

## ORDINANCE 1264

### AN ORDINANCE OF THE CITY OF TRACY, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.28, ENTITLED "TRACY MUNICIPAL AIRPORT AND NEW JERUSALEM AIRPORT"

WHEREAS, The City's existing ordinance regulating the Tracy Municipal Airport and New Jerusalem Airport is outdated and does not contain current regulations required by law;

WHEREAS, The City Council desires to update its ordinance to include the current regulations and allow for greater flexibility in the day to day operations of the airports.

NOW, THEREFORE, The City Council of the City of Tracy hereby ordains as follows:

SECTION 1: Chapter 2.28 of Title 2 of the Tracy Municipal Code is hereby deleted and amended to read as follows:

### **CITY OF TRACY TRACY MUNICIPAL CODE 2.28**

#### **Article 1. - Definitions**

2.28.010 For the purposes of this chapter the following definitions shall apply:

- (a) "Abandoned Aircraft, Vehicles and/or Property" means property found at the Airport in a location where the owner likely intended to leave it, but is in such a condition that it is apparent that the owner has no intention of returning to claim it.
- (b) "Accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and until such time as all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage. All aspects of the exceptions to substantial damage (see "Substantial Damage") should be considered before making a final substantial damage determination that would classify the occurrence as an accident.
- (c) "Aeronautical Activity" means any activity that involves, makes possible, facilitates, is related to, assists in or is required for the operation of an Aircraft or Airport or which contributes to, or is required for, the safety of Aircraft and/or Airport operations.
- (d) "Agreement," or "Permit" means a written contract, executed by both parties, and enforceable by law between the City and an individual or entity granting a concession, transferring rights or interest in land and/or improvements, and/or otherwise authorizing and/or prohibiting the conduct of certain activities. Such Agreement will recite the terms and conditions under which the Activity will be conducted at the Airport including; but not limited to, the term of the Agreement, rents, fees, and charges to be paid by the individual or entity; and the rights and

obligations of the respective parties. Examples include, but are not limited to, Commercial Aviation Permits and Hangar and Tie-Down Lease Agreements.

- (e) "Aircraft" means any contrivance now known or hereafter invented which is used or designed for navigation of or flight in air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. This includes, but is not limited to, airplanes, airships, balloons, dirigibles, rockets, helicopters, gliders, gyrocopters, ground-effect machines, sailplanes, amphibians, ultra-lights, light sport and seaplanes.
- (f) "Airplane" means, more specifically, an engine-driven, fixed-wing Aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.
- (g) "Aircraft Maintenance" means the repair, maintenance, alteration, preservation, or inspection of Aircraft including the replacement of parts and shall be considered either "major repairs" or "minor repairs". "Major repairs" include major alterations to the airframe, powerplant, and propeller as defined in 14 Code of Federal Regulations ("C.F.R.") Part 43. "Minor repairs" include normal, routine annual inspection with attendant maintenance, repair, calibration, or adjustment of Aircraft and their accessories.
- (h) "Aircraft Operator" means a person who uses, causes to be used, or authorizes to be used an aircraft, with or without the right of legal control (as owner, lessee, or otherwise), for the purpose of air navigation including the piloting of aircraft, or on any part of the surface of the Airport.
- (i) "Airframe and Powerplant Mechanic (or "A & P Mechanic")" means a person who holds an Aircraft mechanic certificate with both the airframe and powerplant ratings. This certification is issued by the Federal Aviation Administration ("FAA") under the provisions of 14 C.F.R. Part 65.
- (j) "Airport Operating Area ("AOA") means any area of the Airport used or intended to be used for landing, taking-off, or surface maneuvering of aircraft.
- (k) "Airport" or "Airports" mean each and all of the following airports: Tracy Municipal Airport, located in the City of Tracy, state of California and New Jerusalem Airport, located in the unincorporated San Joaquin county, state of California.
- (l) "Airport Manager" means the person appointed to this position by the City Manager, or the Airport Manager's authorized representative.
- (m) "Aviation-Related Activity" means any activity conducted on Airport property that provides service and support to Airport users. The following are examples of aviation-related activities; they include but are not limited to ground transportation, restaurants, concessions, etc.
- (n) "Based aircraft" means any Aircraft assigned a reserved tie-down, shelter or hangar space for the majority of the calendar year, whether or not such assignment is made under a written lease with the City.
- (o) "City" means the City of Tracy, California
- (p) "Commercial Aviation Activity" means any Aeronautical Activity performed with the intent to generate and/or secure earnings, income, compensation (including exchange or barter of goods and services), and/or profit, whether or not such objectives are accomplished.

