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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 18 AIRPORTS**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO ORDAINS AS FOLLOWS:**

**Section 1.** Section 18.04.030 of the El Dorado County Ordinance Code entitled "Definitions" is hereby amended to read as follows:

**Sec. 18.04.030. Definitions.**

Unless from the context a different meaning is apparent as used in these regulations, the terms used in this title shall be defined as follows:

*Aircraft* means any airplane, whether propeller or jet powered, any helicopter, any glider, or any other vehicle capable of controlled and sustained flight to include lighter-than-air crafts.

*Airport* means the singular or collective airports referred to in Section 18.04.010, as appropriate.

*Airports Director* means the officer or representative of the County having immediate charge of the airport to include the County Airports Director or any of his or her regularly appointed/designated deputies.

*County* means the County of El Dorado and the terms "County airport" or "airport premises" refer to all the land owned by the County contiguous to an airport owned and operated by the County, including the airspace above the land to the extent not regulated by Federal Aviation Regulations.

*FAA* means the Federal Aviation Administration; the term "FAR" refers to Federal Aviation Regulations as issued by the FAA.

*Ultralight Vehicle* has the same meaning as defined in 14 FAR 103.1.

**Section 2.** Section 18.08.020 of the El Dorado County Ordinance Code entitled "Unauthorized business prohibited" is hereby amended to read as follows:

**Sec. 18.08.020. Unauthorized business prohibited.**

- A. No person shall conduct any kind or type of business on any County airport premises unless authorized by the County. Minimum standards for conduct of commercial business are set forth in Chapter 18.30.
- B. It is further unlawful for any person to conduct any business on any County airport premises without having first obtained a written contract, lease, permit or other authorization therefor from the County.

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- C. No contract, lease or permit authorizing the conduct of business on a County airport premises shall be granted unless and until the County finds that the contract, lease or permit will not endanger the public health, safety and peace and is necessary to promote the welfare and convenience of the public using the airport.
  - D. No contract, lease or permit authorizing such activities shall, either expressly or impliedly, constitute an exclusive right, within the meaning of Section 308 of the Federal Aviation Act of 1958, to conduct such business at any County airport and, except as to such rights as provided for by contract, lease, permit, etc., all other rights are reserved to the County. The County's approval of an operator agreement with one person or entity for one commercial use does not in any way prohibit the County from approving another party to conduct similar or other commercial activities at the Airport.

**Section 3.** Section 18.16.020 of the El Dorado County Ordinance Code entitled "Parking and storage" is hereby amended to read as follows:

**Sec. 18.16.020. Parking and storage.**

No aircraft shall be parked or stored at the airport except in the areas designated for such use by the Airports Director. Aircraft shall not be left unattended on the Airport unless it is secured or within a hangar.

**Section 4.** Section 18.16.120 of the El Dorado County Ordinance Code entitled "Engine Runup" is hereby added to read as follows:

**Sec. 18.16.120. Engine Runup**

A person shall perform neither an engine runup nor prolonged engine test operations of aircraft in any area that would result in a hazard to other aircraft, persons or property. The Airport Director may establish and designate engine test areas.

**Section 5.** Section 18.16.130 of the El Dorado County Ordinance Code entitled "Securing of Loose Items" is hereby added to read as follows:

**Sec. 18.16.130. Securing of Loose Items.**

No person shall leave any item on the Airport ramps, taxiways, runway, or tie-down areas without securing it by means sufficient to avoid any unwanted movement.

**Section 6.** Section 18.16.140 of the El Dorado County Ordinance Code entitled "Ultralight Aviation" is hereby added to read as follows:

**Sec. 18.16.140. Ultralight Aviation**

Ultralight aviation is allowed at a County Airport if the aircraft:

- A. Complies with all FAR Part 103 Subpart B Operating Rules.
- B. Has a registered tail number with the Federal Aviation Administration and is equipped with a radio.
- C. Complies with all Federal Aviation Administration Notice to Airmen (NOTAM).

