

TITLE 7--PUBLIC WORKS

---

**Chapter 3 MODESTO CITY-COUNTY AIRPORT**

Article 1 General Regulations

7-3.101 Terminal Facilities.

7-3.102 Airport Manager.

7-3.103 Division of Public Works Department.

7-3.104 Civil Aeronautics Regulations Adopted.

7-3.105 Open for Public Use at All Hours.

7-3.106 Regulations of Use of Airport.

7-3.106.1 Private Aircraft and Ultralight Vehicle—Regulations.

7-3.107 Use of Airport, User’s Risk.

7-3.108 Insurance Requirements: Commercial Aircraft.

7-3.108.1 Insurance Requirements: Permanently Based Private Aircraft.

7-3.108.2 Insurance Requirements: Motor Vehicles and Motorized Equipment on Air Operations Areas of Airport Premises.

7-3.108.3 Insurance Requirements: Fixed-Base Operators.

7-3.108.4 Insurance Maintenance Requirements.

7-3.108.5 Insurance Requirements: Worker’s Compensation.

7-3.109 Traffic Regulation.

7-3.110 Placement of Signs.

7-3.111 Consent to Use Other’s Property.

7-3.112 Damage To Be Paid for by Person Responsible.

7-3.113 Flight Instructors.

7-3.114 Use of Firearms and Hunting Prohibited.

[7-3.115 Flying Clubs--Definition.](#)

[7-3.116 Flying Clubs--Regulations.](#)

[7-3.117 Partnerships.](#)

[7-3.118 Automotive Fuel.](#)

[7-3.119 Aircraft Fuel Sales.](#)

[Article 2 General Traffic Rules](#)

[7-3.201 Promulgation.](#)

[7-3.202 Field Regulations.](#)

[7-3.202.1 Parking and Operation of Motor Vehicles.](#)

[7-3.203 Traffic Patterns.](#)

[7-3.204 Landings.](#)

[7-3.205 Take-Offs.](#)

[7-3.206 Turning While Taking Off.](#)

[7-3.207 Mail and Scheduled Planes Have Right of Way.](#)

[7-3.208 Wheel Chocks.](#)

[7-3.209 Starting.](#)

[7-3.210 Engines Not To Be Left Running.](#)

[7-3.211 Planes Being Taxied.](#)

[7-3.212 Taxi Regulations.](#)

[7-3.213 Taxi Regulations.](#)

[7-3.214 Removal of Wrecked Aircraft.](#)

[7-3.215 Repairs at Designated Places.](#)

[7-3.216 Clearance Refused Until All Charges are Paid.](#)

[7-3.217 Securing of Aircraft.](#)

Article 3 Fire Regulations

7-3.301 Duty of Care.

7-3.302 Fueling and Draining.

7-3.303 Storage of Compressed Flammable Gas.

7-3.304 Cleaning Motors.

7-3.305 Smoking.

7-3.306 Repairs on Aircraft in Hangars.

7-3.307 Keeping Hangar Entrances Clear.

7-3.308 Keeping Floor Clean.

7-3.309 Hangars To Be Kept Free of Litter, Rubbish, Etc.

7-3.310 Use of Flammable Liquids.

Article 4 Fees

7-3.401 Fees.

7-3.401.1 Delinquent Aircraft Storage Accounts.

7-3.402 Individual Hangars.

7-3.403 Daily Storage.

7-3.404 Tiedown Fees.

7-3.405 Office Space.

7-3.406 Fees and Charges: When Payable.

7-3.407 Other Structures.

7-3.408 Rent for Land.

7-3.409 Nonscheduled Transient Aircraft Carrying Passengers and/or Cargo for Hire.

7-3.410 Scheduled Airlines.

7-3.411 Oil Company Leases.

7-3.412 Permanently Based Commercial Services.

