Model Aircraft Flying Regulations for Issuance, Suspension and Revocation of Permits to Fly Radio Controlled Model Aircraft at Fairview Park

Purpose

The City Council of the City of Costa Mesa, on_____,2006, approved Ordinance No._____, an Ordinance Adopting Radio Controlled Model Aircraft Flying Regulations for Fairview Park. This ordinance prohibits the flying of model aircraft at Fairview Park without a permit issued by the City, provides for the establishment of procedures and requirements for the issuance, suspension and revocation of permits, and adopts regulations for the flying of model aircrafts at the Park.

The ordinance specifically requires that the Recreation Manager establish procedures and requirements for the issuance, suspension and revocation of permits. These procedures and requirements have been prepared pursuant to Ordinance No. _____.

Permit Requirement

No person shall fly model aircraft at Fairview Park unless and until he or she has received from the City of Costa Mesa a permit to fly model aircraft at the Park.

Definitions

A. "City" is the City of Costa Mesa.

B. "Recreation Manager" is the Recreation Manager for the City of Costa Mesa.

C. "Model aircraft" means all forms of radio controlled gliders, electric motor gliders, or electric powered model airplanes electric helicopters, but does NOT include internal combustion engine powered aircraft, rockets, and aircraft exceeding the AMA weight limit.

D. "Park" is Fairview Park.

E. "Pilot" is any person flying model aircraft.

F. "AMA" is the Academy of Model Aeronautics.

G. "CMMC" is the Costa Mesa Municipal Code.

H. "Model Aircraft Flying Regulations" are the regulations for flying model aircraft at Fairview Park set forth in CMMC §_____.

Permit Issuance

A. Any person who desires to fly a model aircraft at the Park must do the following.

   i. Complete, sign and submit to the City of Costa Mesa an application for a permit to fly model aircraft.

   ii. Sign the latest version of the AMA Safety Code acknowledging, understanding, and consenting to abide by its provisions.

   iii. Have the application and the applicant's model aircraft specifications reviewed by the Recreation Manager, or his or her designee.

iv. Obtain from the City a permit to fly a model aircraft at the Park.

v. Provide proof of adequate liability insurance for the flying of model aircraft in the form of a current AMA membership card or a current homeowner's/personal liability insurance policy specifically covering model airplane/aircraft flying, with a minimum limit of $500,000.

vi. Abide by all City Rules and Regulations listed in Section _____ of the CMMC, the AMA safety regulations, and the Fairview Park Flying Field Rules.

B. Application forms may be obtained from the City's Recreation Division.

5. Suspension and Revocation of Permits

If a person to whom a permit has been issued fails to comply with the Model Aircraft Flying Regulations or the AMA Safety Code, or the Fairview Park Flying Field Rules or is otherwise flying model aircraft in an improper manner, as determined by the City, then that permit is subject to suspension and revocation as provided for in these regulations.

A. Warnings.

If a park ranger or police officer observes a pilot not complying with any applicable regulations, the park ranger or police officer may, in his or her discretion, issue a verbal or written warning to the pilot. The park ranger or police officer may also issue one or more citations for violation of the CMMC.

B. Suspension.

i. If a park ranger or police officer observes a pilot violating any applicable regulations, the park ranger or police officer may immediately suspend the pilot's permit or submit a written recommendation to the Recreation Manager that the permit be suspended.

If the park ranger or police officer decides to immediately suspend the license of a pilot, that ranger or officer shall immediately notify the pilot of the suspension and shall, if possible, confiscate the pilot's permit (which should be on the Frequency Board). The park ranger or police officer shall submit the permit, if it has been obtained, to the Recreation Manager and a written report on the violation and the suspension with a recommendation as to the length of the suspension.

ii. If a park ranger or police officer observes a pilot violating any applicable regulations, or if a park ranger or police officer obtains information that a pilot has violated the regulations, the park ranger or police officer may recommend to the Recreation Manager that the pilot's permit be suspended. In such case, the park ranger or police officer shall submit a written report to the Recreation Manager with information on the violation and a recommendation as to whether a suspension should be issued and the length of the suspension.

iii. In situations where a park ranger or police officer has suspended a pilot's permit or has recommended suspension of a pilot's permit, the Recreation Manager shall review the written report, confirm or lift any suspension, and determine whether to suspend the permit, or continue an existing suspension, and the length of the any such suspension. Generally, a suspension period shall be between 14 to 30 days, but may be lesser or greater in the Recreation Manager's discretion based on the severity of the violation and the permit-holders past history of violation. The Recreation Manager shall provide

written notification of any decision to suspend to the pilot and to the reporting ranger or officer.

iv. If the Recreation Manager observes or receives credible information of any pilot violating any applicable regulation, the Recreation Manager may suspend that pilot's permit upon written notice.

C. Revocation.

i. A permit may be revoked under the following circumstances:

(a) If a pilot is in violation of any applicable regulations and has already received a suspension..

(b) If a pilot flies model aircraft with a suspended permit.

(c) If a pilot trespasses onto a resident's property, including entering an enclosed yard area.

(d) If a pilot fails to pay, within a reasonable period of time, for repairs for any damage to residential properties that his or her model aircraft causes (regardless of the reason for the damage).

(e) If the Recreation Manager determines that a pilot is flying his or her model aircraft in an unsafe manner.

ii. Revocation Procedures

(a) If a park ranger or police officer observes or is informed of any grounds to revoke a permit, that park ranger or police officer shall provide a written report to the Recreation Manager with a recommendation that the pilot's permit be revoked. The Recreation Manager shall determine what action shall be taken and notify the pilot and the reporting ranger or officer.

D. Appeal of Recreation Manager's Decision.

If the pilot believes that a suspension or revocation is not warranted, he or she may request in writing that a hearing be held before the Administrative Services Director or his or her designee. The Administrative Services Director or designee shall conduct the hearing within ten (10) working days of receipt of notice of appeal. The Administrative Services Director or designee shall make the final decision regarding the matter and provide written notification to the pilot and reporting ranger or officer. The pilot may not fly any model aircraft until a final determination has been made

6. Miscellaneous

A. The Recreation Manager shall maintain a record of all issuances, suspensions, and revocations of permits.

B. These Procedures and Regulations may be modified from time to time at the Recreation Manager's discretion.

C. The City reserves the right to modify any ordinances, policies, master plans, etc., regulating the location and usage of the Park for the flying of model airplanes/aircrafts, or to discontinue all use of model airplanes/aircrafts in the Park.

Adopted pursuant to Ordinance No. _____

_____ _____

Recreation Manager Date