**Section 7.** Section 18.20.040 of the El Dorado County Ordinance Code entitled "Distance from buildings" is hereby amended to read as follows:

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**Sec. 18.20.040. Distance from buildings.**

Fueling operations shall be conducted and fuel trucks shall be parked at least 50 feet from any hangar or building. Fueling is not permitted inside a hangar or under any covering.

**Section 8.** Chapter 18.30, entitled "Airport Minimum Standards", is hereby added to Title 18 of the El Dorado County Ordinance Code as follows:

***CHAPTER 18.30. AIRPORT MINIMUM STANDARDS***

**Sec. 18.30.010. County-Owned Airports Policy.**

The County shall adopt detailed regulations to implement these Minimum Standards which shall be made a policy of the Board of Supervisors and may be amended from time to time.

**Sec. 18.30.020. Waiver**

The County Airports Director may, at their discretion, waive all or any portion of the adopted minimum standards for the benefit of any government or governmental agency or department or person performing public services to the aircraft industry, or performing air search and rescue operations, or performing fire prevention or fire-fighting operations.

**Sec. 18.30.030. Personal Use Lease Agreements**

Before any person may operate an airplane out of a hangar or ground lease that is located on a County Airport, that prospective lessee (applicant) must enter into a written lease with the County.

- A. To apply for a ground lease or County-owned Hangar on a County Airport, an applicant shall submit a County-prescribed lease application form, with all required attachments, to the Airports Director, pursuant to Board Policy F-10, County Owned Airports Regulations, Security, and Leases.
- B. If a person or entity has purchased an ownership interest in a hangar that is located on the Airport and does not have an active ground lease with the County authorizing them to operate out of that hangar, the person or entity must provide the County the proper lease application within two weeks of purchase.
- C. Application Review: The Airports Director will review all applications in the order in which they are received. The application can be denied for one or more of the following reasons:
  - 1. Availability: There is no appropriate, adequate, or available space at the Airport to accommodate the ground lease at the time of the application.
  - 2. Ownership of Hangar: The applicant has not submitted proof that he or she is empowered to bind the entity who owns the hangar.
  - 3. Incomplete: The application does not contain the information required by the County, and the applicant has not supplied that information in a timely manner after the County requested it.
  - 4. Noncompliance with Airport Layout Plan: The proposed lease does not comply with the Airport Layout Plan.
  - 5. Misrepresentation: The applicant or agent has provided false or misleading information or failed to fully disclose important facts in the application or supporting documentation.

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- 6. History of Violations: Applicant has a record of violating the minimum standards or the rules and regulations of any airport, Federal Aviation Regulations, prior lease terms, or any other rules and regulations applicable to the County Airports.
  - D. Lease Application Denial: Upon denial, the Airports Director shall provide the applicant a written statement indicating the reason(s) for the denial. The applicant may submit a revised application that addresses the deficiencies identified in that written statement.
  - E. Lease Application Approval: Upon approval, the Airports Director will prepare a formal lease setting forth the terms and conditions governing the land or facility use.

**Sec. 18.30.040. Fixed Base Operator or Single Service Operator Lease Agreements**

A Single Service Operator (SSO) is a commercial business duly licensed and authorized by written agreement with the County to provide aeronautical services to the public at the Airport and conducts business activities within an office, hangar, or shop on the Airport. A Fixed Base Operator (FBO) is a commercial business providing fueling or other airport operations on behalf of the Airport Sponsor.

- A. To apply for an SSO or FBO lease on a County Airport, an applicant shall submit a County-prescribed lease application form, with all required attachments, to the Airports Director pursuant to Board Policy F-10, County Owned Airports Regulations, Security, and Leases.
- B. An Operator must obtain any applicable Commercial Operator Certificates from the Federal Aviation Administration prior to starting business operations.
- C. SSO and FBO leases are non-transferrable.
- D. The prospective Operator (applicant) must obtain a lease agreement before business operations can start. The agreement will contain the terms and conditions under which the Operator will operate business on the Airport, including, but not limited to, the term of the agreement, the rentals, fees and charges, rights, privileges, and obligations of the respective parties. It should be understood that these Minimum Standards do not represent a complete recitation of the provisions to be included in the written agreement. Those contract provisions, however, will not change, modify, or be inconsistent with these Minimum Standards.
- E. Application Review: The Airports Director will review all applications in the order in which they are received. The application can be denied for one or more of the following reasons:
  - 1. Safety Hazard: The applicant's proposed operations or construction will create a safety hazard on the Airport. In order to deny an application on this basis, County shall have adequate evidence demonstrating that safety will be compromised if the applicant is allowed to engage in the proposed activity. Before denying on this basis, County will contact the local Airports District Office (ADO) or the Regional Airports Office to seek their guidance in accordance with Advisory Circular AC 150/5190-8.
  - 2. Availability: There is no appropriate, adequate, or available space or building on the Airport to accommodate the entire proposed activity of the applicant at the time of the application.
  - 3. Incomplete: The application does not contain necessary information required by the County and the applicant has not supplied that information in a timely manner after the County requested it.
  - 4. Noncompliance with Airport Layout Plan: The proposed operation or airport development or construction does not comply with the Airport Layout Plan.
  - 5. Misrepresentation: Applicant provided the County with false, misleading, misrepresented, or not fully-disclosed information in the application or supporting documents.

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6. History of Violations: Applicant has a record of violating these minimum standards or the rules and regulations of any other airport, Federal Aviation Regulations, or any other rules and regulations applicable to a County Airport.
  7. Poor Credit Report: Applicant's credit report reveals a history of defaults or late payments.
  8. Funding. The granting of the application will require the expenditure of airport funds, labor or materials on the facilities described in or related to the application, or the operation could have a negative impact on the Airport's financial operations.
  9. The County may, at its discretion, grant or deny a Concessionaire's application to sell, furnish, or establish non-aviation products, supplies, or any service or business of a non-aeronautical nature at the Airport.
- F. Application Denial: If the Airports Director denies an application, the Airports Director shall provide the applicant a written statement indicating the reason for the denial. The applicant may submit a revised application that addresses the deficiencies identified in that written statement.
- G. Application Approval: If the Airports Director approves the application for a Commercial Operator, the Airports Director shall prepare a lease setting forth the terms and conditions governing the land and facility use. The Airports Director will then bring the lease to the Board of Supervisors at a regular meeting for approval. The Board of Supervisors has ultimate and final authority to approve Commercial Operator agreements/leases.

#### **Sec. 18.30.050. Offsite Operator Authorization and Access Agreements**

An Offsite Aeronautical Operator or Service Provider is business entity engaged in Commercial Operations at the airport who does not lease property from the County, such as an independent mechanic or flight instructor.

- A. To apply for an access agreement as an off-airport aeronautical service provider, an applicant shall submit a County-prescribed lease application form, with all required attachments, to the Airports Director pursuant to Board Policy F-10, County Owned Airports Regulations, Security, and Leases.
- B. The service performed must not create or operate as an ongoing commercial business within a hangar or another location on the Airport.
- C. An Operator must obtain any applicable Commercial Operator Certificates from the Federal Aviation Administration before starting business operations.
- D. Agreements are non-transferrable and sale or assignment of the agreement is prohibited.
- E. Application Review: The Airports Director will review all applications in the order in which they are received. The application can be denied for one or more of the following reasons:
  1. Safety Hazard: The applicant's proposed operations will complicate the control of vehicular and aircraft traffic, compromise the security of the airfield operations area, or otherwise create a safety hazard on the Airport.
  2. Incomplete: The application does not contain necessary information required by the County and the applicant has not supplied that information in a timely manner after the County requested it.
  3. Misrepresentation: Applicant provided the County with false, misleading, misrepresented, or not fully-disclosed information in the application or supporting documents.
  4. History of Violations: Applicant has a record of violating these minimum standards or the rules and regulations of any other airport, Federal Aviation Regulations, or any other rules and regulations applicable to the County Airports.

