



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: May 2, 2017
DEPARTMENT: CITY ATTORNEY'S OFFICE
FROM: Christopher A. Callihan, City Attorney
TITLE: **ORDINANCE AMENDING ARTICLE VII OF CHAPTER 4 OF THE SALINAS MUNICIPAL CODE: AIRPORT REGULATIONS**

RECOMMENDED MOTION:

A motion to adopt an Ordinance amending Article VII of Chapter 4 of the Salinas Municipal Code.

RECOMMENDATION:

It is recommended that the City Council adopt an Ordinance amending Article VII of Chapter 4 of the Salinas Municipal Code to update the regulations related to the management of the Salinas Municipal Airport.

EXECUTIVE SUMMARY:

Early in 2017, the City Council began considering updates to the City Code. This effort is intended to make the City Code more user-friendly and effective. As a result of many amendments to, additions to, and repeals of City Code sections through the years, parts of the City Code are out-of-date, contain obsolete and confusing language, and are confusingly organized. Chapter 4, containing the regulations on the operation and the management of the Salinas Municipal Airport, is among the Chapters which is in need of an update.

BACKGROUND:

Through a review of Chapter 4 with the Airport Manager, several outdated and unnecessary provisions have been removed. The provisions which are recommended for removal are outdated and are no longer reflective of the current operations of the Airport. Provisions have been added to reflect the current operations and management of the Airport, including a provision which vests administrative authority in the Airport Manager and the Airport Commission, rather than requiring City Council consideration of the Airport's administrative operations. Rates and fees for airport use and the use of space at the Airport remains within the City Council's discretion.

Previously, the Airport's Rules and Regulations were codified within the ordinance which requires an ordinance to update the City Code whenever the Rules and Regulations were updated. To

facilitate more efficiency in this process, the proposed ordinance allows the Airport Manager and the Airport Commission to set the Rules and Regulations from time-to-time.

Airport height limitations will be reviewed from time-to-time by the Airport Manager and the Airport Commission and rather than codifying them in the City Code under the Airport regulations, the Airport height limitations will be housed in the Zoning Code. Aeronautic activity regulations have been updated and will remain in the City Code provisions related to Airport operations.

Airport Commission

The Airport Commission considered the proposed update and recommend the City Council adopt the proposed ordinance updating the regulations pertaining to Airport operations and management.

CEQA CONSIDERATION:

Exempt. The City of Salinas has determined that the proposed action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that with the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3)]

STRATEGIC PLAN INITIATIVE:

Approving the proposed Resolution is consistent with the City Council's goal of an effective and efficient government.

FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City's General Fund is anticipated with the recommended actions.

ATTACHMENTS:

Proposed Ordinance

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 4 OF THE SALINAS CITY CODE

City Attorney Analysis

The proposed Ordinance updates the City's regulation of its Airport and Airport Operations by eliminating unnecessary and outdated provisions. The proposed Ordinance also vests authority in the Airport Manager to manage the day-to-day operations of the Airport and vests authority in the Airport Commission to establish rules and regulations regarding Airport operations.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS as follows:

SECTION 1. Article VII of Chapter 4 of the Salinas City Code is hereby amended in its entirety to read as follows:

Sec. 4-07.01. Powers of Airport to be Exercised by City Council; Delegation of Authority to Airport Manager and Airport Commission.

(a) All powers of the City over any and all airports now owned, leased, or possessed, or which may hereafter be owned, leased, or possessed by the City shall be exercised by the City Council in the manner prescribed by the provisions of this Chapter.

(b) The City Council shall have and may exercise or delegate to the Airport Commission or the Airport Manager any and all further and additional powers which in its opinion may be necessary in or about the business of maintaining, controlling, and operating an airport or airports.

(c) Subject to the direction of the City Council, the Airport Manager shall regulate all Airport operations on all airports of the City and shall enforce the provisions of this Chapter and all Airport Rules and Regulations hereafter approved by the Airport Commission.

(d) Rates and Fees to be Set. The City Council shall have the responsibility to establish and fix all rates, landing fees, rentals, tolls and charges, for the use and the occupation of the public facilities, runways, hangars, appurtenances, and appliances of the Airport, and for services rendered by the employees of the City at the Airport, and provide for the collection thereof.

(e) Delegation of Authority—Permits, Licenses, Leases, and Concessions. The Airport Manager shall have the authority to enter into a lease, permit, license, or concession of any portion of the Airport, or of any of the appurtenances or facilities thereof, provided the term of such lease, permit, license, or concession does not exceed a period of six months, otherwise such lease, permit, license, or concession shall require the approval of the City Council. Every lease, permit, license, or concession shall be in writing and shall be signed by the person or persons to be bound thereby.

