



Borough of Chambersburg

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FOR IMMEDIATE RELEASE

Chambersburg to Discuss Banning Drones in Borough Parks

Chambersburg, Pennsylvania – The Borough of Chambersburg Recreation Advisory Committee recently forwarded a recommendation to Town Council to consider the banning of drone aircraft from Borough public parks. A review by the Borough’s Solicitor’s firm, Salzman Hughes P.C., determined that the law, which is still evolving on this topic, does permit a local municipality to take action, as long as the action does not conflict with Federal Aviation Administration (FAA) regulations.

They went on to explain to the Recreation Advisory Committee, that drone aircraft are regulated by the FAA and that municipalities cannot adopt any local law or policy that supersedes Federal rules. However, the Solicitor’s office maintains that a Pennsylvania Borough has the right to adopt a policy preventing the use of a drone in a public park if the regulation falls within the Borough’s police power.

In his summary, attorney Justin George, states: “The FAA has split its regulation of drones into two categories based on use: commercial and noncommercial. Commercial use includes any use of a drone for business, while noncommercial is strictly recreational use.”

According to the FAA, drones weighing over 0.55 pounds must be registered with the FAA and the drone itself must be labeled with a unique registration number. For noncommercial drone flight, operators must follow the list of requirements in order to comply with FAA Regulations:

- 1) the aircraft must be flown strictly for hobby or recreational use;
- 2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- 3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- 4) the aircraft is operated in a manner that does not interfere with, and gives way to, any manned aircraft; and
- 5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation.

Additionally, there are several federal safety guidelines that noncommercial drone operators must follow:

- 1) maximum altitude of 400 feet above ground level;
- 2) keep drone within visual sight;
- 3) never fly near other aircraft, especially around airports;
- 4) never fly over groups of people;

Chambersburg is a unique community. Chambersburg supplies more services than any other municipality in the Commonwealth of Pennsylvania. In addition to typical town functions, Chambersburg is Pennsylvania’s only municipality supplying electric and gas. Chambersburg is 1 of 35 Boroughs to operate a municipal non-profit electric utility. Chambersburg is the largest municipal electric utility in the State, twice as large as the second largest, Ephrata, Lancaster County; and, the only one to operate generation stations. Chambersburg is 1 of 2 municipalities in PA to operate a natural gas utility. The other is Philadelphia, which does not operate an electric utility. Nationally, Chambersburg is 1 of 2,000 communities to have its own electric system and 1 of 800 communities to have a natural gas system but 1 of only about 50 to operate both. Chambersburg manages a regional water system, a regional sanitary sewer system (not through an independent Authority), and a new storm sewer utility; one of the first storm sewer utilities to form under the new Federal mandate to regulate stormwater.

Chambersburg currently has 20,508 residents (2013). www.chambersburgpa.gov

- 5) never fly over stadiums or sports events;
- 6) never fly near emergency response efforts;
- 7) never fly under the influence;
- 8) be aware of airspace requirements.

Commercial drones must follow the same operating guidelines that apply to noncommercial drones, as well as additional rules:

- 1) cannot weight over 55 pounds;
- 2) cannot fly in excess of a ground speed of 100 MPH;
- 3) there must be a minimum weather visibility of 3 miles;
- 4) cannot be operated from a moving vehicle;
- 5) cannot operate under the influence of drugs or alcohol;
- 6) preflight inspection must be completed;
- 7) if an external payload is attached to the drone it must be secured;
- 8) daylight-only operations, or civil twilight with appropriate anti-collision lighting.

It is not clear whether Council wants to ban drone aircraft in Borough parks. Monday will be their first discussion on the topic.

It was the recommendation of the Recreation Advisory Committee that drones be completely banned in Borough Parks without the express written permission of the Borough Recreation Department. The concern discussed was predominantly the right of citizens to use recreation facilities without being subject to unauthorized aerial photography.

Although state and local regulation of drones is federally preempted, there are a few municipalities in Pennsylvania that have attempted to regulate the use of drones. For example, in the City of Pittsburgh, drone usage is banned within the city's parks and playgrounds.

Attorney George suggests: "If the Borough desires to regulate drone use in its parks, one option is to consider a regulation similar to Pittsburgh's regulation."

Furthermore, the DCNR's Bureau of State Parks has limited drone usages and other unmanned aerial systems to six designated flying sites within six specific state parks. So far, these regulations have not yet been challenged.

Borough Manager Jeffrey Stonehill said "this is an evolving issue and local municipalities are just now looking at using drone aircraft for municipal functions. In Chambersburg, we have considered their use for Borough purposes including photographing electric lines to look for deficiencies and aerial photography for fire department after action reporting and economic development. Staff suggests that Council consider a future where drone aircraft, both commercial and recreational, are prevalent, and decided whether the time is right to be making policies on this subject."

At the Regular Meeting of Town Council on Monday, June 4, 2018, at 7:00 P.M., Town Council will discuss this topic. It is possible, no action will be taken at the completion of the discussion. The public is welcome to attend.