

ORDINANCE NO. 619

AN ORDINANCE GOVERNING LANDING FEES
FOR THE MONTEREY PENINSULA AIRPORT

WHEREAS, the Monterey Peninsula Airport District ("District") has previously established and adjusted landing fees for the Monterey Peninsula Airport ("Airport") through the enactment of Ordinances 313, 479 and 603 and has administered the collection of such fees through policies and procedures adopted pursuant thereto; and

WHEREAS, periodic adjustment of the landing fees is appropriate in order to achieve the District's goal of recovering the cost of operating and maintaining the Airport from rents, fees and charges paid by tenants and users of Airport facilities in fair proportion to their respective use; and

WHEREAS, the confusion resulting from the existence of multiple ordinances dealing with landing fees may be minimized by the consolidation of rules regarding landing fees into a single ordinance;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT DO ORDAIN AS FOLLOWS:

1.0 Repeal. Ordinances 313, 479 and 603 establishing and adjusting landing fees at the Airport and any other Resolutions or Ordinances in conflict with this Ordinance are hereby repealed and superseded by this Ordinance.

2.0 General Aviation Aircraft. Except as exempted from landing fees by the provisions of sections 2.1, 2.2 or 5.0 of this Ordinance, all general aviation aircraft having a certificated gross landing weight of eight thousand pounds (8,000 lbs.) or greater shall pay to the District a landing fee for each landing at the Airport. The landing fee shall be equivalent to ninety-four cents (\$0.94) per thousand pounds of certificated gross landing weight, rounded to the nearest whole dollar.

2.1 Based Aircraft Exemption. All general aviation aircraft based at the Airport shall be exempt from the landing fees set forth in section 2.0 of this Ordinance. General aviation aircraft based at the Airport shall be deemed to include general aviation aircraft for which monthly hangar rentals or tie-down fees

are being paid to the District or to a fixed base operator holding a valid lease or rental agreement with the District for the conduct of fixed base operations at the Airport. In addition, general aviation aircraft owned or leased by such a fixed base operator shall be deemed to be general aviation aircraft based at the Airport.

2.2 *Helicopter Exemption.* Helicopters shall be exempt from the landing fees set forth in section 2.0 of this Ordinance.

3.0 **Helicopters.** Except as exempted from landing fees by the provisions of sections 3.1 or 5.0 of this Ordinance, all helicopters shall pay to the District a landing fee for each landing at the Airport. The landing fee shall be five dollars (\$5.00).

3.1 *Based Helicopter Exemption.* All helicopters based at the Airport shall be exempt from the landing fees set forth in section 3.0 of this ordinance. Helicopters based at the Airport shall be deemed to include helicopters for which monthly hangar or tie-down fees are being paid to the District or to a fixed base operator holding a valid lease or rental agreement with the District for the conduct of fixed base operations at the Airport. In addition, helicopters owned or leased by such a fixed base operator shall be deemed to be helicopters based at the Airport.

4.0 **Air Carriers.** Except as exempted from landing fees by the provisions of section 5.0 of this Ordinance, there shall be paid to the District a landing fee for all air carrier operations (including unscheduled charter operations) landing at the Airport. The landing fee shall be equivalent to one dollar and thirty cents (\$1.30) per thousand pounds of certificated gross landing weight, rounded to the nearest whole dollar. No separate fee shall be assessed for security screening operations.

5.0 **General Exemptions.** Aircraft landing at the Airport due to mechanical failure or other in-flight emergency shall be exempt from the landing fees set forth in this Ordinance. Military aircraft or aircraft operated by the federal government shall be exempt from the landing fees set forth in this Ordinance.

6.0 **Collection of Fees.** The landing fees set forth in this

Ordinance shall be due and payable by the aircraft operator at the completion of the landing, or in the case of a series of landings within a single day, then at the completion of the last landing of the day. The appropriate landing fee shall be paid to either the fixed base operator from whom the aircraft receives services at the Airport, or to such other person as may be designated by the Airport Manager as a collector of landing fees.

7.0 Touch-and-Go's. Each "touch-and-go" or "stop-and-go" operation as defined in Ordinance No. 310 shall be considered a landing for the purposes of this Ordinance.

8.0 Future Adjustments. The general aviation aircraft landing fee set forth in section 2.0 of this Ordinance, the helicopter landing fee set forth in section 3.0 of this Ordinance, and the air carrier landing fee set forth in section 4.0 of this Ordinance, may each be amended either by Resolution or Ordinance of the Board of Directors of the District.

9.0 Penalties. Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction punishable by:

(a) a fine not exceeding \$100.00 for the first violation within a one-year period;

(b) a fine not exceeding \$200.00 for a second violation within a one-year period; or

(c) a fine not exceeding \$500.00 for each additional violation within a one-year period.

10.0 Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are declared to be severable.

11.0 Effective Date. This Ordinance shall take effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT this 8th day of January, 1997, by


the following roll call vote:

AYES: DIRECTORS: Haskell, Irwin, Searle, Chairman Nakamura
NOES: DIRECTORS: None
ABSENT: DIRECTORS: Faul

Signed this 8th day of January, 1997


Kei Nakamura, Chairman

A T T E S T


Barbara Sadler
District Secretary