

ORDINANCE NO. 99

AN ORDINANCE TO PROVIDE RULES AND REGULATIONS FOR THE USE OF FACILITIES OF MONTEREY PENINSULA AIRPORT, DECLARING THE VIOLATION OF THE ORDINANCE TO BE A MISDEMEANOR, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

SECTION I: GENERAL REGULATIONS:

(a) The Monterey Peninsula Airport hereinafter referred to as "the airport", is hereby declared to be a public airport and a terminal facility conducted for the promotion and accommodation of air commerce; said airport shall be operated as a public air terminal.

(b) Said airport shall be open at all times for public use, subject to such restrictions due to inclement weather, the condition of the landing area, the presentation of special events, and like causes, as may be determined by the District Manager hereafter referred to as the "Airport Manager or his Assistant", and imposed by him in the interests of the safety of persons and property. All authorities, powers and duties conferred upon the District Manager as Airport Manager, may be exercised by the Assistant to the Airport Manager at the direction of the Airport Manager or in his absence.

(c) Special services may be rendered, or special facilities may be provided at said airport upon such terms as said Board of Directors may prescribe from time to time.

(d) It shall be a condition of the use by each person of the airport, or any part of its facilities, that said person shall have assumed full responsibility and risk for such use, and he shall be deemed to have released and agreed to hold harmless and indemnify the Monterey Peninsula Airport District, said Board of Directors, its officers and employees, from any claims or damages arising from such use, and against any claims of third persons occasioned by his use of the Airport and any facilities thereof, and each person by the use of the Airport or any part of its facilities shall be deemed to have acknowledged that

the Monterey Peninsula Airport District and said Board maintain said airport in a Governmental capacity.

(e) No person shall engage in commercial activities at the airport, either for the transportation of passengers, freight express or mail for hire, for instruction in aviation in any of its branches, for the sale of fuels, aircraft, aircraft parts and equipment, refreshments, or any article or commodity, or for any other commercial purpose, unless permission of the Board of Directors has been first had and obtained.

(f) No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the Airport without permission of the Airport Manager. No person shall enter any restricted area that is designated as closed to the public except persons authorized by the Airport Manager.

(g) The use of the airport by any person, or of any of its facilities in any manner, shall be subject to all regulations herein set forth, or referred to herein, including all regulations of the Federal Aviation Agency relating to the use of said airport and set forth in Part 60 - 14 Civil Air Regulations, and any such person by such use, shall be deemed to have accepted all such regulations in full, and each and every part thereof.

(h) Air traffic rules promulgated by ^{the} Federal Aviation Agency of the United States of America, and in effect, are hereby referred to, adopted, and made a part of these regulations as fully in all respects as if said air traffic rules were particularly set forth herein, and any amendments to existing rules by said Agency shall be deemed to have been incorporated in this Ordinance.

(i) No person who is not properly certified by the Federal Aviation Agency shall operate any aircraft, and no aircraft which is not properly certified by the Federal Aviation Agency shall be operated upon the Monterey Peninsula Airport,

provided, however, this restriction shall not apply to public aircraft belonging to the Government of the United States, or to a State, territory, possession or any political subdivision thereof, nor to any aircraft of a foreign country operated under permission of the Federal Government.

(j) No person shall navigate any aircraft over, land upon, or take off from, or service, repair, or maintain any aircraft on the airport, or conduct any operation on or from the airport except in conformity with these rules and regulations and those of the Federal Aviation Agency.

(k) Any person engaged in any commercial activity at the airport, including flight or other instruction in aviation, maintenance of aircraft for hire, or for transportation of persons or freight, shall maintain a current list of the aircraft stored under his jurisdiction, which list shall contain airplane number, name of owner, name of operator, the address and telephone number of each, if separate individuals, and the name of the person to whom to report in case of emergency. Such list shall be permanently maintained up-to-date and shall be open to inspection by the airport manager at all times.

(l) All persons present at the airport shall be subject to the direction and control of the airport manager, and to any reasonable order given by said manager, for policing and protection of the public, provided that orders so given may be appealed to the Board of Directors.

