

PBRCA's Special Use Permit – A Summary

You often hear of the need for the club to comply with the requirements of the **Special Use Permit** from the *Palm Beach County Parks and Recreation Department*. The permit, which was issued in February 2008, allows us to use a portion of *West Delray Regional Park* as a radio control model aircraft flying field provided, we consistently fully comply with all twenty-one (21) terms and conditions of the permit. Below is a summary of the 21 terms and conditions of the permit which are grouped in the following five sections: General (1); Site Improvements & Maintenance (3); Use of Premises (12); Special Events (1); and Insurance and Indemnity (4).

General (1) The sole condition of this section requires the club and its guests to comply with the permit's requirements and the club's compliance is subject to periodic verification by the parks department. Deficiencies or failure to comply with all of the requirements are grounds to temporarily suspend or permanently terminate the permit at the sole discretion of the parks department.

Site Improvements & Maintenance (3) There are three conditions in this section. One covers the process we need to follow for improving the site and for placing temporary facilities on the site. Another condition notes that our permanent improvements, including the runway, belong to the county and that the county will not reimburse our expenses for these improvements. The third condition requires that the club and the county develop "site rules" which should be periodically reviewed and amended as needed.

Special Events (1) The sole condition of this section requires the club to coordinate with, and get prior approval from, the parks department for any special event activity occurring on the site. A special event is any club activity or event for which the club is requesting the use of the property to host a group for an event for which a fee may be charged, or which may impact any entrances to the park or parking not within the boundaries of the site, or which may significantly increase traffic into and out of the park.

Insurance and Indemnity (4) There are four conditions in this section that cover the following: the club's indemnification of the county; the requirement for the club to have comprehensive general liability insurance of at least \$1,000,000; the events that can result in termination of the permit; and the communication protocols for the two parties on the permit.

Use of Premises (12) This is the largest section of the permit with twelve terms/conditions covering, among other things, our compliance with county ordinance 2004-022, the hours of operation, users having in their possession their current AMA card, and the prohibition of alcohol and drug use. Other conditions restrict the use of the site, prohibit the charging of fees without approval of the parks department, and require that we not prohibit or hinder Palm Beach County staff, agents, or peace officers from performing their official duties. Conditions relating to the flying of aircraft include the following: aircraft should always fly within the flying field site and are prohibited from flying over/into the Arthur R. Marshall Loxahatchee National Wildlife Refuge; aircraft are also prohibited from designated no-fly zones, which include the conservation area, the established perimeter around the conservation area and the airspace above these areas. Note that we should also strive to eliminate the need to retrieve aircraft from these areas.

There is an aircraft specific condition that caps aircraft flying weight at 55 pounds, prohibits flying aircraft exceeding 98 decibels at 25 feet, and requires an effective silencing device for all aircraft powered by internal combustion engines. Additionally, aircraft operating on anything other than battery power must be fueled in designated fueling/refueling areas - contaminants should not be introduced into natural areas.

Another condition in this section requires that wildlife not be harassed or unduly disturbed by club activities, members, guests, aircraft, or equipment. Finally, the last condition of this section requires the club to promptly reimburse the county for all costs/expenses incurred by the county to repair, maintain, cleanup or secure the site because of the club's failure to comply with requirements of the permit

