



DATE: November 7, 2024

TO: Airport Commission

FROM: Dan Cohen, Airport & Marina Manager

SUBJECT: Introduction of Airport Commission Resolution 2024-01, Approving the Proposed Amendments to Title 16 of the Petaluma Municipal Code, Entitled “Airport and Aircraft”, including amendments to Chapter 16.04 “General Provisions and Definitions”, Chapter 16.06 “Airport Leases”, Chapter 16.08 “Motor Vehicles at Airport”, Chapter 16.12 “Aircraft on Ground”, Chapter 16.16 “Aircraft Taxiing, Landing and Takeoff”, Chapter 16.20 “Aircraft Traffic Patterns”, Chapter 16.24 “Aircraft Fueling and Defueling”, Chapter, Chapter 16.28 “Airport Fire Safety Rules”, Chapter 16.32 “Unlicensed Aircraft”, Pursuant to Federal Aviation Administration Order 5190.6B, and Chapter 16.32 “Violations and Penalties”

RECOMMENDATION

It is recommended that the Airport Commission consider a resolution approving the proposed amendments to Title 16 of the Petaluma Municipal Code and recommend that these amendments be presented to the City Council for review. This includes amending 16.32 Titled “Unlicensed Aircraft”, which currently restricts some types of aircraft flight, and is no longer compatible with Federal Aviation Guidelines (Federal Aviation Administration Order 5190.6B.)

BACKGROUND

The intent for an ordinance amending Petaluma Municipal Code Title 16 is to remove non-applicable language, updated aviation terminology, and add more inclusive references to job titles and responsibilities. Federal Aviation Administration (FAA) Order 5190.6B provides guidance for the role of airport operators, airport users and the FAA. These proposed changes provide alignment with the FAA’s best practices for municipal airport management and rulemaking.

One of the most significant proposed amendments to Petaluma Municipal Code Title 16 is the

removal of 16.32.020 – “Prior Permission Required.” (PPR) for all ultralight aircraft arrivals and departures. The original intent of this requirement was to provide the airport management with another hazard mitigation resource to increase airport safety, however PPRs that only address one type of aircraft and not a specific safety issue are not currently supported by the FAA.

DISCUSSION

The City of Petaluma Ordinance 1802, adopted in 1990 included the establishment of Petaluma Municipal Code (PMC) Title 16, Chapters 16.04 through 16.36 to “govern the Petaluma Municipal Airport and operation of aircraft therein.” When PMC Title 16 was established, the guiding document from the FAA was Order 5190.6A, known commonly as the *Airport Compliance Requirements*, which was issued in 1989.

FAA 5190.6A Chapter 4. Section 2, Par 4-8 (c) 1989 permitted airports to make determinations and restrictions on ultralights, and if complaints were filed with FAA, Flight Standards and the Air Traffic authority would be consulted to help determine the reasonability of the of the restrictions. Under this guidance, PMC Section 16.32.020 “Prior Permission Required” was written to require all ultralight aircraft operators to obtain Airport Manager permission for each flight, due to safety concerns with ultralight activity at the time. It is unknown if the FAA was consulted prior to adopting Title 16, however given the guidance from the *Airport Compliance Requirements* at the time, FAA review was not required. The most recent guidance provided by FAA order 5190.6B, also known as the *Airport Compliance Manual*, first released October 1, 2009, establishes a much more proactive role of the FAA in local rulemaking.

FAA 5190.6B Change 3 Chapter 8.8 (a) 2015 states that airports may limit activity for several reasons, including safety and efficiency, however it directs the Airport Sponsor (City of Petaluma) to check with the Airport District Office (ADO) in coordination with the Flight Standards District Office (FSDO) for guidance on any restrictions. This is a significant change from FAA 5190.6A, and after City staff discussed restrictions for ultralights with the FAA in early 2024, the FAA Western Pacific Region Safety & Standards Branch indicated that it does not support the PMC Section 16.32.020 requirement, restricting ultralights flight and has asked that the City of Petaluma remove this rule as soon as possible.

The Airport Commission, working with the airport community, stakeholders, and the airport management, provided the City of Petaluma with a minor draft revision of PMC Title 16 in 2020, which included the removal of PMC Section 16.32.020, and many other small changes intended to bring the document up to date. These small changes included adding more inclusive pronouns, updated technologies, such as UAVs/Drones, removing sections that dictate flight activity or references to specific FAA rules language that may change over time, and updating commonly used aviation terminology. This document was reviewed by City staff and the City Attorney’s Office. The FAA Western Pacific Region Safety & Standards Branch reviewed this revision of

PMC Title 16 and returned it without objections.

CASE STUDIES

ENVIRONMENTAL REVIEW

The proposed amendments are minor administrative revisions of Title 16 of the Petaluma Municipal Code, and does not create any physical changes, project work, and is therefore not considered a “project” as defined by the California Environmental Quality Act (CEQA) Section 15378 and is accordingly exempt from CEQA. If the proposed amendments were a “project” under CEQA, it would be exempt under the “common sense” exemption found in CEQA Section 15061(b)(3), since it only applies to projects which have the potential for causing a significant effect on the environment.

CITYWIDE GOALS & PRIORITIES

An updated Chapter 16 supports the following Council Goals, Objectives, and Workplan Items through removing unnecessary restrictions, referencing inclusive City Leadership positions for the promotion of a diverse workforce, and increasing accessibility for the flying public.

A SAFE COMMUNITY THAT THRIVES

Support facilities and design programs that create a healthy, resilient, and engaged community that is prepared, safe, and housed.

Workplan item #8. Recruit, hire, retain, and advance a workforce that is diverse, skilled, talented, and prepared to meet the demands of a full-service City.

FURTHER RECOMMENDATION

ATTACHMENTS

1. Current Version of Title 16
2. Proposed Revision to Title 16
3. List of Proposed Revisions
4. Airport Commission Resolution 2024-01

