

## TRANSLATION ATTEMPT

N° 974/2008

### ***DECREE CONCERNING THE RULES REGARDING THE FLIGHT SITE OF THE MONT-GROS OF ROQUEBRUNE CAP MARTIN***

*Ours, Patrick CESARI, Mayor of ROQUEBRUNE CAP MARTIN, General Councillor of Alpes-Maritimes, President of the Community of Agglomeration of the French Riviera,*

*CONSIDERING the General Code of the Territorial Collectivities,*

*CONSIDERING the articles 330 and R. 610 – 5 of the Penal Code,*

*CONSIDERING the article L 111.1 of the code relating to forests,*

*CONSIDERING the prefectural decree at the date of the 23/04/91,*

*CONSIDERING the order n° 2006-596 dated May 23<sup>rd</sup> 2006 regarding the legislative part of the Code of the Sport,*

*CONSIDERING the municipal decree n° 695/2008 dated August 20<sup>th</sup> 2008 bearing regulation of the flight site of Mont-Gros in Roquebrune Cap Martin,*

*CONSIDERING the notice of the Departmental Direction of Youth and Sport, and of the French Federation of Free Flight,*

*CONSIDERING the specific conditions of the Mont-Gros site in Roquebrune Cap Martin about what is simultaneously implemented various maritime, terrestrial and aerial completed by various communal prescriptions regarding the flight and landing sites.*

*CONSIDERING that it is necessary to have in mind of the proximity of a military detection center named of “The Mont-Agel” but also of the proximity of the neighbourhood of Italy and the Principality of Monaco.*

*CONSIDERING finally that it belongs to the municipal authority to have in charge all rules in the practice of the site of the Mont-Gros taking in consideration the preservation of the natural patrimony, to watch the maintain of the conditions of security patrimony, and salubrity necessary to all the users of the site.*

*CONSIDERING that the reglementation regarding the practice in group as indicated in the Arrest n° 695/2008 dated August 20<sup>th</sup> 2008 regarding the regulation of the taking off site of the Mont-Gros of Roquebrune Cap Martin has generated difficulties of application which have lead to an additional instruction.*

### **WE DECIDE**

**Article 1** - The municipal order n° 695/2008 dated August 20<sup>th</sup> 2008 bearing regulations of the flight site of the Mont-Gros in Roquebrune Cap Martin is reported.

#### **Article 2 - Practice of the flight site**

The regulations in flight will respect the rules decreed by the French Federation of Free Flight. Moreover, it is up to the practising people to respect the rules of air decreed by the Civil Aviation Reglementation. The decision of taking off is placed under their responsibilities.

The flight above the houses and properties is authorized at minimum 100 mètres of altitude and at more that 50 metres laterally. The aerial photographs taken are subjected to the regulations in force. The flight above Aerial Base 943 is strictly forbidden.

The flight site including the zones situated on the top of the Mont-Gros, materialized on the attached map, is exclusive at disposal of the activities of free flight.

The site is open and practicable :

- to the adults aged 14 years old and more (if a derogation of the French Federation of Free Flight) according the federal regulation in force.
- the students of the free flight schools under the responsibilities of Instructors according the federal regulation in force.

The flight zones are destined to the free flight and also other physical activities or pedagogical activities directly attached to the practice of the free flight.

In all cases, the practising will have to follow the rules of flight and security defined by the French Federation of Free Flight.

The use of U.L.M planes is forbidden on the flight site of the Mont-Gros well as on the landing site of the Golfe Bleu beach.

### **Article 3 - Opening of the flight site of taking off and landing of the Mont-Gros**

The flight site is opened and practicable :

- from November 16<sup>th</sup> to April 30<sup>th</sup> included with any restrictions of time tables,
- from May 1<sup>st</sup> to June 30<sup>th</sup> included before 08 AM and after 18 PM,
- from July 1<sup>st</sup> to August 31<sup>st</sup> included before 08 AM and after 19 PM,
- from September 1<sup>st</sup> to September 30<sup>th</sup> included before 08 AM and after 18 PM,
- from October 1<sup>st</sup> to November 15<sup>th</sup> included, from 11h15 AM.

By special decisions regarding the prefectoral decree dated June 19<sup>th</sup> 2002, the access to the site and to the forest hills could be closed regarding the protection against the forest fires. This temporary interdiction will be advertised on the site.

### **Article 4 - Stationing and circulation**

The users engage themselves :

- to respect the circulation and stationing rules on the access way,
- to leave free the access to the properties in the neighbourhood,
- to leave free access to the emergencies aids and assistance and to the maintenance services of the site.

### **Article 5 - Using of the taking off areas**

Only the pilots ready to take off or at the end of preparation (pilot banded in his saddle with his elevators hung) are authorized to stay on the taking off areas in the limits marked. They should be ensured that no pilot ready to fly or to take off are using the zone.

Only one taking off is allowed on the 3 areas described on the attached map. The taking off should be executed when the earth and aerial zones are free and that no pilot is flying into the axe of the taking off map.

The evolutions of aerobatics above the taking off area are forbidden. The pilots have to leave imperatively free the aerial zone after taking off.

The landing on the site is only authorized on the principal area described on the attached map (area n°1) under the reserves that this one be completely free.

### **Article 6 - Teaching, practice, against reward or remuneration**

The instructors, coaches, educators managing the baptisms, tandem flights activities and others on the free flight site in the limits of a school, of a club or in the case of an independent title will have to strictly respect the totality of legislative, regulated dispositions applicable under the control of various services of the State concerned.

More over, concerning the remunerated activity, the professionals will have to obtain previously an authorisation from the Mayor of Roquebrune Cap Martin, after demand and transmission of the complete file concerning above all written demand, professional card, obligatory insurance. Information could be taken at the Service of Sport – 20 avenue Paul Doumer – Phone : 04 92 41 89 00).