[7-3.413 Operators of Commercial Services and Concessions.](#)

[7-3.414 Utilities Paid by Respective Parties.](#)

[7-3.415 Transient Commercial Services.](#)

[7-3.416 Fees for Activities Not Specifically Treated Herein.](#)

[7-3.417 Leases--General Use of Airport.](#)

[7-3.418 Payments to Director of Finance.](#)

[Article 5 Penalties](#)

[7-3.501 Removal from Airport--Grounding.](#)

[7-3.502 Amount.](#)

**Article 1 General Regulations**

**7-3.101 Terminal Facilities.**

The Modesto City-County Airport shall be conducted as a terminal facility for the promotion and accommodation of air commerce, and as a public air terminal. (Ord. 891-N.S., amended by Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

**7-3.102 Airport Manager.**

The airport shall be under the supervision of an Airport Manager appointed by the City Manager in accordance with the provisions of the Charter and the laws of the City. It shall be his duty to enforce the provisions of this article. (Ord. 891-N.S.)

**7-3.103 Division of Public Works Department.**

The Modesto City-County Airport shall be a division of the Public Works Department of the City. The Airport Manager shall carry out his/her duties under the supervision and direction of the Public Works Director. (Ord. 891-N.S., amended by Ord. 248-C.S., Ord. 3130-C.S., § 3, and Ord. 3366-C.S., § 3, effective 12-9-04)

**7-3.104 Civil Aeronautics Regulations Adopted.**

The civil air regulations promulgated by the Civil Aeronautics Board and the Civil Aeronautics Administration of the United States of America and the California Aeronautics Act of the State of California, as now existing or hereafter amended are hereby referred to, adopted, and made a part of these regulations and this chapter as fully in all respects as if set forth herein in full. (Ord. 891-N.S.)

**7-3.105 Open for Public Use at All Hours.**

The airport shall be open for public use at all hours of the day and night subject to the rules and regulations set forth herein, the payment of fees, and 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 Airport Manager. (Ord. 891-N.S.)

### **7-3.106 Regulations of Use of Airport.**

Special services may be rendered or special facilities may be provided at the airport on such terms as the Council or the Airport Manager may prescribe from time to time.

(a) No person shall use the airport as a base for the carrying for hire of passengers, freight, express or mail, for instruction in aviation in any of its branches, for the sale of fuels, refreshments, aircraft, or any commodity unless a permit for such activity has been granted by the Council, and the appropriate permit fees have been paid.

(b) All persons wishing to film, tape, photograph or otherwise record activity that they wish to stage on the airport premises must seek and obtain a permit from the Airport Manager. Applications for such permits must be made a minimum of twenty-four (24) hours in advance of the proposed activity.

(1) The Airport Manager may impose reasonable time, place and manner restrictions as conditions of the permit. Appropriate insurance requirements shall be construed as such reasonable restrictions. Other time, place or manner restrictions shall serve the purpose of protecting the public health, safety, welfare and/or preventing interference with the scheduled flights and other regularly occurring or previously scheduled airport activity.

(2) No permit shall be denied on the basis of the content of the proposed film, tape, recording or photograph. However, if an activity that is to be staged for purposes of filming, taping, photographing or recording, or the manner in which such filming, taping, photographing or recording is proposed to be done, presents a physical threat to public health, safety or welfare and such threat cannot be eliminated through the use of time, place or manner restrictions, the Airport Manager may refuse to grant the requested permit. The Airport Manager may also refuse to grant a permit where the proposed activities would substantially interfere with the conduct of normal airport activity and the proposed activities cannot reasonably be restricted to minimize such interference.

(c) The permit requirement contained in Section 7-3.106(b) above shall not apply to newscasters, journalists, radio announcers or others who engage in filming, taping, photographing, recording or broadcasting events which transpire at the airport but which were not prearranged, created or staged by the individuals, corporations or other groups engaged in the announcing, broadcasting, filming, taping, photographing or related activity.

(d) Both the Council and the Airport Manager shall have the power to restrict the number of persons using the airport facility. (Ord. 891-N.S., amended by Ord. 2434-C.S., § 1, effective 7-17-86)

#### **7-3.106.1 Private Aircraft and Ultralight Vehicle—Regulations.**

(a) Every person or persons owning or controlling any private aircraft based at the Modesto City-County Airport shall be subject to the following regulations:

(1) Private aircraft will be operated noncommercially.

(2) Private aircraft may be used by persons other than the owner, or owners, provided that in no case may it be rented, leased, or used for any commercial purpose.

(3) Private aircraft may be used in connection with the owner's own business.

(4) Company- or corporation-owned aircraft, operated for the free transportation of their, and other, personnel or products, are classified as private aircraft and subject to the same restrictions as set forth in this section.

(b) Any person or persons owning, controlling, or operating any ultralight vehicle, as defined in Federal Aviation Regulations (FAR) Part 103, that is either based at or transient to the Modesto City-County Airport shall be subject to the following regulations:

(1) All ultralight vehicles shall be operated in accordance with all applicable federal, State, local, administrative and regulatory statutes, rules, regulations and policies as now existing or hereafter amended including, but not limited to, the operating rules set forth in FAR Part 103 and the Modesto City-County Airport ultralight operations policy.

(2) No person shall operate an ultralight vehicle at the Modesto City-County Airport unless and until the owner and operator has obtained written authorization from the air traffic control facility having jurisdiction over the airspace and said written authorization is on file with the Modesto City-County Airport Manager.

(3) No person shall operate an ultralight vehicle at the Modesto City-County Airport unless and until the owner and operator of the ultralight vehicle has provided the City of Modesto with a certificate of insurance in an amount and in a form acceptable to the City's Risk Manager naming the City of Modesto and the County of Stanislaus as additional insureds.

(4) As used in this chapter and title the term aircraft shall include ultralight vehicles. (Ord. 891-N.S., amended by Ord. 815-C.S., and Ord. 3212-C.S., § 1, effective 5-10-01)

### **7-3.107 Use of Airport, User's Risk.**

The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof and he shall release, hold harmless and indemnify the City, the Council, their officers and employees from any liability or loss resulting from such use as well as against claims of third persons against the person using the airport. (Ord. 891-N.S.)

### **7-3.108 Insurance Requirements: Commercial Aircraft.**

All commercial aircraft owners or operators permitted use of Modesto City-County Airport/Harry Sham Field shall provide the Finance Director with evidence of insurance coverage in the amount and form as approved by the City's Risk Manager. Such amounts shall be set forth from time to time by resolution of the City Council. (Ord. 891-N.S., amended by Ord. 298-C.S., Ord. 311-C.S., Ord. 2095-C.S., § 1, Ord. 2401-C.S., § 1, Ord. 2898-C.S., § 3, and Ord. 3420-C.S., § 1, effective 10-5-06)

#### **7-3.108.1 Insurance Requirements: Permanently Based Private Aircraft.**

All owners or operators of private passenger aircraft, including owners or operators of corporate aircraft which are permitted use of permanent tie-down or hangar space at Modesto City-County Airport/Harry Sham Field, shall provide the Finance Director with evidence of insurance coverage in the amount and form as approved by the City's Risk Manager. Such amounts shall be set forth from time to time by resolution of the City Council. (Added by Ord. 298-C.S., amended by Ord. 2095-C.S., § 1, Ord. 2898-C.S., § 3, and Ord. 3420-C.S., § 1, effective 10-5-06)

#### **7-3.108.2 Insurance Requirements: Motor Vehicles and Motorized Equipment on Air Operations Areas of Airport Premises.**

Every person or entity permitted to operate a motor vehicle or motorized equipment upon the air operations areas of Modesto City-County Airport/Harry Sham Field, as such air operations areas are designated in the Airport Security Plan adopted by the City Council, shall provide the Finance Director with evidence of insurance coverage in the amount and form as approved by the City's Risk Manager. Such amounts shall be set forth from time to time by resolution of the City Council. (Added by Ord. 2095-C.S., § 2, amended by Ord. 2898-C.S., § 3, and Ord. 3420-C.S., § 1, effective 10-5-06)

**7-3.108.3 Insurance Requirements: Fixed-Base Operators.**

All fixed-base operators shall provide the Finance Director with evidence of insurance coverage in the amount and form as approved by the City's Risk Manager. Such amounts shall be set forth from time to time by resolution of the City Council. (Added by Ord. 2095-C.S., § 2, amended by Ord. 2401-C.S., § 1, Ord. 2898-C.S., § 3, and Ord. 3420-C.S., § 1, effective 10-5-06)

**7-3.108.4 Insurance Maintenance Requirements.**

(Added by Ord. 2095-C.S., § 2, amended by Ord. 2122-C.S., § 1, and Ord. 2401-C.S., § 1, repealed by Ord. 2898-C.S., § 4, effective 5-5-94)

**7-3.108.5 Insurance Requirements: Worker's Compensation.**

(Amended by Ord. 2125-C.S., § 1, repealed by Ord. 2401-C.S., § 2, effective 2-27-86)

**7-3.109 Traffic Regulation.**

The Airport Manager shall have authority to take such steps as he shall deem necessary and advisable to regulate traffic of persons, vehicles and aircraft on the airport. (Ord. 891-N.S.)

**7-3.110 Placement of Signs.**

No signs shall be placed upon said airport until approved and permission therefor has been granted by the Airport Manager. (Ord. 891-N.S.)

**7-3.111 Consent to Use Other's Property.**

No person shall take, use, tamper with, or enter into any aircraft, parts or accessories thereof, or tools or other equipment owned or controlled by any other person and stored or otherwise left at the airport, without the consent of the owner or operator thereof, or other satisfactory evidence of his right so to do. (Ord. 891-N.S.)

**7-3.112 Damage To Be Paid for by Person Responsible.**

Damage beyond reasonable wear and reasonable depreciation to municipal facilities, buildings and installations shall be paid for the person responsible for such damages. (Ord. 89-N.S.)

**7-3.113 Flight Instructors.**

No person shall hold himself out as a flight instructor or give flight instruction unless he has a valid and subsisting flight instructor rating, is registered with the Airport Manager and holds a permit as a fixed-base operator at the Modesto City-County Airport or is employed by a fixed-base operator at the Modesto City-County Airport. (Added by Ord. 606-C.S., amended by Ord. 815-C.S., effective 12-14-66)

**7-3.114 Use of Firearms and Hunting Prohibited.**

No person, other than a person performing law enforcement duties, shall use firearms of any description, or air rifles, spring-guns, or any other form of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges in or upon the Modesto

City-County Airport. Shooting into the Modesto City-County Airport area from beyond the airport boundaries is forbidden. (Added by Ord. 611-C.S., effective 10-30-63)

### **7-3.115 Flying Clubs--Definition.**

A flying club is any organization, partnership, association, club or similar group, whether incorporated or not which has as one (1) or more of its purposes, functions or activities the fostering of flying for pleasure, developing skills in aeronautics, including pilotage and navigation, developing an awareness and appreciation of aviation requirements and techniques and in general promoting the field of aviation and aeronautics. (Added by Ord. 815-C.S., effective 12-14-66)

### **7-3.116 Flying Clubs--Regulations.**

Before any flying club, as defined by Section 7-3.115 hereof, can operate on the Modesto City-County Airport, it must obtain a Flying Club Permit to do so. Flying Club Permits shall be issued by the Airport Manager and shall be subject to such fees as may be established from time to time by resolution of the City Council.

All flying clubs operating on the Modesto City-County Airport must comply with the following regulations:

- (a) Flying clubs must have an established base of operation on the airport.
- (b) Flying clubs must submit and keep current a roster of the membership, roster of officers and directors, rules, regulations and/or bylaws governing the organization.
- (c) No flying club aircraft shall be used for hire, charter, rental or other commercial purpose, operation or use.
- (d) All aircraft owned, leased or used by the flying club must be registered with Airport Manager.
- (e) All members must comply with all Federal Aviation Agency, State and local laws and regulations. (Added by Ord. 815-C.S., effective 12-14-66)

### **7-3.117 Partnerships.**

When an aircraft is owned or controlled by four (4) or more persons, whether as a partnership, corporation or otherwise, a current list of all such owners or persons in control shall be furnished to the Airport Manager. The Airport Manager shall have the right to investigate and determine, subject to appeal to the City Council, whether the owners of such jointly owned aircraft are subject to the regulations applicable to flying clubs or fixed-base operators, as defined and regulated herein. (Added by Ord. 815-C.S., effective 12-14-66)

### **7-3.118 Automotive Fuel.**

The transportation or storage by individuals of automotive gasoline at the Modesto City-County Airport is forbidden. Automotive gasoline shall be obtained through fixed-based operators designated to dispense automotive gasoline by the City Council. (Added by Ord. 2318-C.S., § 1, effective 3-28-85)

### **7-3.119 Aircraft Fuel Sales.**

Fuel prices shall be posted on all aircraft fuel pumps so as to be easily visible to the public. Fuel concessionaires shall be required to sell all fuel at the posted price unless a written agreement has been entered into between the fuel concessionaire and the purchaser prior to the sale and said written agreement is on file in the Airport Manager's office. (Added by Ord. 2318-C.S., § 1, effective 3-28-85)



**Article 2 General Traffic Rules****7-3.201 Promulgation.**

The use of the airport shall be governed by such further rules and regulations as the Council may hereafter, from time to time, establish by resolution; and such additional rules shall be posted at the airport by the Airport Manager. (Ord. 891-N.S.)

**7-3.202 Field Regulations.**

The Airport Manager shall have printed and make available field regulations regarding the parking, starting, taxiing, takeoff, landing and flight of aircraft within the boundaries of the airport; and these regulations shall be followed by air pilots and aircraft landing, taking off or operating in any way from the airport. Field regulations may also regulate for the general health and safety and conduct of persons and direct all activity at the airport in a reasonable manner in order to ensure safe and efficient operation of the airport. Said regulations shall be subject to review by the Council. (Ord. 891-N.S.)

**7-3.202.1 Parking and Operation of Motor Vehicles.**

(a) No person shall operate, drive or park a motor vehicle in the aircraft tiedown areas as designated by the Airport Manager.

(b) The parking regulations promulgated for municipal off-street parking facilities by Article 16 of Chapter 2 of Title 3, Section 3-2.1601 et seq., of this Code are hereby adopted by reference and are made applicable to all off-street parking facilities at the Modesto City-County Airport, except that the term "Director" as used in that article shall refer to Public Works Director. (Added by Ord. 606-C.S., amended by Ord. No. 1935-C.S., § 1, Ord. 3130-C.S., § 3, and Ord. 3366-C.S., § 3, effective 12-9-04)

**7-3.203 Traffic Patterns.**

(Repealed by Sec. 11, Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

**7-3.204 Landings.**

(a) All aircraft approaching the Modesto City-County Airport for landing shall fall in the line of traffic and skirt the field to a point where a landing can be made in the direction indicated by the traffic direction indicator and with a straight glide beginning at least one thousand (1,000) feet distant from the leeward end of the landing area, except as set forth in subsection (b) of this section.

(b) Ultralight vehicles approaching the Modesto City-County Airport for landing will comply with the approach patterns established by the Air Traffic Control facility having jurisdiction of the airspace. (Sec. 1(d), Ord. 891-N.S., amended by Ord. 3212-C.S., § 1, effective 5-10-01)

**7-3.205 Take-Offs.**

So far as is practicable, no aircraft taking off shall make any turn at a distance of less than one thousand (1000) feet horizontally from the nearest edge of the airport. Except, ultralight vehicles taking off shall make all turns inside the Modesto City-County Airport's airfield boundary while assuring that a safe separation is maintained from other users of the airport in accordance with Air Traffic Control regulations. (Sec. 1(e), Ord. 891-N.S., amended by Ord. 3212-C.S., § 1, effective 5-10-01)

**7-3.206 Turning While Taking Off.**

So far as is practicable, no aircraft taking off shall make any turn at a distance of less than one thousand (1000) feet horizontally from the nearest edge of the airport. Except ultralight vehicles taking off shall make all turns inside the Modesto City-County Airport's airfield boundary while assuring that a safe separation is maintained from other users of the airport in accordance with Air Traffic Control regulations. (Sec. 1(f), Ord. 891-N.S., amended by Ord. 3212-C.S., § 1, effective 5-10-01)

**7-3.207 Mail and Scheduled Planes Have Right of Way.**

(Repealed by Sec. 11, Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

**7-3.208 Wheel Chocks.**

All aircraft shall have chocks in front of wheels and a competent operator at controls before starting. (Sec. 1(h), Ord. 891-N.S.)

**7-3.209 Starting.**

Normally, aircraft shall be started on parking lines, and at no time shall they be started while turned in such a direction as to blow dust and dirt into the hangers or on spectators. (Sec. 1(i), Ord. 891-N.S.)

**7-3.210 Engines Not To Be Left Running.**

At no time shall an aircraft be left with engine running unless a competent operator is at the controls. (Sec. 1(j), Ord. 891-N.S.)

**7-3.211 Planes Being Taxied.**

All aircraft shall be taxied at a slow and reasonable speed, and when not equipped with adequate brakes, shall have an attendant beside at least one wing when taxied in the vicinity of a hanger or other building. (Sec. 1(k), Ord. 891-N.S.)

**7-3.212 Taxi Regulations.**

When in the vicinity of aircraft landing or taking off, an aircraft being taxied shall be brought to a complete stop. (Sec. 1(l), Ord. 891-N.S.)

**7-3.213 Taxi Regulations.**

No aircraft shall be taxied in or out of hangers at any time. (Sec. 1(m), 891-N.S.)

**7-3.214 Removal of Wrecked Aircraft.**

Every aircraft owner, his pilot and agents, severally shall be responsible for the prompt removal under the direction of the Airport Manager, of wrecked aircraft. (Sec. 1(n), Ord. 891-N.S.)

**7-3.215 Repairs at Designated Places.**

No aircraft shall be permitted to remain on any part of the landing or takeoff area for the purpose of repairs, and all repairs shall be effected at the places designated therefor. No person shall repair or do maintenance work on aircraft in the tiedown area as designated by the Airport Manager. (Added by Ord. 891-N.S., amended by Ord. 606-C.S., effective 10-23-63)

**7-3.216 Clearance Refused Until All Charges are Paid.**

The Airport Manager may refuse clearance to any aircraft until all charges for storage, supplies or services rendered to it shall have been paid. (Ord. 891-N.S.)

**7-3.217 Securing of Aircraft.**

All light aircraft parked at the airport should be tied down or hangared whenever the owner/operator is not in the airport premises. (Added by Ord. 2486-C.S., § 1, effective 4-23-87)

**Article 3 Fire Regulations****7-3.301 Duty of Care.**

Every person using the airport or its facilities in any way shall use the utmost caution to prevent fire. The minimum amount of fire extinguishing equipment needed for each building or structure shall be as specified by the Fire Chief of the City. (Ord. 891-N.S.)

**7-3.302 Fueling and Draining.**

No aircraft shall be fueled or drained while its engine is running or while in a hangar or other enclosed place. Fueling shall be done in such manner and with such equipment that adequate connections for the grounding of static electricity shall be continuously maintained during such time. (Ord. 891-N.S.)

**7-3.303 Storage of Compressed Flammable Gas.**

No cylinder or flask of compressed flammable gas shall be kept or stored except as a place designated by the Airport Manager and the Fire Chief for that purpose. (Ord. 891-N.S.)

**7-3.304 Cleaning Motors.**

The cleaning of motors or other parts of aircraft shall not be carried on in any hangar, except with nonflammable substances. If flammable liquids shall be employed for this purpose, the operation shall be carried on in the open air. (Ord. 891-N.S.)

