

ORDINANCE NO. 086-045

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR PARKING OF AIRCRAFT; PROVIDING FOR IMPOUNDING OF ILLEGALLY PARKED AIRCRAFT; PROVIDING FOR RECOVERY OF DAMAGE TO PROPERTY INCIDENT TO AIRCRAFT; PROVIDING FOR CITY' LIENS ON IMPOUNDED AIRCRAFT; PROVIDING FOR CITY TO BE FREE OF LIABILITY; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Article 1 of Chapter 2.1 of the Code of Ordinances of the Town of Addison, Texas, as amended, is hereby amended to add Section 2.1-2 to read as follows:

Sec. 2.1-2. Parking of Aircraft.

Aircraft will be parked only in assigned, leased or otherwise properly designated and authorized areas pursuant to the directives of the tower personnel or other appropriate airport officials acting under the direction or authority of the Town of Addison. Parked, unattended aircraft shall be chocked or tied down if remaining overnight. No aircraft will be parked in restrictive areas.

SECTION 2. That Article 1 of Chapter 2.1 of the Code of Ordinances of the Town of Addison, Texas, as amended, is hereby amended to add Section 2.1-3 to read as follows:

Sec. 2.1-3. Illegally Parked Aircraft.

Aircraft which are parked, stored or abandoned contrary to the provisions of Sec. 2.1-2 above, may be impounded.

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Redemption of aircraft which has been impounded will necessitate the owner or operator paying all fees accrued against such aircraft to include towing and storage fees incident to impoundment. The City or its authorized agent may remove such aircraft from an illegally parking place by engaging private towing services or a fixed-based operator. Any charges resulting from such activities shall be charged against the registered owner of the aircraft.

SECTION 3. That Article 1 of Chapter 2.1 of the Code of Ordinances of the Town of Addison, Texas, as amended, is hereby amended to add Section 2.1-4 to read as follows:

Sec. 2.1-4. Damage to Property Incident to Aircraft Operation.

(a) Any damage to airport installation, equipment or property as a direct or indirect consequence of flight or taxi operation shall be prima facie, the responsibility of the owner of the aircraft causing such damage. Repair of such damage shall be ordered and accomplished by the airport operator by sending an invoice covering the cost thereof, payable upon receipt, to the responsible owner.

(b) The repair of any aircraft damaged or disabled in the course of operation on the airport is the responsibility of the owner thereof;

(1) Damage or disabled aircraft obstructing or impeding flight operations or in any manner creating a hazard to flight or airport operational safety would be cleared from runways or taxiways upon the direction of the airport operator as quickly as accident investigators from the Federal Department of Transportation authorize removal, or sooner if an airport emergency exists as declared by the operator of the airport, so as to permit resumption of hazard-free operations of the airport at the earliest practicable time. Any extraordinary expense incurred in such clearing or removal of aircraft shall be billed to the owner of the responsible aircraft and be payable by such person upon receipt of the invoice.

(2) Damaged or disabled aircraft parked or stored in an authorized, assigned, leased or otherwise properly designated area in excess of thirty (30) days

operable condition will, in the absence of special arrangements with and permission of the airport operator, be deemed abandoned aircraft and subject to impoundment as illegally parked aircrafts under Sec. 2.1-2.

(3) Repairs to aircraft damaged while in motion or parked on the airport are the sole responsibility of the owner. The owner or operator accepts the premises as is and received no assurance from the City, other than those required by Federal Aviation Administration and leases that may be in effect on the airport.

SECTION 4. That Article 1 of Chapter 2.1 of the Code of Ordinances of the Town of Addison, Texas, as amended, is hereby amended to add Section 2.1-5 to read as follows:

Sec. 2.1-5. City's Liens on Impounded Aircraft.

The Town of Addison shall have a lien on aircraft impounded for the storage and care thereof. Notification to owner of impounded aircraft shall be conclusively presumed given if, after accrual of sixty (60) days of unpaid storage charges or fees, the registered owner of such aircraft is advised by registered or certified letter, return receipt requested, of the fact of impoundment, delinquency in payment of the charges, the City's lien for the payment of same, and the contemplated public sale of such aircraft following the expiration of thirty (30) days after mailing of such notice, unless payment or suitable arrangements for payments have been made.

SECTION 5. That Article 1 of Chapter 2.1 of the Code of Ordinances of the Town of Addison, Texas, as amended, is hereby amended to add Section 2.1-6 to read as follows:

Sec. 2.1-6. City To Be Free of Liability.

No liability shall accrue to the City, its officers, agents or employees for towing, removal, impoundment, storage or disposition of aircraft or their contents under the foregoing provisions of these rules and regulations.

SECTION 6. Any person, firm or corporation violating any

of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 7. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 5. The fact that the present Code does not provide for parking of aircraft on airport property, and is therefore inadequate to properly safeguard the general public, health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 13th day of May, 1986.


MAYOR

ATTEST:


CITY SECRETARY