- (q) "Commercial Aviation Permit or "CAP" means a legal agreement between the City and an individual or entity providing a Commercial Aviation Activity which grants permission to perform such activity on or from the Airport property.
- (r) "Council" means the City Council of the City of Tracy
- (s) "Derelict Aircraft or Damaged Vehicles or Property" means any Non-Flying Aircraft, Vehicle, or other property in obvious need of major repairs.
- (t) "FAA" means the Federal Aviation Administration.
- (u) "Fuel" means any substance (solid, liquid, or gaseous) used to operate any engine in aircraft, e.g., avgas, jet fuel, auto fuel, diesel, and bio-fuel. These fuels may also be used in vehicles or equipment, but only when such usage is appropriate and permitted.
- (v) "Fuel Handling" means the transportation, delivering, fueling, or drainage of fuel or fuel waste products.
- (w) "Hangar" means a fully enclosed, lockable storage space for one or more aircraft.
- (x) "Hazardous Materials" means any oil, petroleum products, flammable substances, explosives, radioactive materials, wastes, or substances or any other wastes, material or pollutants which pose a hazard to the health and safety of any person on or entering the Airport or which are classified as hazardous materials under applicable Regulatory Measures.
- (y) "Incident" means an occurrence other than an accident associated with the operation of an aircraft, which affects or could affect the safety of operations
- (z) "Lessee" or "Tenant" means an individual or entity that has entered into an Agreement with the City to occupy, use, and/or develop land and/or improvements and engage in Aeronautical Activities.
- (aa) "Movement Areas" are the taxiway and runway portions of the AOA.
- (bb) "Non-Flying Aircraft" means an Aircraft that has not been utilized, flown or worked on for a period of 12 consecutive months and/or has not been maintained in flyable condition. Aircraft identified as Non-Flying Aircraft need not be in obvious need of major repairs.
- (cc) "Operator" means an individual or entity that has entered into an Agreement with the City to engage in Commercial Aviation Activities.
- (dd) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity.
- (ee) "Preventive Maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.
- (ff) "Regulatory Measures" means federal, state, and local laws, policies, rules and regulations, all as may be in existence, hereafter enacted, and amended from time to time.
- (gg) "Special Event" means a specific occasion so arranged or planned for a particular purpose that is in addition to or more than the permitted activities engaged in by an individual (including an Operator, Lessee or third parties) or entity at the Airport pursuant to an Agreement.

- (hh) "Substantial Damage" means damage or failure, which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wing tips are not considered substantial damage.
- (ii) "Tie-down" means the paved area suitable for parking and mooring of Aircraft wherein suitable tie-down points have been located.
- (jj) "Transient Aircraft" means any Aircraft which utilizes the Airport for occasional temporary purposes, generally no longer than ten days, and which is based at another Airport and is not assigned a reserved tie-down or hangar at the Airport.
- (kk) "Transportation Advisory Commission" means the citizens appointed by the Tracy City Council to advise them on transportation Matters.

**Article 2. - General Regulations**

- 2.28.020 The Airports shall be conducted as airport facilities for the promotion and accommodation of air commerce and as public air terminals.
- 2.28.030 The airports shall be under the supervision of an Airport Manager appointed by the City Manager in accordance with the laws of the City. It shall be the duty of the Airport Manager to enforce the provisions of this chapter.
- 2.28.040 All aeronautical activities and facilities designated for aeronautical use at the Airport shall conform to the current applicable provisions of the FAA regulations and orders and applicable state and local laws and regulations. All Operators of Aircraft are responsible for complete knowledge of all laws, rules and regulations relating to the operation of aircraft.
- 2.28.050 The Tracy Airport shall be open for public use at all hours of the day and night, and the New Jerusalem Airport shall be open for public use at all hours of the day only, with night use being restricted. Both airports shall be subject to the rules and regulations set forth in this chapter, the payment of fees, and such restrictions due to inclement weather, the conditions of the landing area, the presentation of special events, and like causes as may be determined by the Airport Manager.
- 2.28.060 The City may prohibit Aircraft operations when it is determined that conditions are such that continued operations would be unsafe. The City may issue a Notice to Airmen ("NOTAM") to close any portion of the Airport, or to terminate or restrict any activity thereon. Under no circumstances shall an authorized Airport closure or restriction constitute grounds for reimbursement by the City of any expense, loss of revenue, or damage incurred by any Operator, Lessee, or any other individual or entity.
- 2.28.070 The use of any contrivance or device that could potentially interfere with safe Aircraft , e.g., radio-controlled aircraft, go-carts, dirt bikes, bicycles, golf carts, roller blades, roller skates, skate boards, etc., shall not operate on the Airport Operating Area, without prior written permission from the Airport Manager.

