



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 21, 2006

ITEM NUMBER:

SUBJECT: CONSIDERATION OF AN ORDINANCE, REVIEW AND APPROVAL OF THE PERMITTING REGULATIONS AND PERMITTING SYSTEM, AND ESTABLISHMENT OF A PERMIT FEE, FOR THE FLYING OF MODEL AIRCRAFT AT FAIRVIEW PARK

DATE: NOVEMBER 8, 2006

FROM: PUBLIC SERVICES DEPARTMENT

PRESENTATION BY: ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR

FOR FURTHER INFORMATION CONTACT: ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR (714) 754-5303

RECOMMENDATION

1. Adopt the proposed ordinance regulating model aircraft flying at Fairview Park (Attachment 1).
2. Establish a fee of \$20 annually for the maintenance of a permit system for individuals to fly model aircraft at Fairview Park.

BACKGROUND

For over 30 years the Harbor Soaring Society (HSS) and the general public have been using a portion of Fairview Park to fly radio-controlled aircraft. In the mid 1980's, Max Freed Memorial Field was dedicated in the southern portion of Fairview Park, at the northern end of Canyon Drive, as a flying field. In 1998, this area was designated as a launch/land site for silent flyers in the approved Fairview Park Master Plan (Attachment 2).

Over the years, the City has allowed the flying of model aircraft without any regulations or permitting process. The City Council has requested that staff review the situation and propose a permit system that would provide for regulation of the use as well as protecting the City from possible claims due to the use. In this way, the City will reduce the liability and provide for equal enjoyment of the park by all users.

A City-administered permit system has been developed by staff and will require amendments to the Costa Mesa Municipal Code for its proper establishment and enforcement. The permit system includes a permit application, rules and regulations, field rules, and the Academy of Model Aeronautics (AMA) Safety Code.

ANALYSIS

With the creation of a model aircraft permitting process, anyone wanting to fly a radio-controlled model aircraft at Fairview Park will need to register with the Recreation Services Department and obtain a permit. The Recreation Manager would oversee the permit process. To obtain a permit, the flyer would need to provide proof of liability insurance in the amount of \$500,000 either through the Academy of Model Aeronautics (AMA), their homeowner's insurance policy, or some other form acceptable to the City. As proposed by staff, the flyer would have to pay an annual fee of \$20.00 and agree to abide by the Model Aircraft Permit Application and Flying Regulations, the AMA Safety Code, Fairview Park Flying Field Rules, and Costa Mesa's Flying Regulations for Fairview Park Ordinance.

Public Services Department staff consulted with HSS, the Police Department, the Recreation Services Department, and the City Attorney's office in creating the permit rules, regulations, flying field rules, and ordinance. It is estimated that approximately 100 flyers will apply for a model aircraft permit annually. A flyer must renew their permit every year and pay the \$20.00 fee. The Police Department's Park Rangers would enforce the permit rules and regulations and, if necessary, recommend suspension and/or revocation of a flyer's permit to the Recreation Manager. A flyer must wear the permit while flying a model aircraft at the park.

The permit system, flying regulations, ordinance, and fee were reviewed by the Parks and Recreation Commission at their September 27, 2006, meeting. At this meeting, the Commission provided comments on the rules and regulations and the flying field rules, all of which have been incorporated into the final documents, and recommended that the City Council adopt the ordinance and establish a permit fee of \$20. Staff has since finalized the permit process (Attachment 3) and flying regulations (Attachment 4), and requires adoption of the ordinance and fees to place the system in effect.

ALTERNATIVES CONSIDERED

No other alternatives have been considered, as City Council has previously requested that staff initiate a permit process at Fairview Park for the flying of model aircraft.

FISCAL REVIEW

It is estimated that Recreation Services clerical staff will spend two and one-half hours per month administering the permit program and the Recreation Manager two hours per month overseeing the process. A Park Ranger is expected to spend approximately two hours per month in the field enforcing the program. Based on the salaries of the employees involved in the program, the cost to run the program will be about \$2,190 annually.

At \$20 per year per user, it is estimated that \$2,000 in fees will be received annually through the permit process to help defray the costs of the program.

LEGAL REVIEW

The City Attorney's office has reviewed and approved the ordinance.

CONCLUSION

It is recommended that the Council adopt the ordinance, and establish a permit fee of \$20. Upon approval of the model aircraft permitting system, staff will move forward to set up the program, educate the public and install signage at Fairview Park.

William J. Morris
Director of Public Services

Stephen N. Mandoki
Administrative Services Director

Robert Staples
Fairview Park Plan Administrator

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- Attachments: 1 - [Fairview Park Flying Regulation Ordinance](#)
2 - [Fairview Park Master Plan](#)
3 - [Proposed Permit Application](#)
4 - [Flying Regulations](#)

c: Allan Roeder, City Manager
Thomas Hatch, Assistant City Manager
Steven Staveley, Interim Police Chief
Kim Barlow, City Attorney
Tim Starn, Police Sergeant
Bruce Hartley, Maintenance Services Manager
Jana Ransom, Recreation Manager
Carol Proctor, Management Analyst
Bart Mejia, Parks Project Manager

ModelAircraftPermit2006Report

11/6/06

4:30 p.m.