(m) No person shall take or use any aircraft, part or accessory thereof, or tools or other equipment owned or controlled by any other person, and stored or otherwise left at the airport. The airport manager may require written consent or other satisfactory evidence of authority of any person other than the owner to do any of the foregoing acts in the absence of the owner thereof.

(n) No person shall use or operate rolling stock or equipment owned or in the custody of the District without the permission of the manager, his assistant, or the Board of Directors.

(o) No pedestrian shall enter upon, use or remain upon any landing area or taxiway of the airport without permission of the Airport manager. This section shall not apply to any person employed by the District, its lessees or licensees, or by any person, firm or corporation performing work or labor for the District, its lessees or licensees, nor to the operator, pilot or co-pilot of any aircraft, when the duties of such person in connection with such employment or such aircraft require his presence upon the landing area or taxiway.

(p) No person under the influence of intoxicating liquor shall approach to within fifty feet of any aircraft.

SECTION II: GENERAL TRAFFIC REGULATIONS - AUTOMOTIVE:

(a) Subject to the rules and regulations regulating vehicles adopted by the Board pursuant to Section 459.3 of the Vehicle Code of the State of California: The provisions of Division 9, Chapters 1 to 14 of the Vehicle Code of the State of California in effect as of the date of this Ordinance, and as the same may be amended from time to time hereafter, are hereby incorporated herein and by such incorporation all traffic laws shall apply upon the roadways of the Airport with the same force and effect as upon the public streets and highways of said State.

(b) No person shall drive a motor vehicle upon the Monterey Peninsula Airport at a speed exceeding 20 miles per hour, nor shall any person drive a motor vehicle in any manner which endangers the safety of persons or property.

(c) No person shall operate any motor vehicle upon landing areas, runways, taxiways, or peripheral roads of the Airport unless permission first has been obtained from the Manager. In no event shall any vehicle be operated on such parts

of the Airport unless the same be painted chrome yellow or be identified by a flag on a staff, attached to and flying above such vehicle, which flag shall be not less than three feet square, consisting of a checkered pattern of international orange and white squares of not less than one foot on each side, which must be obtained from the office of the Manager.

(d) The manager shall designate by signs the restricted zones reserved for limousines, buses, taxis and self-drive rental vehicles when not in possession of the hirer, and such other restricted or non-restricted areas as may from time to time be approved by the Board of Directors by Resolution, for the parking of motor vehicles. No person shall stop, park or leave standing any other vehicle within any area designated by a sign or signs as a restricted area, except a vehicle of the class to which use is restricted by such sign or signs. Nor shall any person stop, park or leave standing any vehicle in or upon any part of the airport, except within the zones and limits designated for such purposes. Nor where a time limit is established by Resolution of the Board shall any vehicle be parked or left for any time longer than the limit so established.

SECTION III: GENERAL TRAFFIC REGULATIONS: AIRCRAFT:

(a) FLIGHT PATTERNS: All aircraft shall conform to the current flight patterns in effect ^{from time to time} at the Monterey Peninsula Airport as approved by the Federal Aviation Agency.

(b) Air traffic will be controlled by the Monterey Peninsula Airport Tower in accordance with the provisions of the "Procedures for the Control of Air Traffic," as adopted by the United States Air Force, United States Navy, United States Coast Guard, and Civil Aeronautics Administration, effective May 1, 1948, as the same may be amended.

(c) Standard Air Force, Navy and Federal Aviation Agency traffic control light signals are used by the Monterey Tower; no other signal and no other meaning is authorized or used.

(d) Except in emergency or by prior arrangement with the Airport Manager, between the hours of sunset and sunrise, all aircraft using the Airport shall be equipped with functioning two-way radio equipment tuned to the Control Tower frequency and capable of transmitting and receiving intelligible traffic control instructions from said Tower for a distance of at least four miles from the Airport. When the Control Tower is in operation, aircraft shall establish communication with the Tower prior to departing any parking or tie-down area. Radio contact shall be maintained at all times while taxiing and during engine warm-up prior to departure. Aircraft approaching the Airport shall establish radio communication with the Control Tower at least three miles from the Airport. During take-offs and until outside of the three-mile control zone or until cleared to leave Tower frequency, the pilots of all aircraft shall guard the Control Tower frequency.

