

Article 3: Public Parks, Playgrounds, Beaches, Tidelands and other Property

Division 2: Soaring or Gliding Activity

*(“Soaring or Gliding Activity”
added 8-9-1993 by O-17951 N.S.)*

§63.0201 Soaring or Gliding Regulated

(a) Definitions.

“Full scale glider soaring” means flight by any motorless, heavier-than-air aircraft now known or hereafter invented, used or designed for navigation of or flight in the air in which the pilot, crew and passengers are carried internally within the frame of such aircraft.

“Hang gliding” means flight by any motorless, heavier-than- air contrivance now known or hereafter invented, used or designed for navigation of or flight in the air in which the pilot, crew and passengers are carried externally to the frame of such contrivance.

“Radio-controlled model glider operations” means flight by any unmanned motorless, heavier-than-air contrivance, now known or hereafter invented, used or designed for flight or navigation, which is controlled from the ground by radio signals.

(b) Any person who on any park, beach or other property owned or maintained by The City of San Diego conducts or participates in any soaring or gliding activity, including full scale gliding, hang gliding, and operation of radio-controlled model gliders, in willful or wanton disregard for the safety of persons or property, or without first obtaining a permit from the City, or whose permit has been revoked or suspended is guilty of a misdemeanor.

(c) No permit shall be issued unless all of the following conditions are met:

(1) The applicant shall submit and maintain a certificate of personal injury and liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000) combined single limit, naming the City as an additional named insured, and providing that in the event of cancellation of the policy, the City will be provided at least thirty (30) days’ written notice.

(6-2000)

- (2) The applicant shall present and have approved by the City Manager a complete set of flight regulations, rules and procedures related to safety standards and operations.
 - (3) The applicant shall agree to abide by all rules and regulations approved by the City Manager for the protection of persons and property during flight operations.
 - (4) The applicant shall agree to indemnify and save the City harmless from any and all liability for damage to property or injury to or death of persons resulting from applicant's activities on the ground or in the air.
 - (5) The City Manager determines that the requested location of the gliding or soaring activity does not endanger the safety of persons or property.
- (d) A permit shall be issued for a term of twelve (12) months and be renewable during the eleventh month of the term. Each permit shall contain the following information: name and address of holder, date of issuance, expiration date, and location of the approved activity.
 - (e) Upon notification that a person holding a permit under Section 63.0201 is in violation of Section 63.0201(c)(1) or (3), the City Manager shall order a hearing before a hearing officer, appointed by the City Manager, to be conducted within Thirty (30) days of such notification. The City Manager upon ordering such hearing shall mail by certified United States mail written notice of such hearing to the person holding the permit at the address shown on the permit currently filed with the City Manager. Failure to respond to such notice shall be considered a surrender of such permit.
 - (f) Upon denial of a permit under Section 63.0201, the person requesting such permit shall have the right to appeal such decision before the hearing officer within thirty (30) days of such denial.
 - (g) Hearings shall be conducted with recognition of constitutional rights of due process of law.
 - (h) The hearing officer's written report of findings of fact and recommendation shall be completed and submitted to the City Manager within ten (10) days of the hearing.

(6-2000)

- (i) The City Manager shall either affirm or overrule the hearing officer's decision; however, the effect of the City Manager's decision shall be stayed until the time for filing an appeal to the Committee on Natural Resources and Culture has expired or while an appeal is pending.
- (j) Within ten (10) days of the decision of the City Manager, the appellant may appeal to the Committee on Natural Resources and Culture of the City Council by filing a request therefor with the City Clerk.
- (k) If no appeal is filed within ten (10) days, the City Manager's decision shall be final. Any permits which have been suspended or revoked by the City Manager shall immediately be surrendered to the City Manager and the person surrendering such permit shall cease all soaring or gliding activity permitted under Section 63.0201.
- (l) Subject to the permanent rules of the City Council, the decision of the Council Committee shall be the final administrative remedy.

(Amended 3-4-1996 by O-18266 N.S.)