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## **Judge Affirms Limited Power of States and Cities Over Drones.**

***The ruling was a defeat for Newton, Mass., which banned people from flying drones below 400 feet over private property.***

A federal court in Massachusetts has struck down key elements of a local drone ordinance that had significantly restricted where residents could fly the devices, affirming the limited power of cities and states to regulate unmanned aircraft.

The ruling was a defeat for the city of Newton, which enacted an ordinance in December that restricted flights of pilotless aircraft weighing less than 55 pounds. The city said the rules were meant to address safety and privacy concerns about the proliferation of drones in the area.

In January, Newton resident Michael Singer sued the city, seeking to strike down four provisions of the law. Among them were a requirement that drone owners register their aircraft with Newton and a ban on flying drones below an altitude of 400 feet over private property without permission of the property owner.

Citing Federal Aviation Administration guidance, lawyers for Newton said localities are allowed to “co-regulate unmanned aircraft” and argued that the city’s ordinance was “within the bounds of its municipal police powers.”

But U.S. District Judge William G. Young of Massachusetts disagreed, ruling that the ordinance was in direct conflict with federal government’s drone policies mandated by Congress.

Such a collision between local and federal rules, he wrote, violates a provision of the U.S. Constitution that gives federal law priority over conflicting state or local regulation.

“Newton’s choice to restrict any drone use below this altitude thus works to eliminate any drone use in the confines of the city, absent prior permission,” wrote Judge Young. “This thwarts not only the FAA’s objectives, but also those of Congress for the FAA to integrate drones into the national airspace.”

The ruling leaves in place other provisions of the ordinance that Mr. Young didn’t challenge, such as a prohibition on operating drones in reckless manner or using them to spy on people.

On Friday, the Law Department for Newton said the city is considering its appeal options.

Mr. Singer, a physician-scientist, said the decision helps to “ensure that the skies would remain open for new technology that would benefit society.” He said that at the time the ordinance was passed, he was researching ways of using drones for delivering medical services.

A number other local jurisdictions in the U.S. have imposed or considered similar clamp downs on drones, such as West Hollywood in California and the Florida town of Palm Beach, which is rewriting

its drones rules to avoid the same legal concerns Newton faced.

The Consumer Technology Association, which supported Mr. Singer's case, said the ruling makes clear that the FAA, and not local jurisdictions, has the final say over who can fly drones and where and when they can do so.

"This decision establishes a rock-solid affirmation that the federal government unequivocally holds jurisdiction over the drone industry," said Doug Johnson, vice president of technology policy for the association.

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