SECTION IV - WEATHER:

(a) All Federal Aviation Agency regulations concerning VFR and IFR flight now in effect or as the same may be hereafter amended from time to time, are hereby incorporated herein and made a part of these rules.

(b) Instrument flight weather minimums for all civil aircraft in use at the Monterey Peninsula Airport will be as prescribed from time to time by the Federal Aviation Agency.

(c) ROTATING BEACON: During daylight hours the rotating beacon is turned on to signify:

1. That the ceiling is less than 1000 feet
2. And/or visibility is less than three miles.

(d) All pilots departing during periods of Instrument Flying Regulations (IFR) must be properly rated and the aircraft properly equipped for IFR flight.

SECTION V: RUNNING ENGINES:

(a) No person shall start any engine on any aircraft not equipped with adequate brakes, which have been first fully set unless the wheels have been set with adequate blocks that are equipped with ropes or other safe means for the removal thereof.

(b) No person shall start the engine of any aircraft unless a competent operator shall be at the controls of the aircraft.

(c) No person shall run or warm up any aircraft engine when the propellor blast will not reasonably clear all buildings, groups of people in the observation areas, and the flight path of landing aircraft.

(d) No person shall start any aircraft engine or run the same within fifty feet of any hangar or other building.

SECTION VI: LANDINGS AND TAKE-OFFS:

(a) No person shall take off from the Monterey Peninsula Airport in any aircraft without first having obtained proper clearance from the Tower.

(b) All local aircraft, when reasonable and practicable, and in the interests of safety, shall give the right of way to scheduled airlines aircraft when taking off, landing or taxiing.

(c) No person shall operate, land or take off in aircraft in any manner which will endanger any person or property, nor land or take off on any taxiway, from any runway intersection or over the hangars, terminal or operation building at the airport, without prior approval of the Tower.

*(d) No motorless aircraft may land or take off at the airport without permission from the Airport Manager.

SECTION VII: GROUND OPERATION:

(a) No person shall operate any aircraft on the surface of a landing area, ramp and apron area, or aircraft parking and storage area in a careless or negligent manner or in disregard of the rights and safety of others or without due caution, or at a speed or in a manner which endangers or is likely to endanger persons or property.

(b) No pilot or any other person shall operate or control any part of the operation of any aircraft under the influence of intoxicating liquor, or any narcotic or habit-forming drug.

(c) No person shall operate at the Airport any aircraft constructed, equipped, loaded or in a condition or state of disrepair which endangers or is likely to endanger persons or property.

(d) No person shall operate any aircraft on the ground unless the same is equipped with effective and functioning wheel brakes.

(e) It shall be the responsibility of the owner or operator of any aircraft to provide that such craft is properly secured or within a hangar before being left unattended. No person shall leave any aircraft unattended unless the same is first properly secured or parked within a hangar.

(f) No person shall operate any aircraft while on the ground in a manner which causes unnecessary noise or unnecessary propeller blast, or in any other manner unnecessarily objectionable to other persons upon the Airport.

(g) No person shall operate any aircraft upon paved runways unless such aircraft is equipped with tail wheels, and no person shall operate any aircraft which is equipped with tail skids upon ^{other} any/part of the airport whenever such skids may cause damage to the surface of the Airport.

(h) No person shall park, store or leave any aircraft upon any part of the landing or take-off areas of the Airport for the purpose of making repairs or for any other purpose. Repairs to aircraft shall be made only at those places on the airport designated for such use.

(i) Every aircraft owner, his pilot and agent, severally, shall be responsible for the prompt removal, under the direction of the Airport Manager or his assistant, of any wrecked or damaged aircraft from the runways or taxiways, or any other portion of the airport where the same may be deemed by said manager to be a hazard to the traffic or the operation of such airport. If the same be not so promptly removed, the airport manager may cause the same to be removed at the owner's risk and expense, and if removed by the Airport District, the owner shall be responsible for the actual costs of such removal. The Airport Manager shall have the authority to remove, at the sole risk of the owner thereof, any parked aircraft to another location or to tow parked aircraft to another parking space when the Manager deems such removal to be necessary to insure the preservation of property, or safety of persons.

