

**WILLISTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 8 OF 2016**

**AN ORDINANCE AMENDING THE CODE OF WILLISTOWN TOWNSHIP BY ADDING A NEW CHAPTER TO PART II, GENERAL LEGISLATION, REGULATING THE USE AND OPERATION OF MODEL AIRCRAFT, AMATEUR ROCKETS, UNMANNED AIRCRAFT SYSTEMS AND FLYING OBJECTS OF A SIMILAR NATURE IN THE TOWNSHIP. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

**WHEREAS**, the Board of Supervisors of the Willistown Township has deemed it to be in the best interests and general welfare of the residents of the Township to prohibit the use of unmanned aircraft systems, model aircraft, rockets or other flying objects of a similar nature below a certain height over private or public property without the consent of the property owner; and

**WHEREAS**, unmanned aircraft systems, model aircraft, rockets or other flying objects can be outfitted with technology capable of capturing images of objects or people on the ground and in the air; and

**WHEREAS**, operators of unmanned aircraft systems, model aircraft, rockets or other flying objects are capable of flying over property not owned by the operator; and

**WHEREAS**, property owners in the Township are entitled to the quiet use and enjoyment of their private property; and

**WHEREAS**, the use, operation or flying of unmanned aircraft systems, model aircraft, rockets or other flying objects at a height below 200 feet over property not owned by the operator and without permission of the property owner is deemed to be a public nuisance and a danger to life and property; and

**BE IT AND IT IS HEREBY ENACTED** by the Board of Supervisors of Willistown Township, Chester County, enacts a new chapter, Chapter 128, "Unmanned Aircraft" as follows:

**Section 1.** **DEFINITIONS.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

**AMATEUR ROCKET-** Pursuant to Title 14, Chapter 1, Subchapter F, Part 101, Subpart C of the Code of Federal Regulations, as may be amended from time to time, an unmanned rocket of the following classes:

Class 1 – Model Rocket that: (1) Uses no more than 125 grams (4.4 ounces) of propellant, (2) Uses a slow burning propellant, (3) Is made of paper, wood, or breakable plastic, (4) Contains no substantial metal parts, and (5) Weighs no more than 1,500 grams (53 ounces), including propellant.

Class 2 – High-Power Rocket other than a model rocket that is propelled by a motor or motors having a combined total impulse of 40,960 Newton-seconds (9,208 pound-seconds) or less.

Class 3 – Advanced High-Power Rocket other than a model rocket or high-power rocket.

**BOARD-** The Board of Supervisors of Willistown Township.

**MODEL AIRCRAFT-** Any unmanned aircraft, including without limitation, model airplanes, remote controlled aircraft and drones and the equipment associated with such unmanned aircraft systems.

**PUBLIC NUISANCE-** The unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, inconvenience, annoyance, or discomfort to any person in the legitimate enjoyment of that person's property.

**OPERATOR-** Any person controlling or otherwise operating an Unmanned Aircraft System, Model Aircraft or Amateur Rocket.

**OWNER-** Any person owning, leasing, occupying, or having charge of any property within the Township.

**PERSON-** Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**TOWNSHIP-** The Township of Willistown.

**UNMANNED AIRCRAFT** - Pursuant to Section 331 of the FAA Modernization and Reform Act of 2012, as may be amended from time to time, an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

**UNMANNED AIRCRAFT SYSTEM (UAS)** – Pursuant to Section 331 of the FAA Modernization and Reform Act of 2012, as may be amended from time to time, an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

**Section 2. REGULATION OF MODEL AIRCRAFT, AMATEUR ROCKETS, AND UNMANNED AIRCRAFT SYSTEMS.**

- A. No Person shall operate a Model Aircraft, Amateur Rocket, Unmanned Aircraft System, or other flying object of a similar nature at an elevation of less than two hundred (200) feet over property not owned by the Operator without the permission of the Property Owner.
- B. Permission from the Owner shall be in writing specifying the name of the Operator, the address of the property over which the Model Aircraft, Amateur Rocket, Unmanned Aircraft System, or other flying object of a similar nature may be operated, and the permissible dates and hours of operation. Under no circumstances shall any such flying object be operated between the hours of sunset and sunrise.
- C. The operation of a Model Aircraft, as that term is defined herein, shall be in compliance with the requirements set forth in Section 336(a) of the FAA Modernization and Reform Act of 2012 ("FMRA"), as such regulations may be amended from time to time.
- D. The operation of an Amateur Rocket, as that term is defined herein, shall be in compliance with the requirements set forth in Title 14, Chapter 1, Subchapter F, Part 101, Subpart C of the Code of Federal Regulations, as such regulations may be amended from time to time.
- E. The operation of an Unmanned Aircraft System, as that term is defined herein, shall be in compliance with the requirements set forth in Subtitle B of the FAA Modernization and Reform Act of 2012 ("FMRA"), as such regulations may be amended from time to time.
- F. The operation of a Model Aircraft, Amateur Rocket, Unmanned Aircraft System, or other flying object of a similar nature are prohibited on all Township Property and within Township and Penn DOT road right-of-ways, unless specifically approved by the Board of Supervisors.
- G. The use of a Model Aircraft, Amateur Rocket, Unmanned Aircraft System, or other flying object of a similar nature shall be exempt from the regulations contained herein or regulated as otherwise provided by state and federal law, provided such flying object is operated by and for stated purpose of any agency chosen to fulfill the public safety needs of Willistown Township, as adopted from time to time by Resolution of the Board of Supervisors. Such agencies shall include the Willistown Police Department and other authorized law enforcement agencies, inter-agency task forces or special operations teams having jurisdiction in Willistown Township.

**Section 3. VIOLATIONS AND PENALTIES.** Any person who violates or permits the violation of any provision of this Ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this Ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall

constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this chapter shall be paid to the Township Treasurer.

**Section 4. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 5. REPEALER.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**Section 6.** This Ordinance shall be effective five (5) days from the date of enactment.

**ENACTED and ORDAINED** this 20<sup>th</sup> day of June, 2016.

**BOARD OF SUPERVISORS  
WILLISTOWN TOWNSHIP**

  
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**William R. Shoemaker, Chairman**

  
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**George J. McHugh IV, Vice Chairman**

  
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**Robert T. Lange, Member**

**ATTEST:**

  
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**David R. Burman, Secretary**