

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND RESTATING CHAPTER 3 “AIRPORTS AND AIRCRAFT,” ARTICLE II “DEPARTMENT OF AVIATION AND AVIATION ADVISORY BOARD,” SECTION 3-23 “MEETINGS.” AND ARTICLE VII “FORT WORTH ALLIANCE AIRPORT ACCESS” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City; and

WHEREAS, the City Council seeks to establish and promulgate the standards deemed necessary to the maintenance and promotion of the peace, health, good government and welfare of city-owned Airports; to promote the security of persons using the Airports and their facilities; and to promote greater efficiency, expediency, and flexibility in administering Airports within the City; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out of a power granted by law to the municipality; and

WHEREAS, revisions to the City’s ordinance are necessary to conform to state and federal law and aid in the administration of city Airports; and

WHEREAS, the City Council finds this ordinance to be reasonable and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 3 “Airports and Aircraft,” Article II “Department of Aviation and Aviation Advisory Board,” Section 3-23 “Meetings.” of the Code of the City of Fort Worth is hereby repealed and restated to read as follows:

§ 3-23. MEETINGS.

The Aviation Advisory Board shall hold regular scheduled meetings quarterly throughout the year and such special meetings as the Aviation Director deems necessary.

SECTION 2.

Chapter 3 “Airports and Aircraft,” Article VII of the Code of the City of Fort Worth is hereby repealed and restated to read as follows:

ARTICLE VII: FORT WORTH ALLIANCE AIRPORT ACCESS

§ 3-280 SHORT TITLE.

This article shall be known and may be cited as the “Fort Worth Alliance Airport Access Ordinance.”

§ 3-281 DEFINITIONS.

The following terms as used in this article shall have the following meanings.

ACCESS AREA. That portion of an off-airport parcel that is designated by the off-airport user of that parcel as the only area of such parcel in which aircraft may be maneuvered, stored, repaired, operated or otherwise permitted, except for aircraft in the process of original manufacture, which will be permitted on any part of such parcel until the original manufacturing process for such aircraft has been completed. The access area shall not include any part of an access taxiway.

ACCESS TAXIWAY. An aircraft taxiway located on property other than the airport that connects into a taxiway on the airport and that is constructed for the purpose of allowing aircraft to taxi between the airport and off-airport parcels.

AIRPORT. The area of land known as the Fort Worth Alliance Airport which is designated and set aside for aviation related activities and which is to be used in the interest of the public for such purpose.

CITY. The City of Fort Worth, Texas.

FAA. The Federal Aviation Administration.

OFF-AIRPORT PARCEL. Any tract of land not located on the airport that abuts or is adjacent to or will abut or be adjacent to an access taxiway as such may exist from time to time.

OFF-AIRPORT USER. An Off-Airport User is either a Large Aircraft User or a Small Aircraft User.

LARGE AIRCRAFT USER. An owner or user of an off-airport parcel that is also an owner or operator of, or user through contract of aircraft over 80,000 pounds maximum certified gross landed weight (“MCGLW”) for providing commercial or noncommercial aviation services or the owner or operator of aircraft over 80,000 pounds MCGLW.

SMALL AIRCRAFT USER. An owner or user of an off-airport parcel who also owns or operates aircraft less than 80,000 pounds MCGLW used for providing commercial or noncommercial aviation services.

§ 3-282 ACCESS RIGHT.

(a) Access to the airport is granted to off-airport users, subject to the terms and conditions of this article and of the access permit granted to each off-airport user, as provided in § 3-284 of this article, (the “access right”). The access granted shall be for the purpose of allowing the off-airport user to conduct aviation related activities and aircraft operations on the access area of its off-airport parcel, so that it will have unobstructed access to airport taxiways leading to runways, for the purpose of maneuvering, taking off and landing of aircraft. The access right granted is irrevocable as long as all rules and regulations in this Article are followed and shall be in force and effect so long as the airport is used for airport purposes.

(b) The city shall execute a written grant, in the form of the attached Exhibit “A” granting and establishing this access right as a property right appurtenant to off-airport parcels (the “access grant”). The city manager is authorized and directed to execute and record in the deed records of Tarrant and Denton Counties, Texas, an access grant covering off-airport parcels, when requested to do so by the owner or user of the parcel.

§ 3-283 OFF-AIRPORT PARCEL USES; ACCESS AREA; ACCESS TAXIWAYS; PROHIBITED USES.

(a) Each off-airport parcel may contain an access area, as defined in § 3-281 of this article. The access area shall be separated from the remainder of the off-airport parcel by a wall, fence or other physical barrier. The city or any other regulatory authority responsible for operation and safety of the airport shall have the right to enter the access area to inspect or perform other regulatory requirements. All safety and operational rules and regulations (hereinafter “regulations”) applicable to the airport shall be applicable to access areas. No rules or regulations of the city shall affect the access right, other than this article and the regulations.

(b) An off-airport user may construct access taxiways to connect its parcel with airport taxiways. The number, exact location and configuration of the access taxiways will be determined from time to time by the off-airport users, subject to the approval of the city and the FAA; provided,

however, the off-airport users shall be afforded maximum flexibility as to the number, location and configuration of the access taxiways subject only to limitations imposed by reason of operational safety and efficiency considerations as determined by the city and the FAA. Access taxiways will be available for use by off-airport users on off-airport parcels abutting any portion of such taxiways, it being the intent of the city to maximize the number of off-airport users that can take advantage of the access right. Plans and specifications for taxiways shall be approved by city prior to construction, and taxiways shall be designed and constructed to meet the same standards of taxiway construction as those for airport taxiways. Off-airport users shall plat access taxiways according to state statutes and city procedures for platting; provided, however, that simultaneous platting of the property adjacent to such taxiways shall not be required.