- 2.28.080 Derelict Aircraft, or Damaged Vehicles and Personal Property shall not be permitted within the tie-down, hangar or ramp areas and may be removed immediately (e.g. towed or hauled) by the Airport Manager. The owner (if known by the Airport Manager) shall be notified of the expenses of such removal, such as towing or hauling) charges and any storage fees, and shall become a lien chargeable to the owner of said motor Vehicle, Aircraft, or Property. Said owner (if known by the Airport Manager) shall be notified of the removal, towing and storage of said motor Vehicle, Aircraft, or other Personal Property by certified or registered mail, return receipt requested, sent to the owner's address (if known by the Airport Manager), within three days of said removal, towing and storage.
- 2.28.090 Abandoned Aircraft, Vehicles and Property shall not be permitted within the tie-down, hangar, ramp areas, or vehicle parking lots and may be removed immediately (e.g. towed) by the Airport Manager. The Airport Manager may take action as deemed appropriate and in conformance with the State Civil Code, to remove any such items. Said owner (if known by the Airport Manager) shall be notified of the removal of such items by certified or registered mail, return receipt requested, sent to the owner's address (if known by the Airport Manager), within three days of said removal. Such action shall be at the risk and expense of the owner of such items and without any liability to the City for damage that may result from such action.
- 2.28.100 No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the Airport except with the approval and in such a manner as may be prescribed by the Airport Manager. The Airport Manager or designee may post or cause to have posted signs, or employ other markings, for the purpose of giving notice of regulations, orders, or directives deemed necessary.
- 2.28.110 Flying clubs. A current roster of officers and directors of each flying club must be filed with the Airport Manager. All aircraft owned, leased or used by the flying club must be registered with the Airport Manager. Club members cannot engage in, and club aircraft cannot be used for, commercial ventures, purposes or operation unless and except as set forth in Article 4.
- 2.28.120 The City, and its City Council, agents, officers and employees, assume no liability or responsibility, and shall not be liable or responsible other than as required by law, for any loss, damage, destruction, injury or death to any person or persons or to any property by reason of any accident, incident, occurrence or mishap of any nature whatsoever or from any cause whatsoever. Any person entering an airport, or using or seeking or preparing to use an airport or any airport facility, does so at his/her own risk.
- 2.28.130 Any and all Airport property destroyed, injured, or damaged shall be paid for by the individual or entity responsible for such destruction, injury, or damage thereto.
- 2.28.140 No person shall, in the use of the Airport or any of the improvements located thereon, or permit discrimination against any other person or group of persons on the basis of race, color, religion, sex, age, disability, or national origin in any manner prohibited by 49 CFR Part 21 of the

Regulations of the Office of the Secretary of Transportation and Title VI of the Civil Rights Act of 1964.

2.28.150 The Airport Manager has the authority to enforce the rules and regulations set forth in this chapter.

2.28.160 In any situation creating hazardous or dangerous conditions not specifically covered or expressed by this chapter, the Airport Manager is authorized to implement actions and/or determinations in a manner not inconsistent with this chapter.

2.28.170 In addition to the provisions of this chapter, all activities on the Airport shall conform to federal, state, and local laws, regulations, policies or other publications applicable to aircraft operations, land use, construction, safety, or any other activities conducted on at an Airport.

**Article 3. - Rates and Charges**

2.28.180 The rates and charges for the use of the facilities of the Airport shall be those established in the various leases, or in the absence of such leases, as established from time to time by resolution of the City Council.

**Article 4. - Aircraft Regulations**

2.28.190 Operating an Aircraft 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 does or is likely to endanger persons or property, is prohibited.

2.28.200 Aircraft shall be parked only in those areas designated for such purpose by the City and shall be positioned in such a manner so as not to block taxi lanes or obstruct access to hangars, parked Aircraft or vehicles. Unless provided for in an Agreement with the City, no person shall use any area of the Airport for the parking and storage of Aircraft, other than for designated Transient Aircraft parking, without prior written permission from the Airport Manager.

