

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 25.08.320, 25.08.330, 25.08.340 AND 25.08.360 OF PART 3 OF CHAPTER 25.08 OF TITLE 25 OF THE SAN JOSE MUNICIPAL CODE TO ESTABLISH MINIMUM REQUIREMENTS, RATES AND CHARGES FOR THE OPERATION AT AND USE OF THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT BY CERTIFICATED PASSENGER AND CARGO AIR CARRIERS THAT ARE NOT REGULARLY SCHEDULED TO LAND AT THE AIRPORT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 25.08.320 of Chapter 25.08 of Title 25 of the San José Municipal Code is amended to read as follows:

25.08.320 Fees and Charges

Fees and charges required to be paid for use by a Certificated Air Carrier of Airport facilities and/or landing at the Airport may be established by ~~either any~~ of the following methods:

- A. In accordance with Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code.
- B. In accordance with the Schedule of Fees adopted by resolution of the City Council.
- BC. In accordance with the provisions of operating agreements, leases or licenses which have been approved by the City Council.

~~C.~~—A manual accurately reflecting such fees and charges required by this Section shall be maintained at the office of the Director and shall be available to the public upon request.

SECTION 2. Section 25.08.330 of Chapter 25.08 of Title 25 of the San José Municipal Code is amended to read as follows:

25.08.330 Nonscheduled ~~Certificated~~ Air Carriers

A. Certificated ~~passenger air carriers~~Air Carriers ~~which that~~ are not regularly scheduled to land at the Airport shall be ~~licensed~~authorized to operate on the Airport only if the Director determines that there is space available therefor at the apron, gates and baggage facilities and that the public safety, convenience and welfare will be served by such operation.

B. ~~The air carrier shall pay therefor a reasonable fee established by the City and applicable to all such operations.~~Fees and charges for such ~~Certificated~~ Air Carriers that are not regularly scheduled to land at the Airport shall be established in conformity with Section 25.08.360.

SECTION 3. Section 25.08.340 of Chapter 25.08 of Title 25 of the San José Municipal Code is amended to read as follows:

25.08.340 Regularly Scheduled ~~Cargo~~ ~~Certificated~~ Air Carriers

A. A ~~certificated cargo air carrier~~Certificated Air Carrier of cargo shall be permitted to operate regularly scheduled flights to the Airport if the Director determines that there is available space at designated areas in and about the Airport for loading and unloading of cargo or freight and for any ground operations or support

facilities as may be required for the cargo operations, and that the public safety, convenience, and welfare will be served by such operation.

- B. Fees and charges for such ~~regularly scheduled cargo air carrier~~Certificated Air Carrier operations shall be established in conformity with Section 25.08.320.
- C. Certificated Air Carriers of cargo ~~air carriers~~ shall otherwise comply with the requirements of securing leases, licenses, and operating agreements in accordance with Sections 25.08.300 and 25.08.310.

SECTION 4. Section 25.08.360 of Chapter 25.08 of Title 25 of the San José Municipal Code is amended to read as follows:

25.08.360 Operation Without an Agreement

A Certificated Air Carrier operating regularly scheduled flights to the Airport that has not entered into an agreement with the City as required pursuant to Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code and any Certificated Air Carrier that is not regularly scheduled to operate at the Airport shall:

- A. Comply with all rules, regulations, and orders issued by the City, the Director and the City's officers and employees, regarding the proper use or occupancy of the Airport or any portion thereof;
- B. Submit monthly activity reports for activity conducted by the Certificated Air Carrier at the Airport pursuant to the terms of the City's then current Certificated Air Carrier lease and operating agreement;

- C. Pay when invoiced by City all rates and charges applicable to its operations at and use of the Airport or any portion thereof, as determined pursuant to the terms of the City's then current Certificated Air Carrier lease and operating agreement; and

- D. Pay when invoiced by City an additional amount equal to thirty percent (30%) of all rates and charges applicable to its operations at and use of the Airport or any portion thereof.

PASSED FOR PUBLICATION of title this _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk