

**MONTEREY PENINSULA AIRPORT DISTRICT
ORDINANCE NO. 933**

**AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT TO
REPEAL ORDINANCES 308, 309, AND 310 RELATED TO LIMITING AIRPORT
HOURS OF OPERATION, REGULATING ALTITUDE OF AIRCRAFT WITHIN
CERTAIN DISTANCES OF THE AIRPORT, AND REGULATING TOUCH AND GO
AND STOP AND GO OPERATIONS**

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District DO ORDAIN as follows:

SECTION 1: Findings and Purpose. The Board finds and declares as follows:

A. WHEREAS, the Ordinances of the Monterey Peninsula Airport District ("MPAD") have been supplemented over the years with the passage of new ordinances in an effort to regulate certain practices and activities surrounding the airport; and

B. WHEREAS, the Ordinances of MPAD must comply with federal law and the subject matter of each Ordinance must be within the subject matter jurisdiction of MPAD; and

C. WHEREAS, it is well settled that the Federal Aviation Act gives FAA "sovereignty of airspace of the United States," [49 U.S.C. § 40103(a)(1)], which bars state and local governments, such as MPAD, from enacting ordinances which limit airport hours of operation, limit aircraft movements and operations, or which mandate certain aircraft altitudes. [See City of Burbank v. Lockheed Air Terminal Inc., 411 U.S. 624, 633; 49 U.S.C. § 47107(a)(8); and Grant Assurance 19.]

D. WHEREAS, a citizen of the United States has a public right of transit through navigable airspace pursuant to 49 U.S.C. § 40103(a)(2), which may not be limited by local ordinance or regulation.

E. WHEREAS, Ordinance 308 purports to close the Monterey Regional Airport to all aircraft operations during certain nighttime hours, with some exceptions; and

F. WHEREAS, Ordinance 309 restricts aircraft that are taking off from making turns until the aircraft has reached a certain altitude, and mandates minimum altitudes for aircraft within five miles to the north and south of the Airport centerline; and

G. WHEREAS, Ordinance 310 attempts to prohibit touch and go and stop and go operations during certain hours, and attempts to limit the number of touch and go operations and stop and go operations to four within a two-hour period; and

H. WHEREAS, MPAD is aware that Ordinances 308, 309, and 310 have never been enforced, and the subject matter of each is precluded from regulation by a local agency by federal law; and

I. WHEREAS, leaving invalid, ineffective or unconstitutional ordinances in place is not a policy of good governance by a public agency; and

J. WHEREAS, should Ordinances 308, 309, and 310 remain as adopted by MPAD, such a condition would be a violation of MPAD's grant assurances to the FAA and could cause the FAA to withdraw grant opportunities to MPAD.

SECTION 2: Repeal of Ordinance 308. Ordinance 308 is hereby repealed and is of no further force and effect.

SECTION 3: Repeal of Ordinance 309. Ordinance 309 is hereby repealed and is of no further force and effect.

SECTION 4: Repeal of Ordinance 310. Ordinance 310 is hereby repealed and is of no further force and effect.

SECTION 5: CEQA Exemption. The MPAD Board of Directors find and declare that the repeal of the above-listed ordinances is exempt from CEQA pursuant to California Code of Regulations sections 15301, 15378 and 15061 because their repeal will not cause any expansion of use since the ordinances have never been enforced by MPAD, and because the repeal is not a "project" pursuant to CEQA Guidelines.

SECTION 6: Severability. It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

This ordinance shall take effect on the 30th day after its adoption.

PASSED AND ADOPTED by the Board of Directors of the Monterey Peninsula Airport District at a meeting of September 17, 2025 by the following vote:

AYES:	DIRECTORS:	Ahmadi, Gaglioti, Pick, Leffel, Miller
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Signed this 17th day of September, 2025



Carl M. Miller, Chair

ATTEST:



Christine Morello
District Secretary