Sec. 4-07.02. Rules and Regulations Pertaining to Airport Use, etc.

Upon the recommendation of the Airport Manager, the Airport Commission shall consider and adopt rules and regulations governing, regulating, and controlling the use and occupancy of all airports now owned or hereafter acquired by the City.

Sec. 4-07.03. Use of Airport Facilities Without Permission. Except as may otherwise be provided by the rules and regulations adopted by the Airport Commission, it shall be unlawful for any person to use or occupy any portion of the airport without the prior written permission of the Airport Manager.

Sec. 4-07.04. Airport Height Limitations.

(a) The City Council hereby finds and determines that in order to protect the health, safety, general welfare, and property of the City's residents, and the health, safety, general welfare, and property of those persons using the Salinas Municipal Airport, it is necessary that certain height restrictions and other property use regulations be imposed upon property in the vicinity of the airport; that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Salinas Municipal Airport; and that the prevention of these hazards should be accomplished to the extent legally possible.

(b) Airport height restrictions and other property use regulations shall be recommended by the Airport Manager and approved by the Airport Commission. With respect to any property use regulations, the same may also be considered by the Salinas Planning Commission.

Sec. 4-07.05. Aeronautic Activity Regulations.

(a) Special Air Operations. Every person desiring a permit for special air operations shall file an application with the airport manager upon a form provided by the airport manager. The airport manager shall issue a permit if s/he determines it to be consistent with the public interest and safety and provided the applicant has submitted evidence in writing of the approval of the California Department of Aeronautics and a non-objection letter from the Federal Aviation Administration. Such permit may be issued subject to any conditions the airport manager shall deem necessary to protect the public interest and safety and may be suspended or revoked by the airport manager upon a violation of any of the conditions upon which the permit has been issued. The applicant for a permit shall pay a non-refundable application fee in the amount established by the City Council.

(b) Take-offs and Landings Outside of Municipal Airport; Exceptions. It is unlawful for any reason to take off from or to land any aircraft within the limits of the City outside of the Salinas Municipal Airport, except under the following circumstances:

(1) When special circumstances render it impossible or unsafe for the aircraft to remain in the air and such landing is necessary to avoid danger to the pilot or other occupant of such aircraft;

- (2) When special permission has been secured in advance from the Airport Manager or other person designated by the City Council to grant such permission, in which event any such landing and take-off shall be confined to the area and to the conditions set forth in such permit;
- (3) Helicopters landing at officially designated heliports;
- (4) For air ambulance services; or
- (5) For aerial applications (crop dusting).

For the purposes of this section, the term “aircraft” means any contrivance now known or hereafter invented, used, or designed for manned flight in the air, except the following:

- (1) Parachute or other contrivance when actually being used as a safety device under conditions of imminent danger to the user;
- (2) Military aircraft; or
- (3) Law enforcement aircraft.

Sec. 4-07.06. Penalties. Each violation of this Chapter or of any rule or regulation promulgated pursuant to this Chapter shall constitute a misdemeanor and shall be punishable by a fine of not more than one thousand dollars and/or imprisonment for not more than six months. Each day a violation continues to exist shall constitute a separate offense. Alternatively, in the discretion of the City Attorney, violations of this Chapter or of any rule or regulation promulgated pursuant to this Chapter, may be prosecuted administratively pursuant to the Salinas City Code.

Sec. 4-07.07. Appeal to City Council. Any person aggrieved by a decision of the Airport Manager may appeal such decision to the Airport Commission by filing a notice of appeal with the Airport Manager and the City Clerk within ten (10) days of the decision. Any person aggrieved by a decision of the Airport Commission may appeal such decision to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the decision. Upon the timely filing of a notice of appeal, the Airport Manager or the City Clerk, as the case may be, shall advise the Airport Commission and the City Council, respectively, that an appeal has been filed and the Airport Commission and the City Council shall, within sixty (60) days of filing of the appeal, proceed to hear and to determine the matter. The appellant shall be notified in writing of the time and place of the hearing not later than ten (10) days prior thereto. The Airport Commission or the City Council may affirm, modify, or reverse the decision of the Airport Manager or the Airport Commission as it deems proper. All decisions of the City Council shall be final.

SECTION 2. CEQA CONSIDERATIONS. The adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3).]

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of May, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney