authorized operator's visual line of sight, or within the visual line-of-sight of a visual observer who is co-located (physically next to) and in direct communication with the operator.
- G. UAS will only be operated between sunrise and sunset.
- H. UAS must give way to and not interfere with manned aircraft.
- I. UAS must never be flown over any person or moving vehicle.
- J. UAS must never interfere with emergency response activities such as disaster relief, any type of accident response, law enforcement activities, firefighting, or hurricane recovery efforts. The Town of Newcomb may however operate the UAS in conjunction with emergency services if requested.
- K. UAS will never be flown by an operator under the influence of drugs or alcohol. Many over-the-counter medications have side effects that could impact the safe operation of the drone.
- L. The UAS will not be operated in a careless or reckless manner.
- M. All Town of Newcomb drones, the operation thereof, and their operators, are subject to all other applicable state and federal laws, rules and regulations.
- N. No Town of Newcomb employee may accept financial remuneration for flying, for images, or for data from flight.

V. PILOT EDUCATION

- A. The pilot of a UAS must be Town employee designated by the Supervisor.
- B. The pilot of a UAS must learn how to fly the UAS prior to using it for non-commercial Town-sanctioned purposes.
- C. The pilot will be required to view the following instructional videos about safe and appropriate drone flying before being given the control for non-commercial Town-sanctioned purposes:
 - 1. <https://www.youtube.com/watch?v=XbY7zbT-Vtc> - DJI Phantom 4 Pro V.2 Hands-On and Overview
 - 2. <https://www.youtube.com/watch?v=ifi3YiyG0h8> - First Drone Flight of Spring - Things You'll Need to Check
 - 3. <https://www.youtube.com/watch?v=ervG0ulRFGc> - Anatomy of a Drone Flyaway



4. <https://www.youtube.com/watch?v=rC4lAPdxbNA> - Where the Hell Can I Fly My Zone?
5. <https://www.youtube.com/watch?v=Mrvj1LvH-o8> - How Not To Be a Jerk when Flying Your Drone
6. <https://www.youtube.com/watch?v=TsxwRHnVTgl> - The 3 Quickest Ways to Kill Your Drone
7. <https://www.youtube.com/watch?v=BahOcVnAwto> -The 5 Biggest Fears of New Drone Owners - And How to Get Past Them
8. Additional videos may be added as they are created and/or discovered.
9. Pilot must complete the Drone Pilot Ground School – FAA Part 107 Test Prep & Training Course.

VI. ACCEPTABLE USE

- A. The Town-owned UAS will only be flown with a specific Town-sanctioned purpose in mind.
- B. Every flight of the UAS will have a specific purpose which serves to advance the Town and its policies.
- C. Notification maybe be provided to the public via social media, the Town of Newcomb website more than 24 hours in advance stating where, when, and why the Town-owned UAS is being flown.

VII. LIABILITY

- A. Drones are not perfect flying instruments and therefore, it can be reasonably assumed that an accident could occur. All precautions will be taken to ensure a safe flight. In the event of an accident or damage to private property because of pilot-error or the failure of the pilot to pilot the UAS in appropriate conditions, the Town will be held responsible for the incurred damage.
- B. The Town of Newcomb will secure Limited liability coverage for designated unmanned aircraft (Drones).

VIII. PROHIBITED USE OF UAS

- A. UAS shall not be used to monitor or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms.
- B. All UAS flights will take great care to avoid protected natural areas, such as land trust holdings and forest preserves. UAS flights will not fly within 100 feet of any sensitive species of nesting or denning animals, nor will UAS flights harass wildlife, including birds and bats.



IX. OWNERSHIP OF MEDIA

- A. The Town of Newcomb owns the exclusive rights to any media captured by the drone during flight. Any rebroadcast, reproduction or other use of this media without the express written consent of the Town of Newcomb Supervisor is prohibited.

X. PROPOSED PURPOSES OF FLIGHT

- A. **Inspection of Town-owned assets** (roof of Highway garage, Town Hall, Grange, upper levels of water tower, etc.)
- B. **Marketing** (for example: dramatic shots from over the water of Newcomb, photography/videography of the Essex Chain Lakes and Santanoni, overhead angled shots of historic buildings, farmers farming in their fields from a bird's eye view, previously unattainable angles of our best features to bring new life to our Town marketing tools.
- C. **Public safety** (to aid the Fire Department in search/rescue, attack of a fire, automobile accident review and post-event training, flooding, HAZMAT wreck, etc.)
- D. **Historic Documentation** (unique angles and altitudes provide a new level of historic documentation)

Flights with the drone are generally intended to capture vistas and broad macro images, not individual properties, or micro images.

XI. PRIVACY

The Town of Newcomb fully respects the privacy of its citizens. The use of a drone is in no way intended to infringe upon those rights afforded to us. The United States Constitution implicitly grants a right to privacy against governmental intrusion from the First Amendment, Third Amendment, Fourth Amendment, and the Fifth Amendment.

Any Newcomb property owner who wishes to maintain their privacy has the right to do so. The Town of Newcomb, upon an individual property owner's request, will establish that property as a Red Zone property, which indicates to the operator of the drone that the drone may never (except in an emergency which imperils the life of the operator or imperils the functionality of the drone itself) fly directly over that Red Zone property at any altitude.

The property may be visible from an indirect angle, no different than that of any airborne machine, or marine watercraft.



XII. PUBLIC TRUST

It is important to ensure the public's trust of Town of Newcomb's operation of the drone; therefore, any use of drone to capture visual elements to enhance the Town's videography will be captured only to reflect the public brand of the Town of Newcomb or its marketing publications. The drone's camera is incapable of zoom, so all visual recording is done in its truest form from the altitude the drone is flying at.