2.28.210 Aircraft Operators shall ensure that Aircraft are properly tied down and chocked when left unattended. Upon request from the Airport Manager, the Operator of any Aircraft parked or stored at the Airport shall move the Aircraft to the location and/or position on the Airport identified by the Airport Manager. In the event the Aircraft Operator refuses or is unable to move the aircraft, or is unavailable, the Airport Manager may cause the Aircraft to be moved by a licensed and insured Operator to the designated area. This relocation shall be performed at the risk and expense of the Aircraft Operator without liability for damage that may arise from or out of such movement.

2.28.220 Only qualified persons shall start and/or operate an Aircraft engine at the Airport and/or taxi an Aircraft on the Airport as determined by the FAA regulations.

2.28.230 Aircraft engines shall not be started within any structure on the Airport. Any person operating an Aircraft engine in an area that is accessible to the public shall take precautions to alert and protect the public from hazards incident to such operations.

2.28.240 Aircraft shall not be taxied until the Aircraft Operator has ascertained that there is no danger of collision with any person or object in the area. In the event of any accident, the Aircraft Operator will be solely responsible for

his/her actions. Any and all property destroyed, injured, or damaged shall be paid for by the entity or person responsible for such destruction, injury, or damage thereto.

- 2.28.250 Run-up of jet, turboprop and piston engines shall be performed only in the areas designated for such purpose by the City. Aircraft may not be tied to any structure during Aircraft engine run-up. The duration of run-up shall be kept to a minimum.
- 2.28.260 Aircraft shall not be taxied into, out of, or within any structure on the Airport.
- 2.28.270 Aircraft Operators shall familiarize themselves with any local noise abatement procedures.
- 2.28.280 Leaving an Aircraft unattended with an engine running is prohibited.
- 2.28.290 Cleaning of Aircraft through the process of using water shall be performed only at designated Aircraft wash racks, if any, and in accordance with current water regulations.
- 2.28.300 The owner or Operator of an Aircraft involved in an accident involving substantial damage or serious injury on the Airport resulting in injury to person or damage to property shall notify the City as soon as practicable, but in no event less than 24 hours.
- 2.28.310 An Aircraft involved in an accident on the Airport may not be removed from the scene of the accident until authorized by the City which shall receive removal authorization from the Oakland Flight Standards District Office or the National Transportation Safety Board. After authorization to move the disabled Aircraft has been issued, the owner or Aircraft Operator shall make immediate arrangements to have the Aircraft moved. If removal is not initiated within a reasonable amount of time, the City may have the Aircraft removed at the owner's risk and expense. The expenses of such removal and any storage fees shall become a lien secured by the title to said aircraft. The registered owner of the Aircraft shall be notified of the removal and storage of said property by certified or registered mail, sent to the owner's address (if known by the Airport Manager) within three days of said removal and storage.

**Article 5. - Conduct of Business or Commercial Activity**

- 2.28.320 No person shall engage in any commercial aviation activity of any nature on the Airport except in conformance with this Article.
- 2.28.330 Commercial Aircraft maintenance in hangars shall be limited to that specifically permitted by the type rating established in the Uniform Building Code and in compliance with the directives of the Tracy Fire Department.
- 2.28.340 No person shall use the Airport in any manner whatsoever for any commercial profit, gainful or revenue producing purpose, regardless of the form of compensation, at or in assigned or unassigned spaces(s), unless such activities are pursuant to a Commercial Aviation Permit (CAP) including flight instruction and aircraft repair, until such person has entered into a written contract and been issued a permit by the City. The following activities shall be permitted as defined below:
- 2.28.350 A person shall repair an aircraft, aircraft engine, propeller or apparatus only in an area of the airport designated for such purpose by the Airport

Manager. Minor adjustments may be done while the aircraft is on a loading ramp preparatory to taxi and takeoff when such adjustment is necessary to prevent a delayed departure.

2.28.360 An owner(s)/operator of an aircraft may perform repairs upon owned aircraft providing such individuals are permitted to do such work under current Federal Aviation Regulations; provided further that such work is conducted so as not to create any hazards or nuisance to other aircraft, persons or operator upon the airport. The work must be performed in an area approved by the Airport Manager. The approval will include without further designation those persons who may assist the owner/operator as described in section 2.28.370.

2.28.370 A person holding a current appropriate FAA certificate may assist an owner/operator, instruct an owner or supervise permitted work as defined in section 2.28.360. This person will not be deemed an aviation operator in business on the airport which requires a contract with or permit from the city because he/she assists, instructs or supervises an owner who performs such permitted work.