(j) Clearance for the removal of any aircraft from the Monterey Peninsula Airport may be refused by the Manager whenever any landing fees or any charges for storage, supplies, or services rendered to the owner, or to the person having charge of such aircraft, have not been paid, and no person shall remove any such aircraft without obtaining such clearance from the Airport Manager, unless all charges incurred by the owner or operator of such aircraft first have been paid in full.

SECTION VIII: INSTRUCTION AND PRACTICE FLYING:

(a) No person shall engage in the instruction of any other person in the operation of aircraft at the airport without first having furnished such person with a copy of these rules and regulations, and without first having acquainted such person or persons with the same.

(b) No aircraft will remain motionless on the runway for the purpose of instruction between flights.

SECTION IX: FIRE REGULATIONS:

(a) Each lessee, licensee, permittee or other person having in his possession any part of the airport premises in which smoking is prohibited or other fire safety regulations of the District are imposed, shall post and maintain adequate signs of such prohibitions or regulations clearly visible to all persons upon such premises.

(b) Every person using the airport or its facilities in any way shall use the utmost caution to prevent fire.

(c) No person shall fuel or drain any aircraft while its engine is running, or while in a hangar or other enclosed place.

(d) No person shall keep, store or maintain any cylinder or flask of compressed flammable gas except at a place designated by the airport manager for that purpose.

(e) No person shall carry on the cleaning of motors, or any parts of aircraft in any hangar except with non-inflammable substances. No person may use flammable liquids for such purpose within any hangar or other building, or enclosed area.

(f) No person shall smoke or ignite any match or cigarette lighter in any hangar or building, except in offices, waiting rooms or buildings in which smoking is authorized specifically by the airport manager.

(g) No person shall make repairs to aircraft on the storage floors or hangars, except inspection and replacement of parts.

(h) Hangar entrances shall be kept clear at all times.

(i) Floors shall be kept clean and free of oil, and no volatile flammable solvent shall be used for cleaning floors.

(j) No person shall permit any boxes, crates, rubbish, paper or other litter, to accumulate in or about any hangar, and any person having in his custody or use oil, paint and varnish, shall remove the containers thereof from the hangar immediately upon the contents having been used.

(k) No person shall smoke within fifty feet of any aircraft being refueled or within twenty-five feet of any other aircraft.

(l) Crashes of aircraft or aircraft fires or fires involving any improvements to the premises or any other property, shall be reported to the Naval Air Facility Fire Department as quickly as possible.

SECTION X: ENFORCEMENT:

(a) It shall be the duty of the Manager and Assistant Manager to enforce this Ordinance and each part thereof.

SECTION XI: PENALTIES:

(a) Any person operating or handling an aircraft in violation of these rules, or refusing to comply therewith, may be removed or rejected from the airport or may be temporarily "grounded" by or under authority of the airport manager; and upon the order of the Board, may be deprived of the further use of the airport and its facilities for such length of time as may be deemed necessary to insure the safeguarding of the same and the public and its interest therein.

(b) Any person, firm or corporation who shall violate or refuse to abide by any of the provisions of this ordinance or any of the rules and regulations set forth in this ordinance, or any of the provisions of law incorporated therein or herein, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding the sum of \$500.00 or by imprisonment in the county jail in the County of Monterey, State of California, for not more than three months, or by both such fine and imprisonment.

(c) If any section, sub-section, clause or phrase of this ordinance for any reason be held unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors do hereby declare that they would have passed this ordinance and each section, sub-section, sentence, clause and phrase hereof irrespective of the fact that any one or more section, sub-section, sentence, clause or phrase be declared to be unconstitutional.

SECTION XII: REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES:

All ordinances and parts of ordinances of the Monterey Peninsula Airport District in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION XIII: REFERENCES:

This ordinance shall be known and cited as the Rules and Regulations Ordinance of the Monterey Peninsula Airport District.

SECTION XIV: ENACTMENT:

This ordinance shall be and is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT this 7th day of October 1959.
by the following vote:

AYES:	DIRECTORS:	Finley, Clemens, Nelson, Smith, Walker
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

SIGNED:

James B. Finley
JAMES B. FINLEY, CHAIRMAN

A T T E S T

Olga T. Scheffler
OLGA T. SCHEFFLER, SECRETARY

