ORDINANCE NO. 1443

AN ORDINANCE AMENDING SECTION 2.4-10,
DELETING 2.4-26(n), AND ADDING SECTION
2.4-27 OF CHAPTER 2.4 OF THE SOLANO COUNTY
CODE ENTITLED AIRPORTS AND AIRCRAFT

The Board of Supervisors of the County of Solano, State of
California, does ordain as follows:

SECTION I.

Section 2.4-10 of Chapter 2.4 of the Solano County Code,
entitled "Airports and Aircraft" is hereby amended to read as
follows:

Sec. 2.4-10. Definitions.
Unless the context otherwise requires, the following
definitions in this section govern the construction of this chapter
in order for more effective interpretation and enforcement.
(a) Airport means each and every airport and all airport
property owned, operated, and controlled by the county. It shall
include all improvements, facilities, and appurtenances.
(b) Aircraft means any machine or contrivance used for
flying, whether heavier or lighter than air.
(c) Airport manager means a person hired by the
transportation director of Solano County who has initial
responsibilities for all airport business and operations, or the
manager's representative.
(d) Aircraft ground movement area means the runway(s),
taxiway(s) and parking apron(s) of the airport.
(e) Competent aircraft operator means a person holding
a valid certificate from the Federal Aviation Administration.
(f) Fixed base operator means a person, firm, or
corporation under contract to the county as a concessionaire at the
airport.
(g) Fire chief means the fire chief or the chief's
authorized representative of the local governmental entity having
responsibility for fire protection in the airport area.
(h) Flying club means clubs organized and operated in
strict compliance with FAA Order 5190.6A, Appendix 8, and any
changes or amendments which may be made by the FAA or other
governmental agency from time to time.
(i) Maintain aircraft shall mean any form of service,
maintenance, or repair of aircraft.
(j) Operate aircraft shall mean the self propelled,
pushed, or towed movement of aircraft on the ground or in flight.
(k) Owner shall mean any person, firm, or corporation
designated as the legal owner of any certificate, permit, or
license required for an aircraft by the United States of America.

(1) Regularly situated shall mean an aircraft based at the airport for a period in excess of ten (10) days.

(m) Hazardous material means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace of the environment.

SECTION II.

Section 2.4-26(n) of the Solano County Code is hereby repealed in its entirety.

SECTION III.

Section 2.4-27 is hereby added to Chapter 2.4 to read as follows:

Sec. 2.4-27. Regulations -- Flying clubs.

Flying clubs wishing to base an aircraft, or aircrafts, on airport property shall operate in strict compliance with FAA Order 5190.6A, Appendix 8. This order will be available to all prospective flying clubs and is incorporated into this ordinance by reference. Highlights of the FAA Order are as follows:

a. Flying clubs shall be a non profit entity (corporation, association or partnership) organized for the express purpose of providing its members with an aircraft, or aircrafts, for their personal use and enjoyment. All aircraft shall be vested in the name of the club or shall be owned ratably by all members. The property rights of the members shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.).

b. The club shall not derive greater revenue from the use of its aircraft than the amount necessary for operations, maintenance, and replacement of its aircraft.

c. The club may not offer or conduct charter, air taxi, or rental of aircraft operations.

d. No flying club shall permit its aircraft to be utilized for the giving of flight instruction to any person, including members of the club, when such person pays or becomes obligated to pay for such instructions, except when instruction is given by a lessee based on the airport and who provides flight instruction.

e. Any qualified mechanic who is a registered member of
the club and part owner of the aircraft owned and operated by the club shall not be restricted from doing maintenance on aircraft owned by the club. The club does not become obligated to pay for such maintenance work except that such mechanics and instructors may be compensated by credit against club payment of dues or flight time.

f. All flying clubs and their members are prohibited from selling or leasing any goods or services whatsoever to any person or firm other than a member of such club at the airport except that said club may sell or exchange its capital equipment.

g. Each flying club shall furnish the airport office a copy of its charter, by-laws, articles of association, partnership agreement or other documents supporting its existence including names of officers and directors to be revised on a semiannual basis. Certificates of Insurance shall be provided to the airport manager prior to commencement of operations in amounts specified from time to time by the County Risk Manager. Books and records of the club shall be available for review at any reasonable time by the airport manager or the manager's authorized agent.

h. Any flying club operating at the airport shall abide by and comply with all Federal, State, and local laws, ordinances, and the rules and regulations of the airport.

i. A flying club which violates any of the foregoing, or permits one or more members to do so, will be required to terminate all operations at the airport. A public hearing should be conducted for the purpose of considering such termination.

j. A copy of FAA Order 5190.6A, Appendix B, shall be provided to any flying club considering establishing operations at the airport.

SECTION IV.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the
Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

LEE SIMMONS, Chairwoman of
the Board of Supervisors

ATTEST:

LINDA L. TERRA, Clerk of
the Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 7th day of July, 1992.

On the motion of Supervisor Caddle and the second of Supervisors Carroll, this Ordinance was adopted at a regular meeting of said Board on the 28th day of July, 1992, by the following vote:

AYES: SUPERVISORS: Caddle, Carroll and Chairwoman Simmons

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: Davis and Stewart

WITNESS my hand and the Seal of said Board this 28th day of July, 1992.

LINDA L. TERRA, Clerk of
the Board of Supervisors

By

C:\HPNWDOS\WP50\AIRPORT.NWP\THG