2.28.380 A person holding a current FAA flight instruction license, who gives occasional flight instruction to an owner/operator of an aircraft in the owner/operator's aircraft, shall not be deemed an aviation operator in business on the airport requiring a contract with the city or a permit from the director.

2.28.390 The Airport Manager may issue permits to individuals or companies to perform maintenance: on aircraft under unusual circumstances, i.e., repair to flyaway status, by owner of aircraft not based upon airports; on aircraft of unusual design, size or age; aircraft and components for which there is not any qualified certificated operator upon the airport;

2.28.400 The registered owner of an aircraft is not prohibited from offering his aircraft for sale or from selling his aircraft.

2.28.410 A purchaser of goods or services from an aviation operator or permit holder in business on the airport may freely do so without a permit, contract or permission from the airport manager.

2.28.420 An owner/operator will not be prevented from performing a service for himself or from obtaining any service or labor from persons, other than aviation operators in business on the airport, when the owner/operator is unable or unwilling to either obtain the needed service or goods on the airport involved or unable or unwilling to reach agreement with the available aviation operators on the airport.

2.28.430 A permit, issued by the Airport Manager, is required to be obtained by any person rendering services or labor to the aircraft owner as described in this section. The permit shall be obtained prior to performing any service or labor for the owner/operator as described in this section.

2.28.440 The permit as described in section shall be issued by the airport manager under the following terms and conditions:

2.28.450 The Airport Manager shall determine with the City's Risk Manager what amount of insurance shall be required to be carried by the permit holder. The permit may be issued on an annual basis or for a single entry by the permit holder onto the airport.

- 2.28.460 The airport manager may not refuse to issue a permit as described in this section to any person described in this section except under the following circumstances: if the person applying for the permit is in violation of any provision of this title or has been excluded from the airport for cause under any applicable section of this title at the time the person makes application for a permit; if space is not available for the intended work; and if the proposed activity will cause a hazard by the nature of its operation and its location to other users of the airport.

**Article 6. - Hangars**

- 2.28.470 City-owned hangars at its airports may be leased pursuant to a lease agreement. Leases of hangar space shall be issued using a City form provided. The City Manager may execute leases of hangar space and at his/her discretion may include in the lease a charge, in addition to any applicable rates and charges set by this chapter. Tenants who have entered into a lease with the City shall abide by its terms and this chapter, as it may be amended from time to time. Leases shall be issued on a month-to-month basis and shall be subject to termination as specified in the lease. Tenants shall provide adequate insurance as specified by the City's Risk Management, and shall be subject to all applicable federal, state, and local laws, policies, and regulations.

**Article 7. - Tie-Downs**

- 2.28.480 City-owned tie-down space at its airports may be leased pursuant to a lease agreement. Leases of tie-down space shall be issued using a City form provided. The City Manager may execute leases of tie-down space and at his/her discretion may include in the lease a charge, in addition to any applicable rates and charges set by this chapter. Tenants who have entered into a lease with the City shall abide by its terms and this chapter, as it may be amended from time to time
- 2.28.490 Aircraft shall be parked in a manner so as to be completely contained within the space and not obstruct adjacent Aircraft parking and/or storage areas, taxiways, or taxi lanes except for temporary staging and/or fueling of such Aircraft while the Aircraft is continuously attended by a person.
- 2.28.500 Storage of materials or equipment shall not be permitted outdoors. Storage lockers not exceeding ten cubic feet in volume are permitted if properly maintained, reflectorized, and secured to the tie-down cable at the tail end of the tenant's aircraft.
- 2.28.510 Tie-down tenants may not park their vehicles on tenant's City tie-down space when the Aircraft has been removed for operational reasons as determined by the Airport Manager. Vehicles that are parked more than 30 consecutive days must be moved to long term parking areas or tenants will forfeit their leasehold interest and the vehicles will be towed. All vehicles must be operated in conformance with the Tracy Municipal Code.
- 2.28.520 Transient Aircraft are permitted to use un-assigned tie-down spaces for a period of no longer than ten days or as otherwise permitted by the Airport Manager. A daily fee for such parking shall be assessed and revised from time to time as approved by City Council resolution.

**Article 8. - Aviation Fueling Operations**

2.28.530 Fueling, defueling, and fuel storage activities on the Airport shall conform to applicable provisions of Code of Federal Regulations ("CFR"), Title 14, and guidelines, as amended; the Uniform Fire Code, as amended, the National Fire Protection Act codes and standards, as amended; applicable provisions of the Airport's Spill Prevention Control and Countermeasure plan ("SPCC plan"); applicable provisions of the Environmental Protection Agency and the California Environmental Protection Agency relating to these activities, as amended; and all other applicable laws.

**Article 9. - Motor Vehicle Regulations**

- 2.28.540 Any person operating a vehicle on the Airport must have a valid state Vehicle Operator's license and evidence of insurance as required by the State. All vehicles shall meet proper state licensing, registration, and inspection requirements.
- 2.28.550 "Vehicle tailgating", which is entering a gate directly behind another vehicle without entering your gate code, is prohibited at all access gates. Each tenant shall have his/her assigned gate access code or card, or remote control transmitter to access the Airport premises.
- 2.28.560 No person shall operate a vehicle in a reckless or negligent manner, or in excess of the posted or designated speed limits, other than emergency vehicles. The speed limit in Aircraft parking and hangar areas is 10 miles per hour.
- 2.28.570 Aircraft and pedestrians have the right of way over vehicular traffic at all times and in all locations. Vehicle Operators shall observe the directions of traffic signs and any instructions posted by the City.
- 2.28.580 All vehicles shall pass to the rear of taxiing aircraft.
- 2.28.590 Vehicles are not permitted to enter the movement areas unless an appropriate ramp-pass has been issued by the Airport Manager, or City personnel are escorting the vehicle.
- 2.28.600 Vehicles shall not be parked or stopped in such a manner so as to obstruct a parking lot lane, driveway, roadway, walkway, crosswalk, fire lane, runway, taxiway, taxilane, and/or obstruct access to hangars, parked Aircraft and/or parked vehicles. In order to keep the taxilanes clear, tenants are strongly encouraged to always park their vehicles inside the hangar while flying.
- 2.28.610 Parking is permitted in designated or assigned areas only. Extended vehicle parking is allowed only as approved in advance by the Airport Manager.
- 2.28.620 Private vehicles shall not be cleaned and/or maintained anywhere on the Airport, except for minor repairs that are necessary to remove such vehicle(s) from the Airport. Vehicles operated by commercial Operators or tenants shall be cleaned and/or maintained in areas designated by the Airport Manager.
- 2.28.630 Motor vehicles other than official airport vehicles are not allowed on taxiways, runways or crossing runways unless accompanied by an airport official in an approved vehicle with approved caution lights. Tenants must

adhere to all posted traffic signs. At the Tracy Airport, users and tenants are expected to use the appropriate gates along Tracy Boulevard to access different areas of the airport. At the New Jerusalem Airport, users are expected to use the access road off of Durham Ferry Road and enter from the southwest gate adjacent to the active runway.

**Article 10. - Airport User Obligations**

- 2.28.640 All tenants and permittees shall be fully responsible to the Airport for all damage to facilities, equipment, real property, related appurtenances, and all other improvements in the ownership, care, custody, or control of the Airport when such damage is caused by the negligence, abuse or carelessness on the part of the tenant, lessee, permittee or their employees, agents, customers, visitors, suppliers or persons with whom they do business.
- 2.28.650 Tampering or interfering with, disabling a lock, security camera, vehicle gate, or breaching any other security or access control device at the Airport is prohibited.
- 2.28.660 No person shall make, possess, use, offer for sale or deliver any forged or falsely altered pass, permit, identification, access card or device, card, sign, and/or other authorization purporting to be issued by or on behalf of the Airport.
- 2.28.670 Tenants and permittees shall indemnify, defend and hold harmless the City, its officials, representatives, officers, employees and agents from any and all claims, demands, losses or liabilities arising out of the acts or omissions of the tenant or permittee, their officers, employees, agents or contractors.
- 2.28.680 Tenants and permittees shall maintain their leased areas free from all fire hazards and maintain the same in a condition of repair, cleanliness, and general maintenance in a manner satisfactory to the Airport Manager, and in accordance with their individual lease or permit agreements. Failure to adhere to these provisions may be grounds for termination of the lease agreement in part or in whole by the City.
- 2.28.690 Any construction or alteration to create an improvement, including hangars, located on the Airport shall be performed in compliance with requirements as may be established by the City and must be approved in writing in advance by the Airport Manager.
- 2.28.700 No person shall be or become intoxicated, commit any disorderly, indecent, lewd or unlawful act, or commit any act of nuisance on the Airport
- 2.28.710 Persons entering the Airport Operating Area, movement area or any non-public area of the Airport are required to produce identification when asked to do so by the City.
- 2.28.720 No person shall willfully and knowingly permit any animal owned, possessed or harbored by him/her to enter the Airport unless the animal is leashed or restricted in such manner as to be under control of that person for the safety of animals and person. No animals should be in hangars or on airport property left unattended and animal waste should be removed or properly disposed of in a proper receptacle.
- 2.28.730 Change of ownership or removal of the Aircraft from the Airport shall not relieve the registered owner from payment of applicable fees.

