



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: JANUARY 2, 2007

ITEM NUMBER:

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

**DATE: DECEMBER 21, 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**

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## **RECOMMENDATION**

Give first reading to Ordinance No. 07- , which amends Title 12, Chapter II, Articles 2 and 3 of the Costa Mesa Municipal Code, relating to regulation of model aircraft flying at Fairview Park (Attachment 1).

## **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.

Staff brought forward a draft of the model aircraft ordinance to the Council at their November 21, 2006, meeting. The Council requested additional information, changes to the ordinance, and a response to a model aircraft flyer's letter as presented to the Council at the meeting. The item was continued to the January 2, 2007, meeting.

## **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 the 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.

As council is aware, a local model aircraft flyer submitted comments regarding the permit process on June 6, 2006. These comments were taken into consideration when establishing the ordinance and permit process, but not responded to in writing. The Parks and Recreation Commission was also aware of these comments when the Commission took action at the September 27, 2006, meeting.

On November 21, 2006, the same model aircraft flyer submitted similar comments to the City Council (Attachment 3). At the November 21, 2006, meeting, the Council asked staff to respond to these questions and comments. The letter was responded to by staff on December 14, 2006, (Attachment 4). Council also asked staff and the City Attorney to review the ordinance and make changes in regards to the definition of a model aircraft and the weight limit. These changes are noted in Attachment 5 and can be compared to the original as marked. The ordinance was clarified to ensure that those flying free flight models and/or toy wind-up model planes will not have to obtain a permit to fly at Fairview Park. After discussions with HSS, a weight limit was suggested at 25 pounds for aircraft allowed to be flown at Fairview Park. This limit was set based on the size of the launch/land site at Fairview Park and the types of planes that are normally flown at the park.

Staff has since finalized the permit process (Attachment 6) and flying regulations (Attachment 7). Staff believes that all concerns regarding the proposed flying ordinance at Fairview Park have now been adequately addressed, and recommends approval of the proposed ordinance. Upon final approval of the model aircraft ordinance, staff will move forward to set up the program, educate the public, and install signage at Fairview Park.

## **ALTERNATIVES CONSIDERED**

No other alternatives have been considered, as City Council requested at the November 21, 2006, meeting that staff make certain changes to the proposed ordinance, and address items raised by the public at that meeting.

## **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. If first reading of this ordinance is approved, staff will bring a fee resolution to Council for consideration at the time of the second reading and adoption of the ordinance.

## LEGAL REVIEW

The City Attorney's office has previously developed the proposed flying ordinance, as well as the proposed changes to the ordinance as requested by Council at their November 21, 2006, meeting.

## CONCLUSION

It is recommended that the Council give first reading to Ordinance No. 07- (Attachment 1), which amends Title 12, Chapter II, Articles 2 and 3, of the Costa Mesa Municipal Code, relating to regulation of model aircraft flying at Fairview Park. At a subsequent City Council meeting, the second reading of the ordinance will be given and a resolution submitted to establish a \$20 permit fee for the flying of model aircraft at Fairview Park.

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**William J. Morris**  
Director of Public Services

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**Stephen N. Mandoki**  
Administrative Services Director

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**Robert Staples**  
Fairview Park Plan Administrator

- Attachments:
- 1 - [Fairview Park Flying Regulation Ordinance](#)
  - 2 - [Fairview Park Master Plan](#)
  - 3 - [Letter from Mr. Broesamle](#)
  - 4 - [Response to Mr. Broesamle's Letter](#)
  - 5 - [Fairview Park Flying Regulation Ordinance with Edits](#)
  - 6 - [Proposed Permit Application](#)
  - 7 - [Flying Regulations](#)

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