(c) After completion of construction, inspection and approval by city, any portion of the access taxiways located on airport property shall be dedicated to the city and shall be maintained by city. The city shall maintain any dedicated portion of the access taxiway and related lighting in accordance with commercial aviation standards for maintenance of public taxiways.

(d) (1) Fixed-based operators (“FBOs”) will be operated only on the airport. No business offering to the general public FBO services will operate on an off-airport parcel. Services offered by FBOs to the general public are: maintenance and repair of aircraft; aircraft storage; inspection and licensing of aircraft; sale of miscellaneous aircraft parts, equipment and accessories; flight training for small general aviation aircraft; and sale of fuel.

(2) Notwithstanding the above, an off-airport user is not precluded from conducting aviation uses on an off-airport parcel which:

a. Support the off-airport user’s own aircraft (i.e., storage corporate flight department, maintenance and self-fueling); or

b. Are associated with an off-airport user’s aviation related business of manufacturing of or performing major repairs and modifications on aircraft or aircraft parts and components.

(3) Except as specifically referenced above, an off-airport parcel may be used for any lawful purpose, subject to applicable zoning regulations.

§ 3-284 ACCESS PERMIT.

(a) Application; granting of permit. Any off-airport user who desires access to the airport from an off-airport parcel shall apply to the city’s director or his or her designated representative for an access permit. The off-airport user shall deliver to the director or his or her designated representative a survey plat of the access area, including a computation of the size of the access area in square footage, on that user’s off-airport parcel. The director or his or her designated representative shall promptly inspect such access area.

(b) Conditions for granting; access permit granted. If the survey plat and access area comply with terms and conditions of this article and the regulations, the director or his or her designated representative shall issue an access permit. The granting of the access permit shall entitle the holder to commence using the access right granted in § 3-282. The permit shall continue for an indefinite period, unless surrendered by the holder or revoked by the director or his or her designated representative.

(c) Contents of permit; amendment of permit. The access permit shall specify the size of the access area and the initial fee to be charged pursuant to § 3-285 of this division. An off-airport user shall have the right to change the access area on its off-airport parcel from time to time provided that such user notifies the director or his or her designated representative of such change, and provides a new survey of the revised access area, and applies for an access permit for such revised access area, which permit shall be issued if such revised access area complies with the provision of this article and the regulations.

(d) Revocation; reinstatement.

(1) The director may revoke the access permit of any off-airport user who either:

a. Fails to pay its applicable fee or otherwise to comply with any provision of this article or the regulations, with such failure not being corrected within 20 days after written notice thereof is given by the director to such user; or

b. Fails to pay prior to delinquency, the lawfully assessed and levied city ad valorem taxes on its off-airport parcel.

(2) Any access permit that has been revoked shall be reinstated upon payment of such fee, the correction of any such noncompliance or the payment of such taxes plus all penalties and interest, as applicable.

(e) Prohibition against unpermitted access; penalty. It shall be unlawful for any person to utilize an access right unless such person holds a valid access permit. Violation of this provision shall constitute a misdemeanor and be punishable as provided in § 1-6 of this code.

§ 3-285 ACCESS PERMIT FEE; LANDING FEE; FUEL FLOWAGE FEE; TIME FOR PAYMENT; AMOUNT OF FEE; ABATEMENT OF FEE; USE OF FEES BY CITY.

(a) At the time of issuance of an access permit pursuant to § 3-284, off-airport users shall be charged a permit fee (the “fee” or “permit fee”). No other fee shall be charged for use of the access right.

(1) Off-Airport User Access Permit Fees. The fee for a Large Aircraft User and Small Aircraft User shall be at fixed rates prescribed in the Aviation Department’s current year’s Schedule of Rates and Charges, payable beginning on the effective date of such user’s access

permit and annually thereafter for so long as such access permit remains effective. The fee shall be charged on a city fiscal year basis (October 1 through September 30) and shall be prorated for any partial year during which such user's access permit is effective. The fee due by such user shall be billed by the city not later than October 1 of the year for which such fee is due, and shall be due and payable not later than November 1 of that year.

(b) In addition to the permit fee, a Large Aircraft User will pay the landing fee as established by the then current schedule of rates and charges published by the City of Fort Worth or as negotiated.

(c) In addition to the permit fee, Small Aircraft User will pay the standard fuel flowage fee as established by the then current schedule of rates and charges published by the City of Fort Worth or as negotiated. The fuel flowage fee will be paid directly to the City of Fort Worth if the general aviation or small aircraft user conducts self-fueling or by the approved public fuels permitted agent in accordance with the airport minimum standards.

(d) All fees (whether permit fee, landing fees, fuel flowage fees or otherwise) are subject to adjustments from time to time as established by the then current schedule of rates and charges published by the City of Fort Worth or as negotiated.

(e) All revenues generated from Airport, including, but not limited to, the fees from off-airport users, fuel flowage fees and landing fees shall be used by the city to operate and maintain Airport as a high quality, first class Airport.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6.

Any Person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined an amount not exceeding two thousand dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 7.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Assistant City Attorney

Mary J. Kayser, City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____