

**ORDINANCE NO. 17-025**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE  
AMENDING §11.72 OF THE PACIFIC GROVE MUNICIPAL CODE  
REGARDING AIRCRAFT**

**FINDINGS**

1. The City Council of the City of Pacific Grove (City) regulates the landing of aircraft, including drones, within city limits.
2. City Staff conducted research into aircraft and drone usage, applicable federal laws, and current trends to determine amendments are necessary in order to address public safety concerns with the current ordinance.
3. The ordinance amends §11.72.010 of the Municipal Code to make an exception for emergency aircraft to land with the authorization of the Police Chief or their designee.
4. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. and the enactment of this Ordinance qualifies for a Category 1 exemption under California Environmental Quality Act (CEQA) Guidelines §15301.

**IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The text set forth in existing Chapter §11.72 of the Pacific Grove Municipal Code entitled, "Aircraft Landings" shall be amended by the addition of all text shown in bold, italic underscored text (***bold, italic, underscored text***), deletion by ~~striketrough~~, as follows:

11.72.010 ***Launch or*** Landing prohibited.

It is unlawful for any person to ***launch or*** land an aircraft, including a helicopter, ***drone, or other unmanned aircraft without a permit.*** ~~in the city without first obtaining permission from the city council.~~

***11.72.020 Exceptions.***

***This Chapter shall not apply if the following exceptions exist:***

**(1) A permit is issued by the city manager, or their designee;**

**(2) The landing of an emergency aircraft is authorized by the Chief of Police, or their designee.**

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accordance with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

SECTION 6. PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 20<sup>th</sup> day of December, 2017 by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Peake, and Smith.

NOES: None.

ABSENT: Councilmember Huitt.

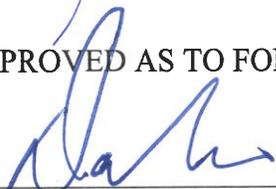
APPROVED:

  
BILL KAMPE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney