

**Sec. 15-41-36. Minimum safe altitudes**

Except when necessary for take-off or landing, no person shall operate an aircraft below the following altitudes:

(1) Anywhere: An altitude which will permit, in the event of the failure of a power unit, an emergency landing without undue hazard to persons or property on the surface;

(2) Over congested areas: Over the congested areas of cities, towns or settlements, or over an open-air assembly of persons, an altitude of one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft. Helicopters may be flown at less than the minimum prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with subdivision (1) of this section; however, the department, in the interest of safety, may prescribe specific routes and altitudes for such operations, in which event helicopters shall conform thereto. This regulation recognizes the special flight characteristics of the helicopter which can accomplish an emergency landing within a relatively small space. However, if a helicopter is flown over the congested area of a city, town or settlement at less than one thousand feet above the highest obstacle, the pilot is required to fly with due regard to places in which an emergency landing can be made with safety and, further, to maintain an altitude along the flight path thus selected from which such an emergency landing can be effected at any time;

(3) Over other than congested areas: An altitude of five hundred feet above the surface, except over open water. In such event the aircraft shall not be operated closer than five hundred feet to any person, vessel, vehicle or structure. The limitation of five hundred feet above the surface shall not apply when making an occasional landing at other than a licensed airport or restricted landing area. Helicopters may be flown at less than the minimums prescribed herein if such operations are conducted without hazard to persons or property on the surface and in accordance with subdivision (1) of this section. When flight is necessary at an altitude of less than five hundred feet above the surface, the pilot shall avoid creating any hazard to persons or property on the surface which may result from such flight. In no event shall the pilot expose his passengers to unnecessary hazard while engaging flight at low altitude. The maneuverability of the helicopter permits safe flight below the minimums required, if good judgment and caution are exercised by the pilot.

(Effective April 13, 1971)