**Article 11. - Fire and Storage Regulations**

- 2.28.740 All persons, companies and agencies engaged in any activity at the Airport, whether occupying Airport-owned buildings or otherwise, shall comply with the provisions of the Uniform Fire Code, as amended and all applicable state and federal fire protection laws and regulations.
- 2.28.750 No objects may be hung from, or attached to fire sprinkler supply pipes.
- 2.28.760 Welding, torch-cutting, doping processes, spray-painting, or paint stripping shall be performed only in those facilities approved for such activities and in compliance with the Uniform Fire Code, as amended and any applicable local codes.
- 2.28.770 All directives issued by the Tracy Fire Department, the Airport Manager or other authorized official regarding the removal of fire hazards, arrangement and modification of equipment, or altering operating procedures considered unsafe from a fire prevention standpoint, shall be complied with.
- 2.28.780 Non-Hazardous waste such as garbage, pallets, empty boxes, and litter of any kind shall not be placed, discharged, or deposited on the Airport unless such materials can be placed inside of receptacles clearly identified for the disposal of such materials.
- 2.28.790 Under no circumstances shall any waste material such as furniture, appliances, tires, batteries, paint green waste or other residential waste typically not generated on the Airport be transported onto the Airport from off-airport locations with the intent of disposing such waste material on the Airport.
- 2.28.800 Flammable and combustible liquids cannot exceed the allowed amounts. Allowable amounts of flammable liquids are 5 gallons (solvents, gas, etc.), 10 gallons in an approved parts washer with an approved Class II or Class III combustible liquids safety lid (equipped with a fusible link for fire protection), and 60 gallons of combustible liquid (motor oil, lubricants, etc.)
- 2.28.810 A person shall use only covered trash containers in any area. A vehicle used for hauling trash, dirt or any other materials, shall be operated on the airport only when the vehicle is constructed to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. Areas to be used for trash or garbage containers shall be designated by the Airport Manager. Such areas shall be kept clean and sanitary at all times.

**Article 12. - Hazardous Materials and Hazardous Waste Handling**

- 2.28.820 No individual or entity shall store, keep, handle, use, dispense, discharge, or transport on the Airport any Hazardous Material in contravention of the Tracy Municipal Code.
- 2.28.830 Under no circumstances shall any hazardous waste be transported onto the Airport from off-airport locations with the intent of disposing such waste material on the Airport.
- 2.28.840 Hazardous waste such as used-oil, and used oil filters shall be disposed of properly and only in clearly-identified receptacles that are provided for the disposal these specific wastes. Any waste and other debris found in oil waste containers other than used oil that constitutes a fine to the airport by Environmental Protection Agency, and shall be paid by the responsible party.

- 2.28.850 Hazardous waste material such paint, solvent, brake fluid, fuel, dope, and acid must be placed in suitable receptacles with self-closing covers that are properly secured. Such Hazardous Wastes shall be removed from the Airport by the originator of such waste and disposed of in a timely and proper manner in accordance with the Tracy Municipal Code at any public or private facility authorized to accept such material for disposal or recycling.
- 2.28.860 Under no circumstances shall any hazardous liquids shall be disposed of or dumped in drains; on ramp areas, catch basins or ditches or elsewhere on the Airport.
- 2.28.870 Oily rags or other materials soiled with petroleum-based products may only be stored in metal containers with self-closing, tight-fitting lids. The use and storage of all flammable materials (solid and liquids) shall be in compliance with regulatory measures including the Uniform Fire Code, as amended.
- 2.28.880 Material Safety Data Sheets (“MSDS”) for all hazardous materials shall be maintained on site so as to be readily available to emergency responders in the event of an emergency and for review by the Airport Manager and the Fire Marshal.
- 2.28.890 The State of California, the Fire Department and the Airport require immediate reporting of any hazardous spill in excess of 25 gallons (calling 911 is deemed sufficient notification). Hazardous spills that require reporting include, but are not limited to; jet fuel, gasoline, fuel oil, hydraulic oil, motor oil, turbine oil, alcohol, glycol and all similar chemicals that could be considered hazardous.
- 2.28.900 In the event a hazardous spill of any magnitude occurs, the responsible party of such spill shall take immediate action in the containment, clean up, and remediation of such hazardous spill. The following procedures shall be implemented in managing a hazardous spill:
- A. Determine the threat to the immediate public.
  - B. Contain the spill with an absorbent.
  - C. Block all storm water drains that could be impacted by such a spill.
  - D. Apply the proper absorbent from strategically placed spill kits. All liquids and or absorbents shall be disposed of or reused per applicable Regulatory Measures.
  - E. Make a record of the spill at the facility.
  - F. Notify the Airport Manager who may have additional requirements based on the nature and quantity of the spill.
- 2.28.910 Should the Airport Manager determine that during the course of an environmental incident the responsible party is not capable of, has not, or refuses to take the appropriate action in a timely manner to mitigate the adverse environmental incident (in the sole discretion of the Airport Manager), the Airport Manager reserves the right to take action and/or employ those services that the Airport Manager determines appropriate to control and/or clean up the site. The cost of such services shall be borne by the responsible party.

