

ORDINANCE NO. 313

AN ORDINANCE ESTABLISHING LANDING FEES FOR ALL GENERAL AVIATION AIRCRAFT EXCEEDING 8,000 POUNDS GROSS LANDING WEIGHT

The Board of Directors of the Monterey Peninsula Airport District find as follows:

WHEREAS, the Board of Directors has adopted a policy that the operation of the Airport be economically self sustaining so far as possible; and

WHEREAS, the passage of Proposition 13 has placed limits upon a special district's ability to raise funds through real property taxation; and

WHEREAS, recently announced cut-backs and withdrawals from service by commercial air carriers will result in a substantial loss of revenue to the Airport; and

WHEREAS, general aviation aircraft based at the Monterey Peninsula Airport District pay hangar rents or tie-down fees which contribute to the revenue used to operate the Airport; and

WHEREAS, existing lease agreements with fuel suppliers provide that the Monterey Peninsula Airport District is entitled to a fee of approximately four cents (\$0.04) per gallon for all gasoline or fuel sold at the Airport; and

WHEREAS, general aviation aircraft not based at the Monterey Peninsula Airport District, but which visit the Airport, are not now subject to landing fees or other use fees and therefore fail to contribute their fair revenue share to the operation of the Airport; and

WHEREAS, general aviation aircraft having a gross landing weight of at least 8,000 pounds contributes to the deterioration of the Airport's runways and contributes to the expense of operating the Airport; and

WHEREAS, the imposition of a landing fee for general aviation aircraft having a gross landing weight of 8,000 pounds or more will generate revenue needed for the operation of the Airport.

NOW THEREFORE, the Board of Directors of the Monterey Peninsula Airport District do ordain as follows:

SECTION I - Imposition of Landing Fee

All general aviation aircraft having a gross landing weight of 8,000 pounds or more, except as otherwise provided herein, shall pay a landing fee for each landing at the Monterey Peninsula Airport.

SECTION II - Computation of Landing Fee

The landing fee shall be computed by multiplying the basic landing fee rate of .57, by the per thousand pounds of gross landing weight of the aircraft as said weight is published by the Federal Aviation Administration in Advisory Circular 150/5325-5B, or subsequent revisions of said circular.

SECTION III - Minimum Fees

No aircraft having a gross landing weight of more than 8,000 pounds shall pay a fee less than Five Dollars (\$5.00) per landing. No aircraft having a published gross landing weight of more than 12,500 pounds shall pay a landing fee of less than Ten Dollars (\$10.00) per landing.

SECTION IV - Time of Payment-Credit for Gasoline Purchases

The landing fees established herein shall be due and payable by the operator of the landing aircraft at the completion of the landing. The appropriate landing fee shall be paid to either the fixed base operator from whom the operator of the aircraft obtains flight services, or to a person designated by the Manager of the Airport District as a collector of landing fees. The operator of aircraft subject to the landing fee shall be entitled to a credit of Five Dollars (\$5.00) against said landing fee if at least one hundred (100) gallons of gasoline or aviation fuel is purchased at the Airport within twelve hours of the landing.

If more than one hundred (100) gallons of aircraft fuel is purchased within twelve hours of landing, but after the appropriate landing fee has been paid, the aircraft operator shall be entitled to a refund to the extent of the Five Dollar (\$5.00) gas purchase credit.

SECTION V - Exemption

All aircraft based at the Monterey Peninsula Airport shall be exempt from these landing fees. For the purpose of this exemption Monterey based aircraft shall be deemed to mean aircraft which are paying monthly hangar rentals or tie-down fees to the Monterey Peninsula Airport District or to a fixed base operator who has a lease with the Monterey Peninsula Airport District. In addition, aircraft owned or leased by a fixed base operator having a lease with the Monterey Peninsula Airport District shall be exempt from this fee. Aircraft landing at the Airport because of mechanical failure or other in flight emergencies shall be likewise exempt from the provisions of this Ordinance.

SECTION VI - Violations

Any violation of this Ordinance shall be an infraction and shall be punished by a fine not to exceed the sum of One Hundred Dollars (\$100) for each such violation. The pilot-in-command of the offending aircraft shall be responsible for all violations of this Ordinance.

SECTION VII - The Denial of Use of Airport

In the event that any person has been convicted of three (3) or more cumulative violations of the provisions of this Ordinance or of any other Ordinance regulating the operation of aircraft at the Airport (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation within a three (3) year period) then for a period of three (3) years thereafter, such person shall be denied the right to land or take-off from the Airport, except in a bonafide emergency for the preservation of life or property as reasonably determined by the Airport Manager and shall be denied the right to lease, rent or use space for aircraft (including tie-down at the Airport).

SECTION VIII - In the event that any aircraft has been operated by any person or persons who have cumulatively been convicted of three (3) or more violations of the provisions of this

Ordinance or of any other Ordinance of the Airport regulating the operation of aircraft at the Airport, (including forfeiture of bail after being arrested or charged by citation or complaint with any such violation), then it shall be presumed that operation of such aircraft will result in continued violation of the provisions of valid Ordinances and such aircraft will not be permitted to land or tie-down, be based at or take-off from the Airport except in emergencies as reasonably determined by the Airport Manager.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT: This 18th day of April, 1979, by the following roll call vote:

AYES: DIRECTORS: Fry, Schmidt, Smith, Acting Chairman Nakamura

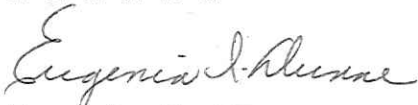
NOES: DIRECTORS: None

ABSENT: DIRECTORS: Chairman Tourangeau

Signed this 19th day of April, 1979

Kei Nakamura, Acting Chairman

A T T E S T



Eugenia I. Dunne
District Secretary

