

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 007-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 14 (AVIATION) OF THE CODE OF ORDINANCES OF THE CITY BY AMENDING DIVISION 3 (OFF-AIRPORT ACCESS TO AIRPORT) OF ARTICLE III (MUNICIPAL AIRPORT) THEREOF BY AMENDING SECTION 14-106(D) (REGARDING CONTENTS OF AN ACCESS PERMIT, INCLUDING ASSIGNMENT PROVISIONS), SECTION 14-106(F) (RELATING TO THE TERM OF AN ACCESS PERMIT), AND SECTION 14-107(G)(II) (REGARDING ADJUSTMENT TO THE ACCESS FEE); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendment. Chapter 14 (Aviation) of the Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended by amending Division 3 (Off-Airport Access to Airport) to Article III (Municipal Airport) of Chapter 14 in the following particulars, and all other parts of the said Code are not amended but are ratified and affirmed:

A. Section 14-106 (Access Permit) of Chapter 14 of the Code is hereby amended by amending subsections (d) and (f) thereof to read as follows (additions are underlined; deletions are ~~struck through~~):

(d) *Contents of Access Permit; Periodic Recertification; Amendment.* The Access Permit shall identify the use and/or intended use of the Off-Airport Property (i.e., either a Recreational/Incidental Business Use or a Commercial Aeronautical Use), specify the size of the Off-Airport Property (for a Commercial Aviation Use only) and the fee to be paid in connection with any Off-Airport Access, and shall contain such other terms, conditions, and requirements as the City Manager or Airport Director may deem appropriate (including, without limitation, insurance and indemnity requirements, no assignment or other transfer without the City's prior consent (not to be unreasonably withheld, and not to be withheld on the basis of a lawful use of the Off-Airport Property existing as of July 10, 2007), default, termination and remedies therefor, standards regarding environmental matters, authorized uses, standards and requirements regarding Addison special events, late charges and interest, and compliance with the terms and conditions of this Division). An Access Permit may not be sold, assigned, sublet, pledged, conveyed, or otherwise transferred without the prior written consent of the City. Periodically, the Airport Director may request an Off-Airport User to recertify the Off-

Airport User's Access Permit by affirming the authorized users, registered aircraft, contact information, updated emergency and security plan, size of Off-Airport Property (for a Commercial Aviation Use only), permitted use or other terms and conditions of this Division.

(f) *Term.* Subject to the provisions, terms and conditions of this Division and an Access Permit, an Access Permit shall be issued for a term of ~~twenty-five~~ (25) years (the "Initial Term"). At the end of the Initial Term, an Access Permit shall be automatically renewed for an additional period of ~~fifteen~~ (15) years, ~~and at the end of the second ten (10) year period shall be automatically renewed for an additional period of ten (10) years (the each such renewal term of ten (10) years is a "Renewal Term")~~, for a total term of ~~thirty (30) years~~. Thereafter, an Access Permit may be renewed in accordance with then applicable laws, ordinances, rules, standards and regulations.

B. Section 14-107 (Fee Calculation; Time of Payment; Penalty for Late Payment) of Chapter 14 of the Code is hereby amended by amending subparagraph (ii) of subsection (g) (Adjustment to Access Fee) thereof to read as follows (additions are underlined; deletions are ~~struck through~~):


(ii) An Access Fee shall be further adjusted as follows: At or about the beginning of ~~the automatic each~~ each Renewal Term (as defined in Section 14-106(f), above) and at or about the beginning of any additional renewals thereafter as may be approved by the City, the Access Fee shall be determined by recalculating the same in accordance with the provisions of this Division (e.g., for a Commercial Aviation Use, the Access Fee shall be recalculated pursuant to the Commercial Aviation Use Access Fee Formula). Such Access Fee shall then be subject thereafter to the CPI Adjustment as set forth in and in accordance with subsection (g)(i) of this Section.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3 Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

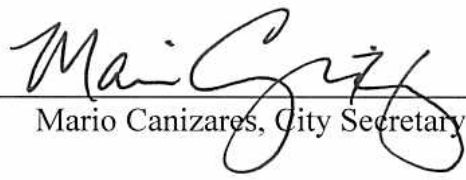
Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and approval and publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 10th day of July, 2007.



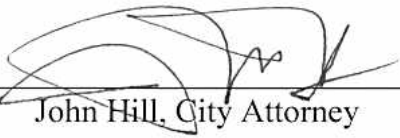
Joe Chow, Mayor

ATTEST:

By: 

Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney