

**EAST GOSHEN TOWNSHIP**  
**CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 129-B-2015**

**AN ORDINANCE OF EAST GOSHEN TOWNSHIP  
REGULATING THE USE AND OPERATION OF MODEL  
AIRCRAFT AND AMATEUR ROCKETS IN THE  
TOWNSHIP.**

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

**WHEREAS**, radio controlled or uncontrolled 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 radio controlled or uncontrolled 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 radio controlled or uncontrolled 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

**NOW THEREFORE BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the authority of the Board of Supervisors of the Township of East Goshen (the "Board") 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-** an unmanned rocket that:

- (1) Is propelled by a motor or motors having a combined total impulse of 889,600 Newton-seconds (200,000 pound seconds) or less; and

- (2) Cannot reach an altitude greater than 150 kilometers (93.2 statute miles) above the earth's surface.

**BOARD-** The Board of Supervisors of the Township of East Goshen.

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

**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 a 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 East Goshen.

**SECTION 2. Regulation of Model Aircraft and Amateur Rockets.**

- A. No Person shall operate a Model Aircraft, Amateur Rocket or other flying objects 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 or other flying objects of a similar nature may be operated, and the permissible dates and hours of operation.
- 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, which are attached as Exhibit A.
- 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, which are attached as Exhibit B.

- E. The operation of a Model Aircraft and an Amateur Rocket as those terms are defined above are prohibited on all Township Property and within Township and Penn DOT road right-of-ways, unless specifically approved by the Board of Supervisors.

**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. Effective Date.** This Ordinance shall become effective in five (5) days from the date of adoption.

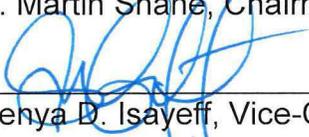
ENACTED AND ORDAINED this 17<sup>th</sup> day of MARCH, 2015.

ATTEST:

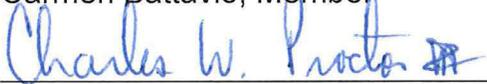
  
\_\_\_\_\_  
Louis F. Smith, Secretary

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
E. Martin Shane, Chairman

  
\_\_\_\_\_  
Senya D. Isayeff, Vice-Chairman

  
\_\_\_\_\_  
Carmen Battavio, Member

  
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Charles W. Proctor, III, Esquire, Member

  
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Janet L. Emanuel, Member

**EXHIBIT "A"**

Section 336(a) of FAA Modernization and Reform Act of 2012

## FAA Modernization and Reform Act of 2012

### Senate Bill, Section 607(g)

...exempts most model airplanes used for recreational or academic use from any UAS regulations established by the FAA

### Conference Committee Report

*Senate bill with modifications... Language including model aircraft for the purposes of sports, competitions and academic purposes is removed and replaced with "hobby". The modified section includes language requiring that the model aircraft must be operated in a manner that does not interfere with and gives way, to all manned aircraft. In addition, language that requires that model aircraft flown within five miles of an airport will give prior notification to the airport and the air traffic control (ATC), and that model aircraft that are flown consistently within five miles of the ATC will do so under standing agreements with the airports and ATC. Lastly, language is added that will ensure that nothing in this provision will interfere with the Administrator's authority to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system. In this section the term "nationwide community-based organization" is intended to mean a membership based association that represents the aeromodeling community within the United States; provides its members a comprehensive set of safety guidelines that underscores safe aeromodeling operations within the National Airspace System and the protection and safety of the general public on the ground; develops and maintains mutually supportive programming with educational institutions, government entities and other aviation associations; and acts as a liaison with government agencies as an advocate for its members.*

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### SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.

(a) *In General.*--Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if--

- (1) the aircraft is 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 (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

(b) *Statutory Construction.*--Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

(c) *Model Aircraft Defined.*--In this section, the term ``model aircraft" means an unmanned aircraft that is--

(1) capable of sustained flight in the atmosphere;

(2) flown within visual line of sight of the person operating the aircraft; and

(3) flown for hobby or recreational purposes.

**EXHIBIT "B"**

Title 14, Chapter 1, Subchapter F, Part 101, Subpart C of the Code of Federal Regulations

### **§101.17 Lighting and marking requirements.**

(a) No person may operate a moored balloon or kite, between sunset and sunrise unless the balloon or kite, and its mooring lines, are lighted so as to give a visual warning equal to that required for obstructions to air navigation in the FAA publication "Obstruction Marking and Lighting".

(b) No person may operate a moored balloon or kite between sunrise and sunset unless its mooring lines have colored pennants or streamers attached at not more than 50 foot intervals beginning at 150 feet above the surface of the earth and visible for at least one mile.

(Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[Doc. No. 1580, 28 FR 6722, June 29, 1963, as amended by Amdt. 101-4, 39 FR 22252, June 21, 1974]

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### **§101.19 Rapid deflation device.**

No person may operate a moored balloon unless it has a device that will automatically and rapidly deflate the balloon if it escapes from its moorings. If the device does not function properly, the operator shall immediately notify the nearest ATC facility of the location and time of the escape and the estimated flight path of the balloon.

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## **Subpart C— Amateur Rockets**

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### **§101.21 Applicability.**

(a) This subpart applies to operating unmanned rockets. However, a person operating an unmanned rocket within a restricted area must comply with §101.25(b)(7)(ii) and with any additional limitations imposed by the using or controlling agency.

(b) A person operating an unmanned rocket other than an amateur rocket as defined in §1.1 of this chapter must comply with 14 CFR Chapter III.

[Doc. No. FAA-2007-27390, 73 FR 73781, Dec. 4, 2008]

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### **§101.22 Definitions.**

The following definitions apply to this subpart:

(a) *Class 1—Model Rocket* means an amateur 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 the propellant.

(b) *Class 2—High-Power Rocket* means an amateur 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.

(c) *Class 3—Advanced High-Power Rocket* means an amateur rocket other than a model rocket or high-power rocket.

[Doc. No. FAA-2007-27390, 73 FR 73781, Dec. 4, 2008]

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### **§101.23 General operating limitations.**

(a) You must operate an amateur rocket in such a manner that it:

(1) Is launched on a suborbital trajectory;

(2) When launched, must not cross into the territory of a foreign country unless an agreement is in place between the United States and the country of concern;

(3) Is unmanned; and

(4) Does not create a hazard to persons, property, or other aircraft.

(b) The FAA may specify additional operating limitations necessary to ensure that air traffic is not adversely affected, and public safety is not jeopardized.

[Doc. No. FAA-2007-27390, 73 FR 73781, Dec. 4, 2008]

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### **§101.25 Operating limitations for Class 2-High Power Rockets and Class 3-Advanced High Power Rockets.**

When operating *Class 2-High Power Rockets* or *Class 3-Advanced High Power Rockets*, you must comply with the General Operating Limitations of §101.23. In addition, you must not operate *Class 2-High Power Rockets* or *Class 3-Advanced High Power Rockets*—

(a) At any altitude where clouds or obscuring phenomena of more than five-tenths coverage prevails;

(b) At any altitude where the horizontal visibility is less than five miles;

(c) Into any cloud;

(d) Between sunset and sunrise without prior authorization from the FAA;

(e) Within 9.26 kilometers (5 nautical miles) of any airport boundary without prior authorization from the FAA;

(f) In controlled airspace without prior authorization from the FAA;

(g) Unless you observe the greater of the following separation distances from any person or property that is not associated with the operations:

(1) Not less than one-quarter the maximum expected altitude;

(2) 457 meters (1,500 ft.);

(h) Unless a person at least eighteen years old is present, is charged with ensuring the safety of the operation, and has final approval authority for initiating high-power rocket flight; and

(i) Unless reasonable precautions are provided to report and control a fire caused by rocket activities.

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### **§101.27 ATC notification for all launches.**

No person may operate an unmanned rocket other than a Class 1—Model Rocket unless that person gives the following information to the FAA ATC facility nearest to the place of intended operation no less than 24 hours before and no more than three days before beginning the operation:

(a) The name and address of the operator; except when there are multiple participants at a single event, the name and address of the person so designated as the event launch coordinator, whose duties include coordination of the required launch data estimates and coordinating the launch event;

(b) Date and time the activity will begin;

(c) Radius of the affected area on the ground in nautical miles;

(d) Location of the center of the affected area in latitude and longitude coordinates;

(e) Highest affected altitude;

(f) Duration of the activity;

(g) Any other pertinent information requested by the ATC facility.

[Doc. No. FAA-2007-27390, 73 FR 73781, Dec. 4, 2008, as amended at Doc. No. FAA-2007-27390, 74 FR 31843, July 6, 2009]

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### **§101.29 Information requirements.**

(a) *Class 2—High-Power Rockets.* When a Class 2—High-Power Rocket requires a certificate of waiver or authorization, the person planning the operation must provide the information below on each type of rocket to the FAA at least 45 days before the proposed operation. The FAA may request additional information if necessary to ensure the proposed operations can be safely conducted. The information shall include for each type of Class 2 rocket expected to be flown:

(1) Estimated number of rockets,

(2) Type of propulsion (liquid or solid), fuel(s) and oxidizer(s),

(3) Description of the launcher(s) planned to be used, including any airborne platform(s),

(4) Description of recovery system,

(5) Highest altitude, above ground level, expected to be reached,

(6) Launch site latitude, longitude, and elevation, and

(7) Any additional safety procedures that will be followed.

(b) *Class 3—Advanced High-Power Rockets.* When a Class 3—Advanced High-Power Rocket requires a certificate of waiver or authorization the person planning the operation must provide the information below for each type of rocket to the FAA at least 45 days before the proposed operation. The FAA may request additional information if necessary to ensure the proposed operations can be safely conducted. The information shall include for each type of Class 3 rocket expected to be flown:

(1) The information requirements of paragraph (a) of this section,

- (2) Maximum possible range,
- (3) The dynamic stability characteristics for the entire flight profile,
- (4) A description of all major rocket systems, including structural, pneumatic, propellant, propulsion, ignition, electrical, avionics, recovery, wind-weighting, flight control, and tracking,
- (5) A description of other support equipment necessary for a safe operation,
- (6) The planned flight profile and sequence of events,
- (7) All nominal impact areas, including those for any spent motors and other discarded hardware, within three standard deviations of the mean impact point,
- (8) Launch commit criteria,
- (9) Countdown procedures, and
- (10) Mishap procedures.

[Doc. No. FAA-2007-27390, 73 FR 73781, Dec. 4, 2008, as amended at Doc. No. FAA-2007-27390, 74 FR 31843, July 6, 2009]

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## ~~Subpart D—Unmanned Free Balloons~~

SOURCE: Docket No. 1457, 29 FR 47, Jan. 3, 1964, unless otherwise noted.

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### ~~§101.31 Applicability.~~

~~This subpart applies to the operation of unmanned free balloons. However, a person operating an unmanned free balloon within a restricted area must comply only with §101.33 (d) and (e) and with any additional limitations that are imposed by the using or controlling agency, as appropriate.~~

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### ~~§101.33 Operating limitations.~~

~~No person may operate an unmanned free balloon—~~

~~(a) Unless otherwise authorized by ATC, below 2,000 feet above the surface within the lateral boundaries of the surface areas of Class B, Class C, Class D, or Class E airspace designated for an airport;~~

~~(b) At any altitude where there are clouds or obscuring phenomena of more than five-tenths coverage;~~

~~(c) At any altitude below 60,000 feet standard pressure altitude where the horizontal visibility is less than five miles;~~

~~(d) During the first 1,000 feet of ascent, over a congested area of a city, town, or settlement or an open-air assembly of persons not associated with the operation; or~~

~~(e) In such a manner that impact of the balloon, or part thereof including its payload, with the surface creates a hazard to persons or property not associated with the operation.~~

[Doc. No. 1457, 29 FR 47, Jan. 3, 1964, as amended by Amdt. 101-5, 56 FR 65662, Dec. 17, 1991]