

ORDINANCE NO. 087-017

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ARTICLE I, IN GENERAL, OF CHAPTER 2.1 OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH TERMS OF PERMIT; PROVIDING FOR PERMIT ISSUANCE AND ADMINISTRATION; PROVIDING FOR REVOCATION OF PERMIT; PROVIDING FOR NOTICE; PROVIDING FOR IMMEDIATE TERMINATION OF PERMIT; PROVIDING FOR HEARINGS ON REVOCATION; PROVIDING THAT FEES ARE NONREFUNDABLE; PROVIDING THAT PERMITS ARE NONTRANSFERABLE WITHOUT CONSENT OF CITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City has heretofore issued fuel dispensing Permits; and

WHEREAS, the City has the power to revoke said Permits upon violation of the terms therein contained; and

WHEREAS, THE City desires to extend to Permittees their due process rights by providing a specific procedure for revocation and a right to appeal such revocation;

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

SECTION 1. Article I, In General, of Chapter 2.1 Airports

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and Aviation, is hereby amended to add Sec. 2.1-7(a) through (c), Sec. 2.1-8(a) through (d), and Sec. 2.1-9(a) and (b) to read as follows:

Sec. 2.1-7(a). Definitions.

As used in this chapter, unless the context otherwise requires:

"Permittee" means an individual partnership, corporation or other business entity or party conducting aircraft fuels dispensing services on the Addison Airport pursuant to a permit therefor.

"City" or "Town" means the Town of Addison, Texas.

"Fire Marshal" means the fire chief or other designated person reporting to the chief of the fire department as defined in Code of Ordinances, Town of Addison, Sec. 6-64.

"Permit" means the aircraft fuels dispensing permit issued by the City.

"Board" means the Addison Airport Board.

Sec. 2.1-7(b). Compliance with Terms of Permit Required.

Permittee shall comply with every term and condition of the Permit, including the payment of all fees due thereunder. Failure to so comply shall constitute a violation and, consequently, may call for revocation of said Permit.

Sec. 2.1-7(c). Permit Issuance and Administration.

The Fire Marshal shall issue the Permit and shall have overall responsibility of administration, enforcement and implementation of this chapter and for coordination of all departments of the City involved in the application of this ordinance.

Sec. 2.1-8(a). Revocation of Permit.

For serious or uncorrected violations of any of the requirements of this ordinance, or for three (3) or more violations of the terms of the Permit or requirements of

this ordinance within any eighteen (18) month period, or for interference with the Fire Marshall in the performance of his duties, and upon a determination that Permittee is in default of the terms of the Permit, the Permit may be permanently revoked after an opportunity for a hearing has been provided by the Fire Marshal. Prior to such action, the City shall notify the Permittee in writing, stating the reasons for which the Permit shall be permanently revoked at the end of ten (10) days following service of such notice, unless a request for a hearing is filed with the Fire Marshal by the Permittee within such ten (10) day period. If no request for hearing on appeal is filed within the ten (10) day period, the revocation of the Permit becomes final. Permittee shall be allowed to operate under such Permit during said ten (10) day period or during the pendency of an appeal.

Sec. 2.1-8(b). Notice.

The notice of revocation shall set forth the grounds for the revocation and a statement informing the Permittee of its rights to a hearing. Such notice shall be deemed to be served on the Permittee by delivery or by certified mail, return receipt requested, thereof to Permittee's principal place of business.

Sec. 2.1-8(c). Immediate Termination of Permit.

Notwithstanding the other provisions of this ordinance, whenever the Fire Marshal finds conditions on the premises affected by the Permit which, in his judgment, constitute substantial hazard to the life, limb, property, health or welfare of the public, he may without warning, notice or hearing issue a written notice to the Permittee citing such conditions and corrective action to be taken, and if deemed necessary, such order shall state that the Permit is immediately terminated. Any person to whom such order is issued shall comply immediately therewith, but upon written petition to the Fire Marshal, shall be afforded a hearing as soon as possible.

Sec. 2.1-8(d). Hearings on Revocation.

The revocation hearing on appeal shall be conducted by the Addison Airport Board at a time and place designated by the Board. If the findings of fact made at such hearing reveal that Permittee has violated the terms of the Permit or requirements of this ordinance, or is unable to pay in full reasonable claims for damages which might be asserted,

or for any reason the general welfare of the citizens of the City or the best interest of the City will be served best by such action, then the Board shall revoke or cancel the Permit, and there shall be no appeal of any nature from such action.

Sec. 2.1-9(a). Fees Nonrefundable.

The Permittee shall not be entitled to a refund of a permit fee where a Permit is suspended or revoked.

Sec. 2.1-9(b). Permits Nontransferable Without Consent of Town.

No Permittee holding a Permit with the Town pursuant to this ordinance shall be permitted to assign any right or privilege granted by such Permit without the express written consent of the Town.

SECTION 2. 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 3. 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 4. 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 nonpublic aircraft fuels dispensing permits 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 14 day of April, 1987.



MAYOR

ATTEST:



CITY SECRETARY

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