**7-3.305 Smoking.**

No person shall smoke or ignite any match or cigarette lighter around aircraft which are being filled with gasoline or in any hangar or building except in offices, waiting rooms or buildings in which smoking is authorized specifically by the Airport Manager. (Ord. 891-N.S.)

**7-3.306 Repairs on Aircraft in Hangars.**

Aircraft repairs inside the T-hangars shall be limited to those repairs performed by the owner and permitted by Federal Aviation Regulations, but excluding any painting or cleaning with flammable solvents. Major overhaul of engines, painting of aircraft, and cleaning with flammable solvents is prohibited. (Added by Ord. 891-N.S., amended by Ord. 606-C.S., and Ord. 1834-C.S., § 1, effective 7-5-79)

**7-3.307 Keeping Hangar Entrances Clear.**

Hangar entrances shall be kept clear at all times. (Ord. 891-N.S.)

**7-3.308 Keeping Floor Clean.**

Floors shall be kept clean and free from oil, and no volatile flammable solvent shall be used for cleaning floors. (Ord. 891-N.S.)

**7-3.309 Hangars To Be Kept Free of Litter, Rubbish, Etc.**

No boxes, crates, rubbish, paper or other litter shall be permitted to accumulate in or about any hangar; and all oil, paint and varnish cans, bottles or other containers shall be removed from the hangar immediately upon being emptied. (Ord. 891-N.S.)

**7-3.310 Use of Flammable Liquids.**

No solvents, paints, dopes or other highly flammable liquids shall be sprayed, stored, or used in any hangar primarily used for the storage of aircraft, unless a storage room is provided for said purpose. (Ord. 891-N.S.)

**Article 4 Fees****7-3.401 Fees.**

The Council shall have the power by resolution to establish charges and fees for the following types of activities and services at the Modesto City-County Airport:

- (a) Rental of hangars.
- (b) Tie downs.
- (c) Office space.
- (d) Landing fees for nonscheduled transient aircraft carrying passengers and/or cargo for hire.
- (e) Collection of a Passenger Facility Charge (PFC) from airline passengers enplaning flights at Modesto City-County Airport.
- (f) Permanently based commercial services, the fee to be in lieu of the license requirements imposed by Chapter 1 of Title 6 of this Code, and shall be payable in advance.
- (g) Temporarily based commercial services, the fee to be in lieu of the license requirements imposed by Chapter 1 of Title 6 of this Code, and shall be payable in advance. An operator shall be considered

as "temporarily based" at the Modesto City-County Airport within the meaning of this chapter unless the operator maintains an office at the airport and intends to engage in business from the base for a consecutive period of not less than six (6) months in duration. The requirements of this section may be modified or waived by action of the Council during such times as are declared by it to be periods of public emergency.

(h) Ultralight vehicle operators shall pay to the City an access fee in lieu of the flowage fee and taxes paid to the County by fixed wing and rotor aircraft owners. The fees will be established from time to time by resolution of the City Council.

(i) Such other services for activities as are deemed proper by the Council. (Ord. 891-N.S., amended by Ord. 248-C.S., Ord. 414-C.S., Ord. 572-C.S., Ord. 2861-C.S., § 1, and Ord. 3212-C.S., § 1, effective 5-10-01)

#### **7-3.401.1 Delinquent Aircraft Storage Accounts.**

When an aircraft storage account is delinquent for fifteen (15) days or more, the Airport Manager may lock up the airplane until storage charges are paid. No aircraft on which any tiedown fees or hangaring fees are unpaid may be removed without the prior written consent of the Airport Manager. In addition to all other remedies provided by law for the collection and enforcement of charges or fees due for the tying down or hangaring of aircraft, the City shall have a lien upon aircraft for the tying down and hangaring thereof. Whenever such lien is lost by reason of possession through trick, fraud or device, the repossession thereof by the City shall revive such lien. Any lien of the City upon aircraft for the tying down or hangaring thereof may be foreclosed in the same manner as is provided generally by the Civil Code of California for the foreclosure of liens upon personal property. (Added by Ord. 606-C.S., effective 10-23-63)

#### **7-3.402 Individual Hangars.**

(Repealed by Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

#### **7-3.403 Daily Storage.**

(Repealed by Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

#### **7-3.404 Tiedown Fees.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

#### **7-3.405 Office Space.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

#### **7-3.406 Fees and Charges: When Payable.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

#### **7-3.407 Other Structures.**

Rents for other structures not mentioned herein shall be based upon the cost of the structure and determined by negotiation. (Ord. 891-N.S.)

**7-3.408 Rent for Land.**

(Repealed by Ord. 134-C.S.)

**7-3.409 Nonscheduled Transient Aircraft Carrying Passengers and/or Cargo for Hire.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

**7-3.410 Scheduled Airlines.**

(Repealed by Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

**7-3.411 Oil Company Leases.**

No gasoline, fuel or oil shall be delivered to or hauled or carted or stored at said airport by any company, corporation, copartnership or individual unless said company, corporation, copartnership or individual has a lease or agreement with the City authorizing such to be done. (Ord. 891-N.S., amended by Ord. 2413-C.S., § 1, effective 5-30-86)

**7-3.412 Permanently Based Commercial Services.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

**7-3.413 Operators of Commercial Services and Concessions.**

Operators of services or activities other than those enumerated herein may be termed a concession upon Resolution of the Council. Operators of such concessions shall be subject to all other rents herein provided and shall pay in addition to the City, a minimum of two and one-half (2-1/2) per cent of the gross monthly income from said concession. (Ord. 891-N.S.)

**7-3.414 Utilities Paid by Respective Parties.**

In addition to the fees herein mentioned, all persons shall pay for their own utilities. (Ord. 891-N.S.)

**7-3.415 Transient Commercial Services.**

(Repealed by Ord. 572-C.S., effective 4-24-63)

**7-3.416 Fees for Activities Not Specifically Treated Herein.**

Any activity not specifically covered herein shall pay those fees established by negotiation between the operator and the City and shall be determined by the type of undertaking, extent thereof, use of the field and services required, and other factors applicable to the particular enterprise. (Ord. 891-N.S.)

**7-3.417 Leases--General Use of Airport.**

The Council may enter into agreements with airlines, firms, individuals, corporations and partnerships to operate flying schools, to use the airport as a base for the carrying on of commercial activities, for the carrying for hire of passengers, freight express or mail, for instruction in aviation in any of its branches, for private, noncommercial flying, for the sale of fuels, refreshments, aircraft, aircraft supplies, or any

commodity and for other commercial purposes, may lease land at said airport and may lease buildings situated thereon. (Ord. 891-N.S.)

#### **7-3.418 Payments to Director of Finance.**

Any person having a lease with the City shall pay the rentals accruing thereunder to the office of the Director of Finance, City of Modesto. (Ord. 891-N.S., amended by Ord. 248-C.S., operative 7-1-58, effective 7-17-58)

### **Article 5 Penalties**

#### **7-3.501 Removal from Airport--Grounding.**

Any person operating or handling an aircraft in violation of these rules, or additional rules established by resolution of the Council, or refusing to comply therewith may be removed or ejected from the airport or may be temporarily "grounded" by or under the authority of the Airport Manager; and upon the order of the Council may be deprived of the further use of the airport and its facilities for such length of time as may be deemed necessary to ensure the safeguarding of the same and the public and its interest therein. (Ord. 891-N.S., § 4(a))

#### **7-3.502 Amount.**

Any person who shall violate or refuse to abide by any of the provisions of this chapter or any of the rules and regulations set forth herein or such additional rules established by resolution of the Council or field regulations imposed by the Airport Manager, 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 five hundred dollars (\$500.00), or by imprisonment in the County Jail of the County of Stanislaus for not more than six (6) months, or by both such fine and imprisonment. (Ord. 891-N.S., § 4(b))

NOTE: To see entire Modesto Municipal Code, go to <http://www.modestogov.com/ccl/municode/>

(This page left blank intentionally)