## **Article 7 - Activities of free flight in secured area**

The activities in secured area include:

- Training periods in a situation of flight incident (SIV),
- The aërian acrobatics,
- The opening closure of the sail volunteers and repeated,
- The sailing tests.

Prior to any practice of activity in a secured area, the individual pilots or groups should in priority send by remote access computing a demand for inscription on the following site Internet : [http://parapente.ffvl.fr/information\\_sur\\_la\\_gestion\\_du\\_site\\_de\\_roquebrune](http://parapente.ffvl.fr/information_sur_la_gestion_du_site_de_roquebrune) and send back this demand fully completed to the following E-Mail address : [resaroquebrune@free.fr](mailto:resaroquebrune@free.fr). The validation of the inscriptions will be transmitted to the E-Mail address of the demanding and will be available on the site Internet : [http://parapente.ffvl.fr/information\\_sur\\_la\\_gestion\\_du\\_site\\_de\\_roquebrune](http://parapente.ffvl.fr/information_sur_la_gestion_du_site_de_roquebrune).

The activities should be organised above the maritime domain, at less than 300 metres of the seaside, in the optimum conditions of security written as here under :

	<b>Controlled Practising</b>					
	Helmet	Component of flottation (life jacket, neoprene suit for protection)	Emergency parachute	HF Radio	Managerial staff adapted to the taking off	Life boat prepared for saving people with motor on and pilot ready to operate
Training Period in a Situation of Flight Incident (SIV)	X	X	X	X	X	X
Acrobatics and air aerobatics	X	X	X	X	X	X
Opening and closure of sail volunteers and repeated	X	X	X	X	X	X
	<b>Individual Practising</b>					
	Helmet	Component of flottation (life jacket, neoprene suit for protection)	Emergency parachute	HF Radio	Managerial staff adapted to the taking off	Life boat prepared for saving people with motor on and pilot ready to operate
Acrobatics and air aerobatics	X	X	X	X		X
Opening and closure of sail volunteers and repeated	X	X	X	X		X

Concerning the activity testing of sail, it is necessary to refer to the French Norms NF EN 926-2 Version dated August 2005.

The activities in secured environment will have to respect imperatively :

- Periods and gaps for the opening time table of the flight and taking of off site of the Mont-Gros mentioned precisely in the Article 3 of this order.

- The regulation adapted and relative to the forbidding of lying anchor or fishing and area named "Protected marine reserve" which zone has been fixed by arrest of the departemental Direction of Equipment, Marine Service, dated September 29<sup>th</sup> 2004 precisising the conditions of dyking up and use of dependencies of the Maritime Public Domain, maintained in this domain out of harbours.

The activities in secured environment, save the activity of testing the sail during the summer period of the working of the marking out argus at sea.

## **Article 8 - Landing on the beach of the Golfe Bleu**

Landings are authorized on the seaside only on the beach of the Golfe Bleu of which the offered area is attached and finalized on the attached map, during the periods written in Article 3.

Deltaplanes should inform their presence in the air by a whistle before landing on the beach.

The folding of the deltaplane should be made only on the South or North extremities of the beach.

## **Article 9 - Responsibilities of the free flight practising peoples**

The free flight practising peoples unsure their activity under their own and total responsibility.

The users who practise the activities named in the article 7 to organize a procedure of setting of emergency, which will be operational during their presence on the site, and adapted to the meteorological and marine conditions of the moment.

## **Article 10 - Protection of the site**

Nobody is authorized to settle equipments or to modify the one existing on the site.

Practising people should follow strictly the rules established regarding the ecology :

- Protection of plants : it is forbidden to pull up the roots or to cut the existing plants,
- To respect the rules regarding fire and conflagration : use of fire on the site is strictly forbidden,
- To take the waste,
- Interdiction to use motorized vehicles out of the authorised ways,
- Interdiction of using noisy instruments.

## **Article 11 - Infraction**

All violations to the rules established on this present decree could be followed by a procedure according laws and rules in activity.

In case of non-respect of one of these articles edicted by this decree, the infractor will be sacked from the site in full rights by the people in charge of the executions.

## **Article 12 - Ampliation and execution**

Ampliation of this decree will be addressed to the Departemental Director of Youth and Sport, to the Commissary of Police of Roquebrune Cap Martin, to the Captain of the Gendarmerie of Menton, to the Director of ONF Agency, to the Chief of the Municipal Police of Roquebrune Cap Martin, to the Director of the Technical Services of Roquebrune Cap Martin for the busying of the zone, to the General Director of Services of the Town Hall of Roquebrune Cap Martin, to the declared and authorized monitors, to the President of the Free Flight, to the technical managing staff of the French Federation of Free Flight, all responsible for the execution of this present decree.

Duplicate is also transmitted to the President of the French Federation of Free Flight, to the Mayors of the Towns of Peille and La Turbie.

## **Article 13 - Publicity and placarding**

The present Decree will be published in the forms of judicial procedure in the collection of the Administrative Acts of the Town of Roquebrune Cap Martin, and will be published in the legal forms of Judicial procedure in Roquebrune Cap Martin TownHall, will be published permanently on the various sites of landing and taking off.

Edicted in ROQUEBRUNE CAP MARTIN, on December 16<sup>th</sup> 2008

*The Mayor  
General Councillor*

*Patrick CESARI*

## **DELAYS AND WAYS OF APPEALS :**

The addressee of a decision who desire contest the contents may seize the Administrative Tribunal of NICE for a disputed claim office within the period of two months from the date of the notification of the decision taken.

## **COMPETENT JURIDICTION :**

The Administrative Tribunal of NICE - 33 Bd Franck Pilatte - B.P. 4179 - 06359 NICE Cedex 4