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5. Funding. The granting of the application will require the expenditure of Airport funds, labor or materials on the facilities described in or related to the application, or the operation could have a negative impact on the Airport's financial operations.
  6. Agreement Application Denial: Upon denial, the Airports Director shall provide the applicant a written statement indicating the reason(s) for the denial. The applicant may submit a revised application that addresses the deficiencies identified in that written statement.
  7. Agreement Application Approval: Upon approval, the Airports Director will prepare an access agreement setting forth the terms and conditions governing the land or facility use.

**Sec. 18.30.060. Flying Club Standards**

Flying Clubs desiring to base their aircraft and operate on the Airport must comply with the applicable provisions of these Standards. However, they shall be exempt from commercial operator requirements upon satisfactory fulfillment of the following conditions:

- A. The Flying Club follows the applicable provisions of the standards in this Title.
- B. The club shall be a non-profit entity (corporation, association, or partnership) organized for the express purpose of providing its members with an aircraft for intended to fly for pleasure or to develop skills in aeronautics. A Flying Club cannot be commercial or business in nature.
- C. The ownership of the aircraft must be in the name of the Flying Club or collectively owned by all its members. The property rights of the members of the club shall be equal, and no part of the net earnings of the club shall benefit of any member in any form (salaries, bonuses, etc.).
- D. The Flying Club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance, and replacement of its aircraft.
- E. Flying Clubs may not offer or conduct charter, air taxi, or rental of aircraft operations.
- F. Flight instruction in a Flying Club-owned aircraft must only be given to regular members, and only Flying Club members may operate the aircraft. Instructors may be compensated by credit against payment of dues or flight time.
- G. Any qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a Flying Club shall not be restricted from doing maintenance work on the collectively owned aircraft. The club does not become obligated to pay for such maintenance work, but mechanics may be compensated by credit against payment of dues or flight time.
- H. All Flying Clubs and their members are prohibited from leasing or selling any goods or services to any person or firm other than a member of their Flying Club, however, the Flying Club may sell or exchange their capital equipment.
- I. The Flying Club must provide the County:
  - a. A copy of its charter and bylaws.
  - b. Articles of association, partnership agreement, or other documentation supporting its existence (a roster, list of members, including names of officers and directors) to be revised on a semi-annual basis.
  - c. Number and type of aircraft(s).

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- d. Evidence that aircraft is/are properly certificated.
  - e. Evidence that ownership is vested in the club.
  - f. Operating Rules of the club.
  - g. A current roster of all members, on a semiannual basis.
- J. A Flying Club, at any airport controlled by the County, shall abide by and comply with all Federal, State, and local laws, ordinances, Rules and Regulations of the Airports, and the Standards provided in this this Ordinance.
- K. A Flying Club, or one or more of its members in violation with any of the above, will be required to terminate all operations at all airports controlled by the County.

**Section 9.** California Environmental Quality Act.

The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline § 15061(b)(3) because it can be seen with certainty that there is no possibility that adopting revised minimum standards for use of a County Airport, and other regulations of activities at a County Airport, would not have a significant effect on the environment within the meaning of CEQA Guidelines Section 15061(b)(3). Even if this Ordinance were a Project, the impacts of uses and activities at the Placerville or Georgetown Airports were thoroughly studied in the Airport Land Use Compatibility Plan adopted by the Airport Land Use Commission for El Dorado County on June 28, 2012, and the related Initial Study/ Negative Declaration for the Placerville Airport (State Clearinghouse Number 2012042061) and the Initial Study/Negative Declaration for the Georgetown Airport (State Clearinghouse Number 2012042060). As such, an addendum or further environmental review is not required because none of the conditions in CEQA Guidelines Sections 15162 and 15164 have occurred.

**Section 10.** This ordinance shall become effective thirty (30) days following adoption hereof.

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PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote of said Board:

**ATTEST**

**Kim Dawson**

Clerk of the Board of Supervisors

Ayes:

By \_\_\_\_\_

— Deputy Clerk

Noes:

Absent:

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Chair, Board of Supervisors

**APPROVED AS TO FORM  
DAVID LIVINGSTON  
COUNTY COUNSEL**

By: \_\_\_\_\_

Daniel S. Vandekoolwyk  
Deputy County Counsel