**Article 13. - Special Events**

- 2.28.920 Special events shall not be held unless written approval is first obtained from the Airport Manager and pursuant to the Tracy Municipal Code. Written authorization shall specify the areas of the Airport authorized for such special use, the dates and duration of such use, and any other terms and conditions deemed necessary.

**Article 14. - Violations and Enforcement**

- 2.28.930 Any person who violates any provision of these rules and regulations, or any provision of an ordinance of the City pertaining to the use of the Airport shall be subject to all legal, equitable, statutory, and contractual rights and remedies available to the City, including termination of the lease and/or fines imposed. Said person shall pay all costs in connection therewith, including attorney's fees. Depending on the nature of the violation a verbal notice will be given, followed by a written notice with a time frame to correct before termination of lease and/or fines imposed.
- 2.28.940 The City reserves the right to prohibit any person or entity from using the Airport or engaging in activities at the Airport (and/or revoke or suspend any privileges granted to any person or entity) upon determination by the Airport Manager that such person or entity has not complied with any applicable regulatory measure, any directives issued by the City, or has otherwise jeopardized the safety of person or entities utilizing the Airport or the land and/or improvements located at the Airport.
- 2.28.950 The City shall be responsible for enforcement of these rules and regulations. The Airport Manager is empowered to require compliance with and enforce these rules and regulations.

**Article 15. - Applicability of Provisions**

- 2.28.960 Operators currently providing Activities without an Agreement or a Commercial Aviation Permit with the City will have six months from the date of adoption of this ordinance to comply with the standards and requirements set forth therein. Any failure to bring such Activities into compliance with the provisions set forth herein shall be deemed to violate this section.

**Article 16. - Appeal Process**

- 2.28.970 The process to appeal violations of this chapter shall be as follows:
- (a) A person found in violation of the rules and regulations contained in this chapter or any order or directive of the Airport Manager related thereto, may appeal such finding, order or directive by submitting a written request for appeal to the Transportation Advisory Commission.
  - (b) The terms and conditions set forth in lease agreements are final and not subject to appeal.
  - (c) The request for appeal must be submitted to the Airport Manager within ten days of being duly notified of such violation. The request for appeal shall contain (i) a statement specifying the grounds for the appeal together with all material facts in support of the appeal, and (ii) the signature of the appellant and a verification as to the truth of the matter stated in the appeal.
  - (d) The Airport Manager shall, as soon as practicable, but no longer than 30 days after receipt of the appeal, schedule a hearing on the appeal

with the Transportation Advisory Commission at the next regularly scheduled meeting. The appellant shall receive at least 5 days' notice of the hearing date, time and location.

- (e) Upon conclusion of the hearing, the Transportation Advisory Commission shall provide a recommendation to the City Manager to either uphold or deny the appeal and shall issue a written notice setting forth the reasons for the decision. The decision shall be served upon the appellant within fourteen days of the hearing, and shall be final.

SECTION 2: Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 5: A summary of this ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1)).

\* \* \* \* \*

The foregoing Ordinance 1264 was introduced at a regular meeting of the Tracy City Council on the 20<sup>th</sup> day of November, 2018, and finally adopted on the 4<sup>th</sup> day of December, 2018, by the following vote:

AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

Signed: Robert Rickman, Mayor  
Attest: Adrienne Richardson, City Clerk