

**CITY OF COSTA MESA – PARKS AND COMMUNITY
SERVICES DEPARTMENT**

Model Aircraft Flying Regulations

July 1, 2023

1. Purpose

The City Council of the City of Costa Mesa supports a partnership with the Harbor Soaring Society (HSS) for the use of a portion of Fairview Park for the launching and flying of model aircraft gliders. These regulations define model aircraft flying specific to Fairview Park, and will be in effect as of July 1, 2023.

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2. Background

The City Council of the City of Costa Mesa, on January 16, 2007, approved Ordinance No. 07-01 an Ordinance Adopting Radio Controlled Model Aircraft Flying Regulations for a portion of 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 aircraft at the designated area in the Park. Ordinance No. 07-01 specifically requires that the Parks and Community Services Director establish procedures and requirements for the issuance, suspension and revocation of permits.

On September 21, 2021 the City Council established an “**only gliders**” directive. Further, on May 2nd, 2023, the City Council provided additional direction and updated procedures and requirements as established below.

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3. Definitions

- A. “City” is the City of Costa Mesa.
- B. “Director” is the Parks and Community Services Director for the City of Costa Mesa
- C. “Director designee” is the Fairview Park Administrator, Recreation Manager or their designee.
- D. “Model aircraft” means all forms of silent gliders but does NOT include free flight models or toy planes, internal combustion engine powered aircraft, rockets, electric propulsion aircraft, drones or gliders exceeding 10 pounds.
- E. “Park” is Fairview Park.
- F. “Pilot” is any person flying model aircraft.
- G. “AMA” is the Academy of Model Aeronautics.
- H. “CMMC” is the Costa Mesa Municipal Code.
- I. “Model Aircraft Flying Regulations” are the regulations for flying model aircraft at Fairview Park set forth herein.

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4. Permit Requirement

No person shall fly model aircraft within Fairview Park unless and until he or she has a current, valid permit to fly model aircraft gliders as issued from the City of Costa Mesa.

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5. Permit Issuance

- A. The City will issue a programmatic Special Use Agreement with the Harbor Soaring Society (HSS) for model aircraft glider operations at Fairview Park.

- B. Any individual who desires to fly a model aircraft glider at the Park must do the following:
- i. Demonstrate proof of membership in Harbor Soaring Society (HSS), and confirm completion of required training by HSS.
 - ii. Review and acknowledge the AMA Safety Code
 - iii. Provide proof of adequate liability insurance for the flying of model aircraft in the form of a current AMA membership card, with a minimum liability coverage of \$250,000.
 - iv. Review and acknowledge all City Rules and Regulations including these Model Aircraft Flying Regulations.
 - v. Pay the applicable permit fee to the City (Exhibit A).
 - vi. HSS shall be responsible for ensuring model aircraft pilots who are flying during scheduled flying days have completed all requirements, training, and have a valid permit and AMA membership.

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6. Suspension and Revocation of Permits

If model aircraft pilot fails to comply with the Model Aircraft Glider Flying Regulations or the AMA Safety Code or is otherwise flying any model aircraft in an improper manner as determined by the City, then that pilot may be subject to citation, and subject to suspension and revocation as provided for in these regulations.

A. Warnings:

If a Fairview Park staff member, Park Ranger, or Police Officer observes a model aircraft pilot not complying with any applicable regulations or if a Fairview Park staff member, Park Ranger, or Police Officer obtains information that a pilot has violated the regulations, the staff member, Park Ranger, or Police Officer, 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 or these model aircraft flying regulations.

B. Suspensions:

If a Park Ranger or Police Officer observes or is informed of any grounds to revoke a permit, 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 Director 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 P&CS Director along with a written report of the violation and the suspension with a recommendation as to the length of the suspension.

In situations where a staff member, Park Ranger, or Police Officer has suspended a pilot's permit or has recommended suspension of a pilot's permit, the P&CS Director shall review the written report, confirm or revoke any suspension, and determine the length of the suspension. Generally, a suspension period shall be 30 days, but may be lesser or greater in the Director's discretion based on the severity of the violation and the permit-holder's past history of violation. The Director shall provide written notification of any decision to suspend to the pilot and to the reporting ranger or officer.

C. Revocation.

A permit may be revoked under the following circumstances:

- a) If a pilot is operating a motorized aircraft or other non-permitted model aircraft other than gliders.
- b) If a pilot trespasses onto any environmentally sensitive areas of the park.
- c) If a pilot is in violation of any applicable regulations and has received a suspension.
- d) If a pilot flies model aircraft with a suspended permit.
- e) If a pilot trespasses onto a resident's property, including entering an enclosed yard.
- f) If a pilot fails to pay, within a reasonable period of time, for any damages to properties that his or her model aircraft causes (regardless of the reason for the damage).
- g) If the P&CS Director or designee determines that a pilot is flying his or her model aircraft in an unsafe manner, or outside of the designated flying areas.

D. Appeal of permit suspension or revocation

If a model aircraft pilot believes that a suspension or revocation is not warranted, he or she may request in writing that a hearing be held before the City Manager or designee. The City Manager or designee shall conduct the hearing within ten working days of receipt of notice of appeal. The City Manager or designee shall make the final decision regarding the matter and provide written notification to the model aircraft pilot. The model aircraft pilot may not fly any model aircraft until a final determination is made.

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7. Environmental Protection

In an effort to protect the sensitive habitat at Fairview Park, the following procedures shall dictate all use of the Glider Launch Site:

- A. While the flying field is in use, a Park Ranger and/or City staff member must be present.
- B. The flying field shall only be open when the vernal pools are dry as determined by the Parks and Community Director or designee.
- C. Only City staff and authorized personnel shall retrieve a glider in the vernal pool or environmentally sensitive habitat (Exhibit B).
- D. Model aircraft gliders shall only be flown during the scheduled model aircraft flying dates and times, as scheduled by City staff (Exhibit C). The model aircraft glider launch site will open for model aircraft glider flying on two Saturdays per month, for six hours in duration each day. The City and HSS will coordinate alternative days or times if needed, subject to City staff availability and approval. There should be no flying outside of the scheduled times, which will be updated annually by staff and posted on the City website.
- E. The City reserves the right to relocate or suspend model aircraft glider activities if an endangered or special-status wildlife or plant species is observed, or the nest of such species is observed in the model aircraft flying area. Should the field need to be closed on a scheduled flying date, all rules would apply as if it were a closed day.
- F. The Director reserves the right to modify regulations regulating the location and usage of the Park for the flying of model aircraft, or to suspend model aircraft activities in the Park based on safety, environmental, or regulatory concerns.

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